

PALESTINE
ROYAL COMMISSION

REPORT

Presented by the Secretary of State for the Colonies
to Parliament by Command of His Majesty
July, 1937

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ROYAL WARRANTS

I.

Dated 7th August, 1936.

EDWARD R.I.

EDWARD the EIGHTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India: To our Right Trusty and Right Well-beloved Cousin and Counsellor William Robert Wellesley, Earl Peel, Knight Grand Commander of Our Most Exalted Order of the Star of India, Knight Grand Cross of Our Most Excellent Order of the British Empire, Our Right Trusty and Well-beloved Counsellor Sir Horace George Montagu Rumbold, Baronet, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, Member of Our Royal Victorian Order, Our Trusty and Well-beloved Sir Egbert Laurie Lucas Hammond, Knight Commander of Our Most Exalted Order of the Star of India, Commander of Our Most Excellent Order of the British Empire, Our Trusty and Well-beloved Sir William Morris Carter, Knight, Commander of Our Most Excellent Order of the British Empire, Our Trusty and Well-beloved Sir Harold Morris, Knight, Member of Our Most Excellent Order of the British Empire, One of Our Counsel Learned in the Law, and Our Trusty and Well-beloved Reginald Coupland, Companion of Our Most Eminent Order of the Indian Empire, Greeting:

WHEREAS We have deemed it expedient that a Commission should issue forthwith to ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to enquire into the manner in which the Mandate for Palestine is being implemented in relation to Our obligations as Mandatory towards the Arabs and the Jews respectively; and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances upon account of the way in which the Mandate has been, or is being implemented; and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed and do by these presents authorize and appoint you the said William Robert Wellesley, Earl Peel (Chairman), Sir Horace George Montagu Rumbold, Baronet (Vice-Chairman), Sir Egbert Laurie Lucas Hammond, Sir William Morris Carter, Sir Harold Morris and Reginald Coupland to be Our Commissioners for the purposes of and to make such enquiry.

AND We do hereby authorize and require you with all convenient despatch and by all lawful means to enter upon, and to collect evidence respecting the subject matter of, such enquiry, and to render a Report and make recommendations in accordance with the terms of this Our Commission.

AND We do further require you to conform in all things to such instructions as shall be addressed to you through one of Our Principal Secretaries of State.

AND We do hereby charge and command all Our Officers, Civil and Military, and all Our faithful subjects and all others inhabiting Palestine that in their several places and according to their respective powers and opportunities they be aiding to you in the execution of this Our Commission.

AND We do further ordain that you have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

GIVEN at Our Court at Saint James's this Seventh day of August, One Thousand Nine Hundred and Thirty-Six, in the First Year of Our Reign.

By His Majesty's Command,
MALCOLM MACDONALD.

II.

Dated 17th December 1936.

GEORGE R.I.

GEORGE the SIXTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, to all to whom these Presents shall come, Greeting!

Whereas it pleased Our Royal Predecessors from time to time to issue Royal Commissions of Enquiry for various purposes therein specified:

And whereas in the case of certain of these Commissions, namely, those known as—

Ancient Monuments (England) Commission,
Ancient and Historical Monuments (Scotland) Commission,
Ancient Monuments (Wales and Monmouthshire) Commission,
Historical Manuscripts Commission,
Local Government on Tyneside Commission,
Palestine Commission,
Royal Fine Art Commission for England,
Royal Fine Art Commission for Scotland, and the
Safety in Coal Mines Commission,

the Commissioners appointed by Our Royal Predecessors or such of them as were then acting as Commissioners, were at the late Demise of the Crown still engaged upon the business entrusted to them:

And whereas We deem it expedient that the said Commissioners should continue their labours in connection with the said enquiries notwithstanding the late Demise of the Crown:

Now know ye that We, reposing great trust and confidence in the zeal, discretion and ability of the present members of each of the said Commissions, do by these Presents authorize them to continue their labours, and do hereby in every essential particular ratify and confirm the terms of the said several Commissions.

And We do further ordain that the said Commissioners do report to Us under their hands or under the hands of such of their number as may be specified in the Commissions respectively, their opinion upon the matters presented for their consideration; and that any proceedings which they or any of them may have taken under and in pursuance of the said Commissions since the late Demise of the Crown and before the issue of these Presents shall be deemed and adjudged to have been taken under and in virtue of this Our Commission.

Given at Our Court at Saint James's the seventeenth day of December, 1936; in the First Year of Our Reign.

By His Majesty's Command.
JOHN SIMON.

The minutes of the Public Evidence taken by the Royal Commission and a volume of Memoranda prepared by the Government of Palestine for the use of the Royal Commission are being published separately by His Majesty's Stationery Office in the Non-Parliamentary series of publications.

NOTE.—The United Kingdom share of the cost of the Royal Commission is estimated at approximately £4,050. The cost of printing and publishing this Report is estimated by the Stationery Office at £815 10*s.* 0*d.*

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

We were appointed by Warrant under the Sign Manual of His Former Majesty King Edward VIII on the 7th August, 1936, as Commissioners with the following Terms of Reference:—

> "To ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to inquire into the manner in which the Mandate for Palestine is being implemented in relation to the obligations of the Mandatory towards the Arabs and the Jews respectively; and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances upon account of the way in which the Mandate has been, or is being implemented; and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence."

We now humbly beg leave to submit to Your Majesty the following Report.

PREFACE.

Although appointed on the 7th August last, we were compelled, owing to continuance of the "disturbances", to postpone for nearly three months our actual departure for Palestine. The interval was not, however, entirely without value, since we were enabled to examine some of the numerous official reports relating to the Mandatory Administration and to study an invaluable series of descriptive and statistical memoranda supplied at our request by the Palestine Government. At our first meeting, held privately in London on the 6th October, it was decided that no witnesses should be heard until we arrived in Jerusalem. We determined that, while we might in the meantime acquire some knowledge of the historical background and of essential facts and figures, we should apply to the evidence to be heard in Palestine minds so far as possible free from prejudice or preconceived ideas.

2. The strike in Palestine came to an end on the 12th October. We left London on the 5th November, sailing from Marseilles by the s.s. *Cathay* for Port Said on the following day, and arriving in Jerusalem on the morning of the 11th November.

3. A ceremonial opening session was held at Government House on the 12th November, attended by a large assembly of notables and civil and military officials. The Royal Commission

was read out in the three official languages and His Excellency the High Commissioner, General Sir Arthur Grenfell Wauchope, G.C.M.G., K.C.B., C.I.E., D.S.O., formally welcomed us and wished us God-speed in our labours. Our Chairman replied in a short speech, from which we quote certain passages below.

4. We describe in paragraphs 21 and 22 of Chapter IV the circumstances in which, while we were on the way to Palestine, the Arab Higher Committee decided to boycott our proceedings, and Arab representatives were conspicuous by their absence from the opening session at Government House. Our Chairman, in replying to the High Commissioner's speech of welcome, referred to the matter in the following words:—

> "Unhappily, while we were on our journey here, an incident has arisen that can hardly be said to be of assistance. One large section of this population, through its leaders, has declared that it will take no part in the work of the Royal Commission. It would be most unfortunate if without their advice and assistance we were compelled to arrive at conclusions and to make decisions.
>
> "A Royal Commission is an entirely independent body with no responsibility for the policy of His Majesty's Government in the present or in the past. Is it too much to ask that all those who love Palestine and hold her future dear will join with us and share our labours? It would be deplorable indeed if strife and fear and dissension were to be the portion of this Holy Land which sent forth in the past a message of peace and goodwill to all the world."

This appeal produced no immediate response and no Arab witnesses came forward until we had almost completed the hearing of British and Jewish evidence and had announced the date of our departure. The boycott was at length called off on the 6th January and we prolonged our stay until evidence had been heard from His Eminence the Mufti of Jerusalem and other representatives of the Arab Higher Committee.

5. All our formal sessions, while we remained in Palestine, were held in Jerusalem. As regards procedure, we decided not to admit Counsel and, so far as possible, to hear evidence in public. We recognized, however, that there were some witnesses whom it was more proper to hear in private and others who preferred to give evidence in that manner: in general the matter was left to the decision of the witness in each case. While in Palestine we heard 60 witnesses at 30 public sessions and 53 witnesses at 40 private sessions. Our proceedings were conducted in English, though interpretation was required in the case of certain Arabic-speaking and Hebrew-speaking witnesses.

6. An Ordinance was enacted by the Palestine Government entitled The Commissioners' Powers (Conferment of) Ordinance, No. 71 of 1936, conferring on us the necessary powers to summon witnesses, require the production of evidence and so forth.

7. The interpretation of our Terms of Reference was referred to in the following words in our Chairman's speech at the opening session:—

> "You have heard the Terms of Reference approved by His Majesty. We are 'to ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April.' You will note the words 'underlying causes.' It does not appear to be necessary, therefore, to enquire into the detailed course of events in the last six or seven months. If there are claims and counter-claims arising out of these events, they are matters for the Courts or for the Administration, but we have to deal, I believe, with wider issues."
>
> * * *
>
> "Time will perhaps be saved if those who propose to give evidence will first study carefully our Terms of Reference. We have, of course, no authority to exceed them, but the Terms themselves are very wide and we intend to interpret them in a broad and comprehensive manner. In this connection I would like to quote from a speech made in the House of Commons by the Prime Minister a few days ago. Mr. Baldwin said:—
>
> > 'I would like to emphasize . . . that a Royal Commission in this country is an entirely independent body, uncontrolled by His Majesty's Government, and perfectly free to report in any sense that it thinks fit within the Terms of its Reference.'"

8. We found it impracticable to examine all those who offered themselves as witnesses; but we believe that no aspect of the situation on which it was important to receive evidence was neglected in the representative testimony of those who actually appeared before us, or in written statements. The mere acknowledgement, which was the only reply we were able to send to many who submitted memoranda for consideration, was no measure of our appreciation of the value of such contributions, and we desire to take this opportunity of expressing our gratitude to all those who thus assisted us.

9. While in Palestine we endeavoured, so far as time allowed, to make ourselves familiar with the general character of the different parts of the country and with the manner of life of its inhabitants. Thus on one occasion we visited Jaffa, Tel Aviv and Petah Tiqva, while on another we drove through Bethlehem, Hebron and Beersheba to Gaza. A short stay at Tiberias enabled us to visit Haifa, Acre and the Huleh district. We refer in various sections of our Report to visits to certain rural centres, Arab and Jewish, and to the Daniel Sieff Research Institute at Rehovot. In connection with several such expeditions arrangements were made for us to visit various Government offices at places on our route and we greatly valued the opportunity so afforded us of meeting officers of the District Administration, of all races, and listening to a frank expression of their views.

10. On the 9th January three of us visited Trans-Jordan as guests of the British Resident, Lieutenant-Colonel C. H. F. Cox. The Commissioners were most hospitably entertained by His Highness the Amir Abdullah, with whom they had a long discussion at a private audience. They spent the night at Amman and returned to Jerusalem on the following day.

11. We left Jerusalem on various dates in the week beginning the 17th January and, after a few days devoted to discussions at Helouan in Egypt, sailed from Port Said by the s.s. *Cathay* on the 24th January, arriving back in London on the 30th January.

12. In London, after our return, we held one public session, at which we heard evidence from two witnesses; and seven private sessions, at which we heard eight witnesses. The latter were all persons who had held official positions or high offices of State.

13. Separate volumes have been prepared to accompany our Report, containing (1) Memoranda supplied by the Palestine Government; (2) Minutes of the Public Evidence and the text of the speeches delivered at our opening session in Jerusalem.

PART I

THE PROBLEM

CHAPTER I.

THE HISTORICAL BACKGROUND.

The " disturbances " which broke out in Palestine on the 19th April, 1936, were the outcome of a conflict between Arab and Jewish Nationalism; and when in the following November we visited the country, we expected (to adapt Lord Durham's famous sentence) to find " two nations warring in the bosom of a single state ". But we did not expect to find so wide a gulf between them or one so difficult to bridge. Such a conflict in a land consecrated to three world-religions, Judaism, Islam and Christianity, is tragic enough in itself; but it is the more tragic because, while in the actual " disturbances " one side put itself, not for the first time, in the wrong by resorting to force, whereas the other side patiently kept the law, it is fundamentally a conflict of right with right.

2. To explain how that unhappy situation has come about a brief historical introduction is required. The present problem of Palestine, indeed, is unintelligible without a knowledge of the history that lies behind it. No other problem of our time is rooted so deeply in the past.

1. The Jews in Palestine.

3. In the course of the second millenium B.C. the lands that lie along the eastern coast of the Mediterranean were subject to periodical incursions of Semitic tribesmen pressing seawards across the Arabian desert from the barren steppes of the North. In Palestine these immigrants became known as Hebrews, and one tribe or group of tribes, who claimed descent from Abraham of Ur, acquired the name of Israelites from Abraham's grandson, Jacob or Israel. From the old tradition of a migration of these Israelites to Egypt, their persecution by the Pharaohs, and their return to Palestine under the leadership of Moses emerges the historical fact that by about 1100 B.C. the Israelites had occupied most of the hill-country in Palestine and that they were already distinguished from the peoples of the coast (the Phoenicians or Philistines) and from the Semites of the desert beyond Jordan by their peculiar religion. In sharp contrast with the idolatrous polytheism of all the ancient world, the Israelites had conceived the idea of one invisible God and had incorporated what they believed to be His commandments in the Mosaic Code. The rise of this people to a great place in history is so familiar from the pages of the Old Testament that for present purposes it can be very briefly summarized. The period of the Judges was a period of tribal disunion and constant conflict with neighbouring foes. Hostile pressure, especially from the Philistines, led to the establishment of a monarchy: and under

King David (c.1010—970 B.C.) of the tribe of Judah and his son and successor, King Solomon (c.970-930 B.C.), the Israelites as a whole were effectively united, the Philistines and other enemies were decisively defeated, and the power of the new kingdom was extended for a time not only over all Palestine but over most of the territory north and south that lay between the rival empires of Egypt and Assyria. On Solomon's death a decline set in. The people of the coast recovered their independence. The northern tribes broke away and established a separate Kingdom of Israel centred round Samaria, estranged from and sometimes at war with the Kingdom of Judah, in which, largely owing to the fact that the Temple which Solomon had built at Jerusalem was the oustanding visible symbol of the Hebrew faith, the tradition of Hebrew thought and culture was henceforth mainly concentrated. This schism of Palestine facilitated its inevitable subjection to whichever should prove the stronger of the neighbouring empires; but the two kingdoms and the coast towns succeeded in maintaining a precarious independence for some 200 years—a period distinguished above all else by the lives and writings of the Major Prophets. In 721—715 B.C. the first blow fell. The northern kingdom was incorporated in the Assyrian Empire, Samaria was destroyed, and the abler and wealthier section of the population were deported to distant lands. By submitting to Assyrian suzerainty the southern kingdom escaped such rigorous treatment for a few more generations; but about 585 B.C. Judah suffered from Nebuchadnezzar, king of a new Babylonian Empire which had replaced Assyria in 'Iraq, the same fate as Israel. Jerusalem was sacked and dismantled, and a large part of the people were removed to Babylon.

4. The " captivity " did not last long. In 539 B.C. Cyrus, the founder of the Persian Empire, occupied Babylon and in 538 B.C. he permitted the Judaean exiles to go back to Judaea. Some of them remained in 'Iraq, but the majority—the number has been reckoned at 40,000—returned to their historic homeland and set themselves to rebuild the Temple and reconstitute their national life in a little inland state. For the next three or four centuries the history of the " men of Judah " or Jews is unrecorded, except for the bare fact that they were governed as part of the fifth Satrapy of the Persian Empire and afterwards came under the Ptolemaic successors of Alexander the Great. But modern research ascribes to this dark period a flowering of Hebrew culture. It was the period, it is held, when the Mosaic Law or *Torah* took on its final form and became the binding code of social life as well as of religious observance, and when such varied achievements of Jewish thought and art as *Job, Ruth, the Song of Solomon, Ecclesiastes, Proverbs,* and some of the finest *Psalms* were composed.

5. The next phase opens with the conquest of Palestine by the Seleucid rulers of Syria and its sequel, the first persecution of the Jewish faith. Hellenism was now in the ascendant, and an attempt was made to force the Jews to abandon the rule of the *Torah* and adopt Greek gods and ways of life. Led by the Hasmonaean family, of whom Judas Maccabaeus and John Hyrcanus were the outstanding figures, the Jews successfully revolted; and from about 150 B.C. onwards they not only recovered the long-lost independence of Judaea but extended their rule north, south and east till it reached something like the limits of the realm of David and Solomon. But the next of the many conquests of Palestine was now imminent; and against the might of the expanding Roman Empire the Jews could not maintain their freedom. In 63 B.C. Pompey stormed Jerusalem. Never since then has Palestine been an independent State.

6. Though the form of government varied and tributary native rulers, like Herod, were allowed to bear the name of King, Palestine was now virtually a Roman Province. That it proved unruly was partly due to the oppression and extortion of some of its Roman overlords; but so strong on the one hand was the national spirit of the Jews and so bitter on the other the feuds that grew up among them that the best of governments would have found Palestine difficult to keep at peace. A century of constant strife culminated in a general revolt in 64 A.D., which was only repressed after years of bitter fighting when, in 70 A.D., Jerusalem was taken and sacked by Titus, and the Temple, the scene of the last resistance, burnt to the ground. But the Jews were not yet crushed. They rebelled again in 115 A.D. and in 132 A.D. This latter rising was so successful that Rome determined to make its repetition quite impossible. In 135 A.D. Jerusalem was destroyed and its site ploughed up. Many of the population were put to death, and many more carried off to slavery. From that time onwards Palestine steadily sank into obscurity. Its diminished population dwindled still further. While the Jews who had spread themselves over most of the rest of the world increased and multiplied, there were soon only a few thousand of them left in their old homeland.

7. The history of Jewish Palestine, thus ended, had been enacted for the most part in a country about the size of Wales: but it constitutes one of the great chapters in the story of mankind. By two primary achievements—the development of the first crude worship of Jehovah into a highly spiritual monotheism, and the embodiment of this faith and of the social and political ideals it inspired in immortal prose and poetry—the gift of Hebraism in ancient Palestine to the modern world must rank with the gifts of ancient Greece and Rome. Christians,

moreover, cannot forget that Jesus was a Jew who lived on Jewish soil and founded His gospel on a basis of Jewish life and thought.

2. The Arabs in Palestine.

8. For five hundred years Palestine remained under Roman and Byzantine rule, and then in the seventh century A.D. it underwent yet another conquest. Inspired by the rise of Islam, the third great monotheistic faith to be born in the stretch of Semitic country between the Persian Gulf and the Mediterranean, the Arabs broke out from the Arabian desert and started on a career of conquest almost as remarkable as that of Macedon or Rome. Between A.D. 632 and 713, they invaded and occupied in quick succession Syria, 'Iraq, Persia, Egypt, the whole length of the north African coast, and finally Spain. When their further penetration of Europe was stopped in 678 and 717 by the resistance of Constantinople and in 732 by the victory of the Franks at Poitiers, the whole of the Mediterranean seaboard, with much of its interior, curving round from the Pyrenees in the west to the Taurus in the east, had fallen, and for three centuries was to remain, under Arab rule. This was the golden age of the Arabs. Their sea-power commanded the Indian Ocean and contested the command of the Mediterranean. Their trade extended from Cadiz to Cairo, Baghdad and Zanzibar and beyond to India and China. They took the lead in civilization. Their chief centres of population and wealth were also nurseries of the sciences and arts. Scholars from Central and Northern Europe, still in the Dark Ages, came to Arab universities for learning, and it was through Arabic translations of the classics that Hellenism was preserved and handed on to inspire the Renaissance and the birth of the modern age.

9. In all this activity and achievement Arab Palestine took no great part. Jerusalem had been rebuilt, and the conquering Arabs established there a university which became a local centre of Arab learning; but, secluded among its stony hills, Jerusalem could never compete in wealth or culture with the cities in the fertile plains and valleys of 'Iraq, Egypt, and Spain. Only one or two lesser figures in the great company of Arab men of learning were Palestinians; and the only great work of art which has survived from the age of Arab independence is the Dome of the Rock, a magnificent mosque erected towards the end of the seventh century in the centre of the wide stone platform which once had borne the Jewish Temple. But in one respect Jerusalem attained a higher place in the Arab world than Baghdad or Cairo or Granada. On that sacred platform, the *Haram esh Sharif,* besides the Dome of the Rock stands the Mosque al Aqsa, whither Mohammed is recorded to have been conveyed by God, and Moslems believe that from the Rock itself the Prophet took flight on his magic steed to heaven. The *Haram esh Sharif,*

therefore, ranks with Mecca and Medina as one of three paramount " Holy Places " of Islam. Indeed it preceded Mecca as the *Qibla* or point to which Moslems turn in prayer.

10. In the course of three or four hundred years the Arab Empire began to decay and disintegrate, and the Arabs of Palestine, like the Jews before them, were exposed to alien conquest and subjection. In the eleventh century all the Arab states in the Near East were reduced by the Seljuk Turks. From 1095 onwards Palestine was exposed to a series of intermittent invasions from Christian Europe, known as the Crusades, which, inspired partly by the vision of recovering the Holy Sepulchre and partly by more material aims, succeeded in maintaining a precarious Kingdom of Jerusalem till the latter part of the twelfth century and a foothold on the coast for another century, after which the whole of Palestine reverted to Moslem rule. For most of the next 200 years it was subject with Syria to the Mamluk dynasty in Egypt, and during that period it was subjected to the devastating Mongol raids of Halagu and Tamerlane. In 1517 it was conquered, with Syria and Egypt, by the Ottoman Turks: and in the hands of the Ottoman Sultans at Constantinople it remained, except for the few months of Napoleon's invasion and the few years of Mohammed Ali's occupation, till the World War of 1914.

11. In the twelve centuries and more that had passed since the Arab conquest Palestine had virtually dropped out of history. One chapter only is remembered—the not very noble romance of the Crusades. In economics as in politics Palestine lay outside the main stream of the world's life. In the realm of thought, in science or in letters, it made no contribution to modern civilization. Its last state was worse than its first. In 1914 the condition of the country was an outstanding example of the lethargy and maladministration of the pre-war Ottoman regime. The population, still overwhelmingly Arab in character, eked out a precarious existence mainly in the hills. On the plains, where life and property were less secure, such irrigation-works as had existed in ancient times had long disappeared. Oranges were grown round Jaffa, but most of the maritime belt was only sparsely populated and only thinly cultivated. Esdraelon for the most part was marshy and malarious. Eastwards beyond Jordan nothing remained of the Greek cities of classical times save one or two groups of deserted ruins. Southwards in Beersheba, once the site of several prosperous towns, all trace of urban life had long lain buried under the encroaching sand.

12. But, poor and neglected though it was, to the Arabs who lived in it Palestine—or, more strictly speaking, Syria, of which Palestine had been a part since the days of Nebuchadnezzar—was still their country, their home, the land in which their people for centuries past had lived and left their graves.

3. The Diaspora.

13. Jewish history, meantime, had ceased to be the history of Palestine; but, though the problem of Palestine is the subject of this Report, that problem is so inextricably linked with the Jewish problem as a whole that it seems desirable to describe, in the briefest outline, the fate of the Jews in the outer world.

14. A number of them (as will appear later) had clung throughout the centuries of Moslem occupation to what had once been their national soil; but the vast majority of the race had spread themselves over the rest of the world. This Dispersion (Diaspora) had begun long before the disaster of 135 A.D. In 'Iraq, for example, a large Jewish community had grown out of the group of exiles who did not return to Jerusalem in 538 B.C. A prosperous and influential body, permitted to maintain a kind of communal autonomy, equipped with two famous academies for the study and exposition of the Hebrew tradition, it shared fully in the great days of the Arab Caliphate at Baghdad; and it was not till the eleventh century that the process of decline began. In Egypt, similarly, there was a flourishing community of Jews, active in all fields of Egyptian life, rising to high posts in the army and administration, and participating in the cultural achievements which made the fame of Alexandria. It is significant that those Egyptian Jews, unlike the founders of the Hasmonaean State, did not resist " assimilation ". On the contrary they became completely " Hellenized ", abandoning their ancient tongue for Greek and adopting Greek names. The Septuagint or Greek translation of the Hebrew Testament was their work.

15. By the time of the final destruction of Jerusalem in 135 A.D. successive waves of emigration had swelled the size of the communities in 'Iraq and Egypt and flowed also into Syria and the Yemen and across the Mediterranean to Greece and Italy. Five or six centuries later another wave followed on the heels of the Arab conquest along the north-west of Africa and into Spain; and it was in Spain that Jewish life attained the highest point it had reached since the loss of its old homeland. All walks of life were open to them, rural as well as urban. When Arab Spain led the world, they were leaders in Arab Spain—secretaries or viziers of the Caliph, diplomatists, financiers, scientists, physicians, scholars. There ensued a great revival of Hebrew literature, especially religious poetry, and Hebrew learning. Maimonides (1135-1204 A.D.), born in Cordova and later resident in Cairo, was perhaps the greatest scholar of his age. It appears, indeed, that in those days in Spain the relations between Arab and Jew were quite harmonious: but it is significant again that the Spanish Jews, like the Egyptian, accepted assimilation in almost everything

but religion. They spoke Arabic, took Arab names, adopted Arab ways. In those circumstances such force as there was in the common Semitism of the two peoples could operate unhindered.

16. The era of persecution, which was wholly to transform the conditions of Jewish life in the Diaspora, began not in the Moslem world but in the Christian. From the time when the Roman Empire accepted Christianity, Judaism had always been less tolerantly treated by Christian than by Moslem rulers; and the Jews who had penetrated into Italy and Gaul and, after the fall of the Empire, into Germany and England were exposed to various restrictions and prohibitions which tended to mark them off as a distinct and inferior people. Social factors widened the gulf. In the feudal Europe of the Dark Ages the immigrant Jew could find no place on the land or in the industrial guilds: he inevitably became the middleman, whether merchant or pedlar. And, since usury was forbidden to Christians by the Church, the Jew inevitably also became the money-lender—an unpopular profession. Jewish life, therefore, tended to be almost exclusively urban, and Jewish energies were directed more and more as time went on into commerce and finance. The Jews took an early share in the banking-system. Some of them accumulated fortunes. Christian rulers came to look to them when they wanted money. But, despite their usefulness, they were never liked. Popular instinct draws away from what is strange, and the Jews—foreigners, foreign-looking, keeping to themselves, clinging to their peculiar faith—were strange. In the eyes of the Church, moreover, they were the worst of heretics. They did not seek, it was true, to convert others, but none refused so obstinately to be converted. And behind that was the general idea that on all Jews, in all times and places, lay the guilt of the Crucifixion.

17. This complex of ill-feeling came to a head in the period of the Crusades. The wrath of the Crusaders fell as much on Jew as on Moslem; and it soon seemed as much an act of piety to kill Jews in Europe as to kill Saracens in the Holy Land. A wave of persecution, increasingly cruel in its methods, spread all over Western Europe. First in England, then in France, Jews were expropriated, tortured, massacred, and finally expelled from the country. For a time there was less brutality in Spain, whence, except from Granada, the Arabs had been driven out at the end of the twelfth and the beginning of the thirteenth centuries: but in the second half of the fifteenth century the Inquisition took up its task of scenting out and burning heretics, and in 1492 all Jews who refused to be converted were expelled. Another Jewish migration was thus set going, this time from West to East. The refugees from Southern Europe, especially from Spain, found shelter mostly in the

Mediterranean provinces of the Turkish Empire, in the Balkans, in Egypt, in Asia Minor, in Constantinople itself. From this time dates the important settlement of Spanish Jews or *Sephardim* at Salonika. A certain number of Jews got back to Palestine. They were relatively safe in the Near East from the worst forms of persecution. Some Jews, indeed, rose to high positions, especially in the diplomatic field, at the Sultan's court. But, generally speaking, they never recovered the status they had enjoyed in Spain. If Moslems, Turk or Arab, were more tolerant than Christians, they regarded Jews as their inferiors, to be kept strictly below the rank of a Believer.

18. In Central Europe and Italy there were massacres of Jews as elsewhere, but no wholesale expulsion. Henceforth, however, they were kept rigidly apart from Christians, confined to particular quarters of the towns they lived in, known as ghettos, and often obliged to wear a yellow badge to distinguish them from other people. Many of them, especially in Germany, left their homes and with those expelled from France and England sought refuge on the then only half-developed eastern fringes of an expanding Europe, in Lithuania, Poland and Hungary—a process which continued until a good deal more than half the Jews in the world were congregated in that belt of country. The Polish kings at first protected them, but the respite was short-lived. With the middle of the seventeenth century came Cossack conquest and, later on, Russian rule. A sort of territorial ghetto, the "Pale of Settlement", was established from the Baltic north of Warsaw to the Black Sea near Odessa to keep the Jews from permeating Russia, and throughout this area the urban ghetto system was imposed.

19. If the brutality of this medieval persecution is astonishing to most modern minds, still more astonishing, perhaps, is the fact that the Jews survived it. Their numbers were greatly reduced. No certain figures are available; but there were perhaps about four million Jews in the early days of the Diaspora and probably about one and a half million in 1700. But they had not been eliminated either by massacre or by conversion. Judaism, it seemed, was indestructible. And, what it lost in numbers and in wealth from persecution, it gained in intensity. The ghetto system, in particular, made the "peculiar people" more peculiar. It widened the gulf between them and other peoples. Herded together within the ghetto gates, they clung with a new passion to the history and tradition, the ceremonies and customs, which had made them Jews. It was a "hot-house" nationalism, and somewhat unhealthy, as indeed all the life of the ghetto was bound to be; but it enabled the Jews to maintain their self-respect, to console themselves for their impoverishment and subjection, and to defy the hostile world outside.

20. The next chapter swings the hope of the Diaspora back again from East to West; for it was in France and England, once leaders in persecution, that a new spirit of tolerance first developed. It was aided by the infiltration of an enlightened type of Spanish Jew, the so-called *Marranos,* descendants of those who, in outward form if not in secret conviction, had " bowed the knee " to the Inquisition. They quickly established themselves and proved their usefulness, and so paved the way for the entry of other more open and obvious Jews. In the centres of business, such as London, Hamburg, Amsterdam, Jews were soon again to the fore. The House of Rothschild, born in the Frankfort ghetto, became a growing power in international finance. Thus the ideas of the American and French Revolutions were sown on not altogether uncongenial soil. The Jews were " emancipated ", i.e. were freed from all restrictions not imposed on other citizens, in the United States in 1787, and in France in 1790. In Holland, Germany, Italy, the invading armies of the Republic broke down the ghetto gates. Napoleon set up a kind of communal self-government for the Jews of the Empire. In Central Europe there was a marked reaction after 1815, but the cause of toleration kept pace with the cause of constitutional government, and the process of Jewish emancipation was completed in Italy in 1870 and in Germany in 1871. In England the pace was slower, because the old restrictions were less severely felt. In 1890, when the last inequality in form was removed, there had long been little inequality in fact. Disraeli, it is true, had ceased in early life to profess the Jewish faith; but it was a great event for Jewry when he became Prime Minister in 1868. In 1858 Baron Lionel de Rothschild, a professing Jew, had become a Member of the House of Commons, and in 1885 his son, Nathaniel, took his seat in the House of Lords. How fully Jews since then have shared in British life is common knowledge. Jewish Cabinet Ministers, financiers, industrialists, scientists, philosophers, authors—during the War a divisional commander, and after it a Chief Justice of England, who became Viceroy of India, a Governor-General of a Dominion, and more than one Colonial Governor—it is evident that in the British world (and much the same could be said of France) the Jews had attained within the last half-century a pre-eminence out of all proportion to their numbers.

21. But Jewry has been fated never to attain freedom and security for all its people at one time. In reaction, perhaps, against their recovery in the West, a new enemy appeared in " Anti-Semitism "—new because now, in the nineteenth century, the attack was not on grounds of creed but on grounds of race. The movement began in Germany about 1880 and spread through Central Europe. The Dreyfus Case was proof enough of the hold it obtained in France. And, meanwhile, it had

revived and reinforced the old intolerance of Russia. From 1881 onwards the plight of the Jews in Russia was almost as bad as it had been in Western Europe at the time of the Crusades. Their exclusion from all Russia except Poland was the least of their misfortunes. A series of *pogroms*—massacres deliberately incited by anti-Jewish fanatics and acquiesced in, if not connived at, by the Government—was initiated and repeated from time to time till as late as 1910. Tens of thousands of Jews were murdered. More were rendered homeless and destitute. Again, therefore, there was a mass-migration westwards. Between 1880 and 1910 at least three million Jews fled from Eastern Europe. Many found refuge on British soil, in England, Canada, Australia, and South Africa; but the great majority made for the United States. In 1870 the number of American Jews was roughly about a quarter of a million; it is now about four and a half million. Of the other twelve million Jews in the world, some ten million are in Europe and of these about nine million are in Central and Eastern Europe.

4. Zionism.

22. While the Jews had thus been dispersed over the world, they had never forgotten Palestine. If Christians have become familiar through the Bible with the physiognomy of the country and its place-names and events that happened more than two thousand years ago, the link which binds the Jews to Palestine and its past history is to them far closer and more intimate. Judaism and its ritual are rooted in those memories. Among countless illustrations it is enough to cite the fact that Jews, wherever they may be, still pray for rain at the season it is needed in Palestine. And the same devotion to the Land of Israel, *Eretz Israel,* the same sense of exile from it, permeates Jewish secular thought. Some of the finest Hebrew poetry written in the Diaspora has been inspired like the Psalms of the Captivity by the longing to return to Zion.

23. Nor has the link been merely spiritual or intellectual. Always or almost always since the fall of the Jewish State some Jews have been living in Palestine. Under Arab rule there were substantial Jewish communities in the chief towns. In the period of the Crusades and again in the Mongol invasions they were nearly but not entirely blotted out. Under Ottoman rule they slowly recovered. Fresh immigrants arrived from time to time, from Spain in the sixteenth century, from Eastern Europe in the seventeenth. They settled mainly in Galilee, in numerous villages spreading northwards to the Lebanon and in the towns of Safad and Tiberias. Safad, which according to Jewish tradition contained as many as 15,000 Jews in the sixteenth century, became a centre of Rabbinical learning and exercised a profound influence on Jewish thought throughout

the Diaspora. There was no schism between those Jews in Galilee and the Moslem and Christian peasants amongst whom they lived. They spoke Arabic; except in their descent and their religion there was little to distinguish them from their neighbours; and they were equally exposed to the raids of marauding tribesmen from the Lebanon or from across the Jordan. These inroads multiplied as public security deteriorated. Galilee steadily declined. A hundred years ago there were only some 4,000 Jews in Safad and some 3,000 in Tiberias. In the whole of Palestine there were not more than 12,000 Jews in 1845. But, small though their numbers were, the continued existence of those Jews in Palestine meant much to all Jewry. Multitudes of poor and ignorant Jews in the ghettos of Eastern Europe felt themselves represented, as it were, by this remnant of their race who were keeping a foothold in the land against the day of the coming of the Messiah.

24. This belief in the divine promise of eventual return to Palestine largely accounts for the steadfastness with which the Jews of the Diaspora clung to their faith and endured persecution. The excitement caused throughout Jewry by the occasional appearance of a " false Messiah " shows how real and strong it was. But among educated Jews, at any rate, a change set in with the nineteenth century. On the one hand, under the influence of " modernism ", the old prophecies took on a symbolic rather than a concrete meaning. The Messianic restoration would be a renascence of the Jewish faith and its spread among the Gentiles. The Temple would be rebuilt, but not with hands. On the other hand, the emancipation of the Jews in the western world seemed to remove the need for anything more than a spiritual home in Palestine. Jews, it was thought, would merge themselves in the life of the countries where they lived. In all but faith and race they would become Englishmen, Frenchmen, Germans, Americans. And this process of enfranchisement and assimilation, it was hoped, would presently be extended over Eastern Europe.

25. In the second half of the century it became clear that the Jewish problem was not to be solved so easily. The rise and spread of Anti-Semitism culminating in the Dreyfus Case and the Russian *pogroms* showed that even in the West the new status of the Jews was not secure and that in the East their case was little better than it had been in the Middle Ages. For the Jews in Eastern Europe, then as now the great majority of World Jewry, the only hope of deliverance seemed again to lie in physical escape, in large-scale emigration. The vast majority of refugees, as has been seen, went westwards: but a minority followed the old call of their faith, and made their way to Palestine. The movement originated in Russia, but it was backed by Western Jewry. As early as 1860 the Alliance

Israélite Universelle was founded in France for the assistance of persecuted Jews and some years later it opened an agricultural school near Jaffa. A similar Anglo-Jewish Association was created in 1871. But the most effective aid to the settlement of Jews in Palestine was rendered by the munificence of Baron Edmond de Rothschild, who between 1883 and 1900 made himself responsible for a group of seven pioneer " colonies " and established a fund for maintaining and extending the process of colonization.

26. The result of this new movement was a substantial increase in the number of Jews in Palestine. In 1881 there were about 25,000 of them: in 1914 there were over 80,000. The bulk of the immigrants settled in Jerusalem, Haifa, Jaffa and their suburbs: but nearly 12,000 of them were on the land, distributed among forty-three " colonies ". Whether urban or agricultural, there was a difference between the newcomers and the old Jewish residents in Palestine—a difference which was to become more marked in later years. The old residents, especially in the " holy cities " in the hill-country—Hebrew in the south, Safad and Tiberias in the north—had long adapted themselves to life among the Arabs. But the new immigrants brought with them a new idea. They were not going to merge themselves in the life of Palestine as they found it. They were going to make a distinct life of their own, to build up a Jewish society, and to make it the vehicle of a revival of Jewish culture. This new idea was known as Zionism.

27. Zionism on its negative side is a creed of escape, but not so much escape from the physical dangers as from the psychological drawbacks of Jewish life in the Diaspora. It appealed, indeed, with special force to emancipated intellectual Jews in western countries where their life and liberty were perfectly secure. The origin of it was a growing conviction that enfranchisement and assimilation would never solve the Jewish Problem. That twofold process had already provoked an alarming reaction; and continental Anti-Semitism might conceivably spread across the Channel and over the Atlantic. But, quite apart from that, even in England or the United States, there were many Jews, though by no means all, who felt that, whatever equality were accorded them and however high they rose, they were not in the fullest sense admitted into the society in which they lived. A Jew remained somehow different and apart. However much he might be liked and respected, he was always thought of and spoken of as a Jew. And, as long as the Jews, instead of being completely absorbed in a larger community, remained a distinct group within it, they would always be a minority group. In that respect, even if all gentile nations became

tolerant and friendly to the Jews, the world would still be one vast ghetto. And it was this minority-status, it seemed, which, as much as their race and faith, marked the Jews off from other men. All other civilized peoples had a homeland somewhere in which they were the overwhelming majority, a country they could call their own, a State which gave those of them who lived as a minority in other States a more equal footing beside their citizens.

28. Zionism had also its positive side. Escape from " minority life " would give the Jews a chance to show what they could do as Jews, as a Jewish community, as a Jewish nation. They had once made history. Given a land of their own, they might make it again. And for most Zionists that land could only be Palestine. That little country, it was true, could not hold more than a fraction of World Jewry; but there was never any question of all the Jews " going home ". Extent of territory was in those days a secondary consideration. The psychological need would be met, the inferiority of status redressed, if the Jews who did return to Palestine were enabled to lead a national life, however small its scale. That national life, it went without saying, was to be truly, intensely national. Hence from the very outset Zionism was associated with the revival of Hebrew as a spoken and popular language. A year or so before the War, when the *Hilfsverein der Deutschen Juden*, a similar society to those established in France and England, pressed the claims of German as the language of instruction in its Palestinian schools, most of the teachers " struck ", many of the children were withdrawn, and new schools were created of a purely Hebrew kind. From the first, therefore, the difference between the new Jewish community and the old Jewish residents in Palestine was plain.

29. Zionism entered the field of practical politics when in 1897 Theodor Herzl, a Viennese playwright and journalist, spurred to action by the Dreyfus Case, convened a congress of World Jewry at Basle and founded the Zionist Organisation. As its first President he set himself to obtain a charter for Jewish colonization in Palestine from the Sultan of Turkey; but, as the Turks had already shown a marked dislike of the increase in Jewish immigration since the early 'eighties, he realized the necessity of obtaining the backing of a powerful European Government, and for that he turned to England. The idea of re-establishing the Jews in Palestine had attracted more attention there than elsewhere. As long ago as 1840 Lord Shaftesbury had proposed a scheme of Jewish colonization under international guarantee as a means of utilizing the " wealth and industry of the Jewish people " for the economic development of a backward area. George Eliot and Laurence Oliphant had clearly stated and warmly advocated the Zionist

ideal. Among English Jews its most prominent champions had been the young Disraeli and Sir Moses Montefiore. But the British Government was not in a position to force Zionism on the Sultan; and, apart from the sending of an expedition to explore the part of Sinai which lay within the Egyptian frontier, no practical advance was made till in 1903, at the instance of Mr. Joseph Chamberlain, then at the Colonial Office, the Foreign Secretary, Lord Lansdowne, was authorized to offer the Zionists a tract of country in the highlands of British East Africa for the creation of a Jewish colony with full powers of local autonomy under the British Government's " general control ". It was a remarkable offer, and it tempted many Zionists. But the majority vehemently opposed it. To them it was inconceivable that the Jews could re-establish their national life in any other country than the old homeland; and, assisted by a not very favourable report on the conditions in East Africa, they easily carried the day.

30. Thus it was still on Palestine and only on Palestine that the hopes of Zionism were fixed when the World War broke out and when the entry into it of the Turkish Empire on the side of the Central Powers made it evident that, by the end of the fighting, the control of Palestine and its destinies might have passed from Turkish into other hands.

CHAPTER II.

THE WAR AND THE MANDATE.

1. The Arab Revolt.

1. For many years before the War the Arab Provinces of the Turkish Empire had been restive under the rule of the Sultan at Constantinople, and the Turkish Army had often been engaged in repressing the outbreaks of the free-spirited tribesmen in the Arabian Peninsula. No less dangerous to Ottoman ascendancy was the growth of a nationalist movement among the young *intelligenzia* of Syria. Its origin may be traced to the awakening, about 1860, of a new interest in Arab history and culture. Societies were established for the study of the Arab golden age and the revival of Arabic literature. The movement gained impetus from the foundation in 1866 under American auspices of the Syrian Protestant College, soon to be famous throughout the Near East as Roberts College. It did admirable work in acquainting the youth of Syria with the ideas of the Western world; but among them were the ideas of self-government and nationality; and nationalism was as inevitably stimulated by American education in Syria as it was by British education in India. For a generation and more the cause made little headway under the despotic rule of Abdul Hamid, but the *coup d'état* of the Young Turks in 1908 seemed for a moment to have opened a new age of freedom throughout the Empire. A constitution was wrested from the Sultan, based on the representation of all the provinces. In the first Parliament, however, the Syrian Arabs were greatly under-represented in the Lower House and they only had three out of forty seats in the Upper House; and it was soon plain that the hopes of autonomous Arab provinces, free to develop Arab life and culture to the full, were to be disappointed. The efficient Committee of Union and Progress stood for centralization, not local " home-rule ", for " Turcification " rather than an Arab *renaissance*. Arab nationalism was thus driven underground. From 1909 onwards secret societies were founded in Paris, Constantinople, Cairo, Damascus, and Beirut: an Arab Congress was held in Paris in 1913; and the idea gained currency of a general Arab rising, if a favourable opportunity should occur, and the creation of a free and united Arab State with its capital at Damascus. The Turkish Government was not without all knowledge of this seditious propaganda and did what it could to suppress it. The trial of Aziz Ali in 1914 excited considerable attention in Western Europe.

2. Such was the position when on the 31st October, 1914, the Ottoman Empire entered the War. Two dangers were at once apparent to the Allied Powers. Syria and Palestine might

be made the base for a Turco-German attack on the Suez Canal; and the prestige of the Caliphate might be used in an attempt to raise all Islam against the Allies in a *Jihad* or Holy War. To meet the first danger troops were concentrated in Egypt. To meet the second, negotiations were opened with Hussein, Sherif and Emir of Mecca and hereditary guardian of the Moslem Holy Places of Mecca and Medina. Hussein and his people had long cherished similar ideas of throwing off the Turkish yoke to those of the Syrian nationalists, and it was intimated to him that his participation in the War on the Allies' side might lead to that result. When the Sultan-Caliph proclaimed the *Jihad* at Constantinople in November, Hussein refused to allow it to be preached in the mosques of the Holy Cities. But he took no further action, and the next move came from the British side. In June, 1915, British policy as to the future of Arabia Proper was made clear by the issue of a proclamation in Egypt, the Sudan, and Arabia, announcing that at the conclusion of peace the independence of the Arabian Peninsula would be assured.

3. But there were other Arab provinces in the Turkish Empire and other than British interests involved in its possible disruption. In March, 1915, the French Government explained that in that event France would claim control of Syria, including (as the term had long included) Palestine. This proposition was discussed by a governmental committee which reported in June, 1915, that the French claim to northern Syria should be conceded but that, owing to the world-wide importance of the Holy Land, Jerusalem and part of Palestine should be reserved for international administration.

4. Meanwhile the fortunes of the Allies in this field of the War had prospered. In February, 1915, the Turco-German attack on the Suez Canal was decisively repulsed. In April the Allied occupation of Gallipoli began; and so hopeful seemed its prospects for the first few months that by July rumours of the approaching fall of Constantinople were spreading through the East. Arab opinion reacted quickly. In the first place the secret Nationalist Committee in Syria decided to reject the promises of independence offered them by the Turkish and German Governments and to make common cause with the Sherif of Mecca. Secondly, in a letter dated the 14th July, 1915, Hussein informed Sir Henry McMahon, then High Commissioner in Egypt, as to the terms on which he was prepared to co-operate with Great Britain against the Turks. The essential passage of the letter was as follows:—

> " England to acknowledge the independence of the Arab countries, bounded on the north by Mersina and Adana up to 37° of latitude, on which degree falls Birijik, Urfa, Mardin, Midiat, Amadia Island (Jezireh), up to the border of Persia; on the east by the borders of

> Persia up to the Gulf of Basra; on the south, by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west, by the Red Sea, the Mediterranean Sea up to Mersina."

This claim, of course, went far beyond the already promised independence of the Arabian Peninsula. It embraced almost the whole Arab world in Asia. It was clearly inspired to no slight extent by the ideas of Syrian nationalism. Sir Henry McMahon, in a friendly and encouraging reply, declared that the discussion of boundaries was premature.

5. A few weeks earlier the Allied cause had received a serious set-back. On 10th August the British attack on Sari Bair from Suvla Bay broke down. The fall of Constantinople seemed indefinitely postponed. The risks to which the Arabs would be exposed if they openly revolted were obviously increased. There was consequently a change of tone in the Sherif's second letter to Sir Henry McMahon, written on the 9th September.

> " Your Excellency will pardon me and permit me to say clearly that the coolness and hesitation displayed in the question of the limits and boundaries . . . . . might be taken to infer an estrangement or something of that sort."

About the same time as Sir Henry McMahon received this letter he was also informed of conversations which had been carried on with a representative of the Syrian Nationalist Committee, who made it clear that the Arabs' choice between the Central Powers and the Allies would be determined by the nature of British assurances as to their future independence. He asserted that, while the Arabs wanted all the Arab countries to be free, they admitted the existence of British interests in 'Iraq and French interests on the Syrian coast. They would insist, however, on the independence of the Syrian interior—the districts of Damascus, Aleppo, Hama, and Homs. Sir Henry McMahon communicated this information, together with the Sherif's letter, to Sir Edward Grey at the Foreign Office, and he was authorized to reply to the Sherif on the lines he [Sir Henry McMahon] had himself suggested. On the 24th October, accordingly, he wrote the following letter to the Sherif:—

> " I have received your letter [of 9th September] with much pleasure; and your expressions of sincerity and friendliness have given me the greatest satisfaction.
>
> " I regret that you should have received from my last letter the impression that I regarded the question of the boundaries with coldness and hesitation; such was not the case, but it appeared to me the moment had not arrived when they could be profitably discussed.
>
> " I have realized, however, from your last letter, that you regard this question as one of vital and urgent importance. I have therefore lost no time in informing the Government of Great Britain of the contents of your letter; and it is with great pleasure that I communicate to you on their behalf the following statement which, I am confident, you will receive with satisfaction:—
>
> " The districts of Mersina and Alexandretta and the portions of Syria lying *to the west of the districts of Damascus, Homs, Hama and Aleppo* cannot be said to be purely Arab, and should be excluded

from the proposed limits and boundaries. With the above modification, and without prejudice to our existing treaties with Arab chiefs we accept these limits and boundaries, and *in regard to those portions of the territories therein in which Great Britain is free to act without detriment to the interests of her ally, France,* I am empowered in the name of the Government of Great Britain to give the following assurances and make the following reply to your letter:—

"Subject to the above modifications, Great Britain is prepared to recognize and support the independence of the Arabs within the territories included in the limits and boundaries proposed by the Sherif of Mecca. Great Britain will guarantee the Holy Places against all external aggression and will recognize their inviolability.

"When the situation admits, Great Britain will give to the Arabs her advice and will assist them to establish what may appear to be the most suitable forms of government in those various territories.

"On the other hand, it is understood that the Arabs have decided to seek the advice and guidance of Great Britain only, and that such European Advisers and officials as may be required for the formation of a sound form of administration will be British.

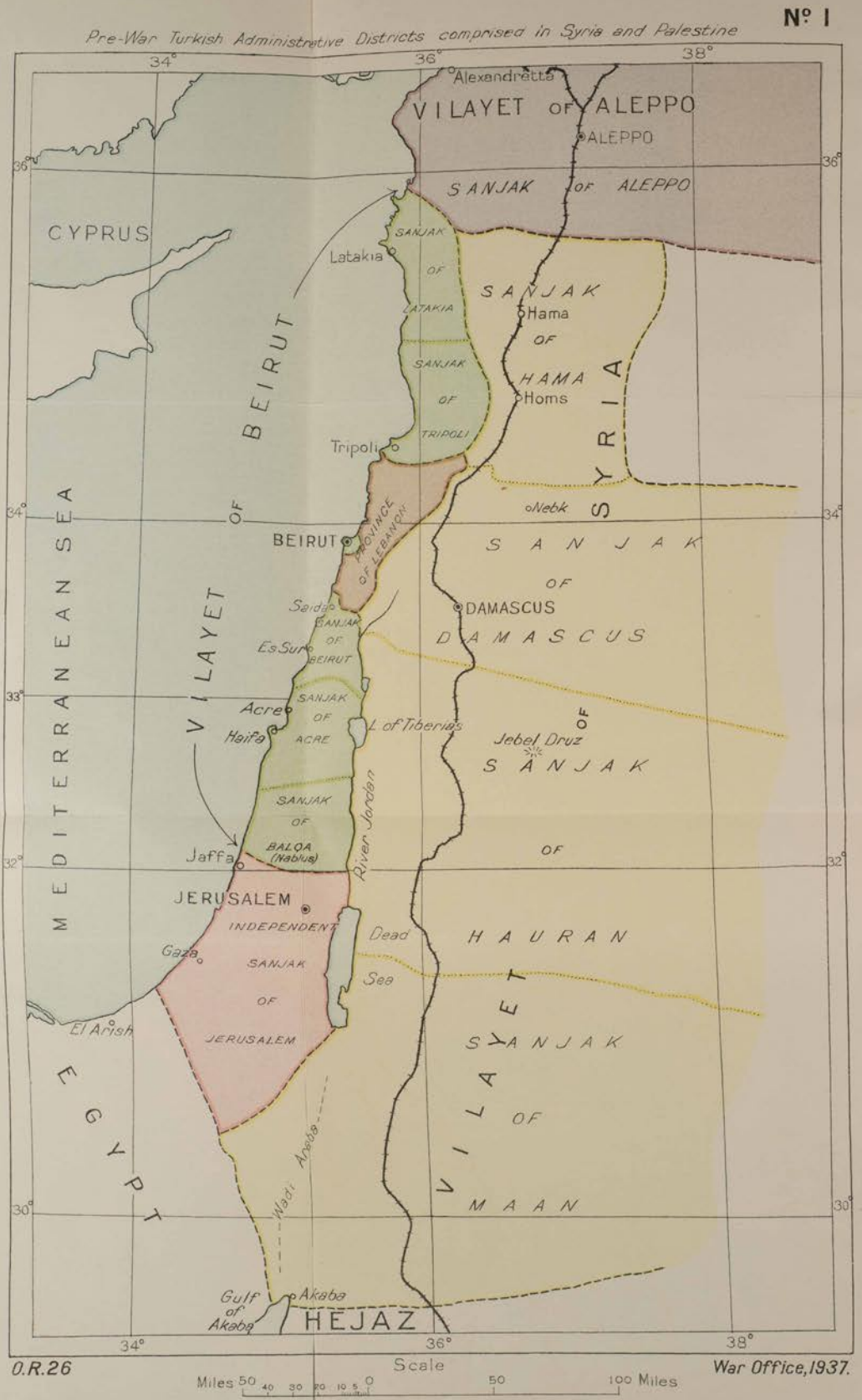
"With regard to the vilayets of Bagdad and Basra, the Arabs will recognize that the established position and interests of Great Britain necessitate special measures of administrative control in order to secure these territories from foreign aggression, to promote the welfare of the local population and to safeguard our mutual economic interests.

"I am convinced that this declaration will assure you beyond all possible doubts of the sympathy of Great Britain towards the aspirations of her traditional friends, the Arabs, and will result in a firm and lasting alliance, the immediate results of which will be the expulsion of the Turks from the Arab countries and the freeing of the Arab peoples from the Turkish yoke which, for so many years, has pressed heavily upon them . . . ."

Of the passages we have italicized, the second is significant in relation to the claim which had been made by the French Government in March, 1915 to the ultimate control of all Syria including Palestine. But it is the first passage on which the subsequent controversy has centred.

6. The map inserted at this page shows that under Turkish rule the territory under discussion was divided into three administrative areas, the Vilayets of Aleppo, Syria, and Beirut. The Vilayet of Syria extended southwards to include the area now called Trans-Jordan. The Vilayet of Beirut extended southwards to within a short distance of Jaffa. The rest of Palestine, including Jerusalem, was not included in any of the Vilayets: it was an "independent Sanjak".

7. The Arab case, which was fully stated in the evidence submitted to us by the Arab Higher Committee, has always been that Palestine was included in the area in which Sir Henry McMahon promised that Arab independence would be recognized. The two main points are (1) that, since part of the western boundary of the independent area proposed by the Sherif was the Mediterranean, the exclusion of the whole of the Mediterranean coast from that area could not have been



intended, and (2) that Damascus was the most southerly point mentioned and that Palestine could not be regarded as lying to the west of it.

8. We have not considered that our terms of reference required us to undertake the detailed and lengthy research among the documents of 20 years ago which would be needed for a full re-examination of this issue. We think it sufficient for the purposes of this Report to state that the British Government have never accepted the Arab case. When it was first formally presented by the Arab Delegation in London in 1922, the Secretary of State for the Colonies (Mr. Churchill) replied as follows:—

> " That letter [Sir H. McMahon's letter of the 24th October, 1915] is quoted as conveying the promise to the Sherif of Mecca to recognize and support the independence of the Arabs within the territories proposed by him. But this promise was given subject to a reservation made in the same letter, which excluded from its scope, among other territories, the portions of Syria lying to the west of the district of Damascus. This reservation has always been regarded by His Majesty's Government as covering the vilayet of Beirut and the independent Sanjak of Jerusalem. The whole of Palestine west of the Jordan was thus excluded from Sir H. McMahon's pledge."

9. It was in the highest degree unfortunate that, in the exigencies of war, the British Government was unable to make their intention clear to the Sherif. Palestine, it will have been noticed, was not expressly mentioned in Sir Henry McMahon's letter of the 24th October, 1915. Nor was any later reference made to it. In the further correspondence between Sir Henry McMahon and the Sherif the only areas relevant to the present discussion which were mentioned were the Vilayets of Aleppo and Beirut. The Sherif asserted that these Vilayets were purely Arab; and, when Sir Henry McMahon pointed out that French interests were involved, he replied that, while he did not recede from his full claims in the north, he did not wish to injure the alliance between Britain and France and would not ask " for what we now leave to France in Beirut and its coasts " till after the War. There was no more bargaining over boundaries. It only remained for the British Government to supply the Sherif with the monthly subsidy in gold and the rifles, ammunition and foodstuffs he required for launching and sustaining the revolt.

10. Meantime the French interest in Syria had been reaffirmed. In November, 1915, shortly after Sir Henry McMahon had given his " pledge " to the Sherif, Sir Edward Grey gave instructions that negotiations should be opened in London with M. Georges Picot, representing the French Government, with a view to reconciling British, French and Arab claims in the Syrian area. M. Picot insisted at the outset that the whole of

Syria down to the Egyptian frontier must be assigned to France. After consultation with his Government he agreed to the Syrian interior being administered by Arabs under French influence. Further negotiations were carried on by M. Picot and Sir Mark Sykes, who consulted the Russian Government. Finally, in May, 1916, an agreement was concluded, commonly known as the Sykes-Picot Agreement, which divided the Arab area north of the Arabian Peninsula in the following manner:—

(1) A coastal belt from a little north of Haifa to a little West of Mersina was to be controlled by France.

(2) Southern 'Iraq, from the Persian Gulf to a little north of Baghdad, together with a small enclave round Haifa, was to be controlled by Britain.

(3) " With a view to securing the religious interests of the Entente Powers, Palestine, with the Holy Places, is to be separated from Turkish territory and subjected to a special regime to be determined by agreement between Russia, France and Great Britain."

(4) The rest of the territory under discussion was left to " the Arab State or Confederation of States ". In the Syrian interior such advice and administrative assistance as were wanted by the Arabs would be supplied by France, in northern 'Iraq and the country east of the Jordan by Britain.

11. This agreement was kept secret till in November, 1917, the Russian Bolshevik Government published a copy of it, found in the archives of the Foreign Office at Petrograd. It was thus in ignorance of any other compact than the " McMahon Pledge " that in June, 1916, the Sherif declared war against the Turks. The story of the Arab Revolt is too familiar from the fame and writings of T. E. Lawrence to need re-telling. Its main features may be summarized as follows. By the end of 1916 the Arabs of the Hedjaz had easily overcome the isolated Turkish posts in the south of their country, but they were unable to dislodge the garrison at Medina, which was linked by the Hedjaz railway with the main Turkish forces in the North. During 1917 the Turkish posts along the line were continually raided and stretches of the railway repeatedly destroyed. When a British army invaded Palestine in the autumn of 1917, the Arabs, a few thousand of whom had been trained as a regular force, operated beyond the Jordan on the outer flank of the advance. Their co-operation was unquestionably a factor in the success of the campaign which culminated in the capture of Jerusalem on the 9th December, 1917, and in the final expulsion of the Turkish forces from Palestine in the following autumn. The open revolt of the Sherif, moreover, had a marked effect on the wavering sympathies of other Arab tribes than those of the Hedjaz.

12. It was the Sherif's own people, however, who bore the brunt of the actual fighting. The Arabs of Palestine did not rise against the Turks, and, while some Palestinian conscripts deserted, others continued fighting in the Turkish army. But it must be remembered that to revolt in the desert was far easier than to revolt in a country still in Turkish hands and subject as the British invasion proceeded to increasingly rigorous treatment. As it was, the Turks were seriously embarrassed by their inability to count on the loyalty of the population; and within their lines the Syrian nationalists were engaged in active sedition for which some of them paid the price on the gallows.

2. The Balfour Declaration.

13. The entry of the Turkish Empire into the War excited the hopes of Jewish as well as Arab nationalism. An Allied victory, it seemed, would open the way to a Jewish return to Palestine on a far larger scale than had hitherto been regarded as practicable. The Zionist leaders, therefore, incorporated their ideas in a definite scheme to be submitted to the Allied Governments at the first favourable moment. One serious obstacle in their path, the opposition of the Czarist Russian Government, was losing its force by the end of 1916; and in February, 1917, when the British advance on Palestine was imminent, formal negotiations were opened between the Zionists and the British Government. Similar negotiations ensued with the French and Italian Governments. In Paris and Rome as in London the Zionist project was officially approved. The publication of this approval was delayed till at the end of October, 1917, the success of General Allenby's invasion of Palestine seemed certain. On the 2nd November the British Government published a statement of policy, afterwards known as the " Balfour Declaration ", which took the form of a letter from Mr. Balfour, then Secretary of State for Foreign Affairs, to Lord Rothschild:—

> " I have much pleasure in conveying to you on behalf of His Majesty's Government the following declaration of sympathy with Jewish Zionist aspirations, which has been submitted to and approved by the Cabinet:
>
> ' His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.'
>
> " I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation."

14. The text of the Declaration had been submitted to President Wilson and had been approved by him before its publication. On the 14th February and the 9th May, 1918, the French and Italian Governments publicly endorsed it.

15. Like the McMahon Pledge, the Balfour Declaration was not an expression of a wholly new sentiment. Just as British public opinion had sympathized before the War with the victims of the old Ottoman regime, so it had sympathized with the victims of anti-Semitic persecution. But in both cases the time and manner in which these sympathies were translated into action were determined by the exigencies of the War. In the evidence he gave before us Mr. Lloyd George, who was Prime Minister at the time, stated that, while the Zionist cause had been widely supported in Britain and America before November, 1917, the launching of the Balfour Declaration at that time was " due to propagandist reasons "; and he outlined the serious position in which the Allied and Associated Powers then were. The Roumanians had been crushed. The Russian Army was demoralized. The French Army was unable at the moment to take the offensive on a large scale. The Italians had sustained a great defeat at Caporetto. Millions of tons of British shipping had been sunk by German submarines. No American divisions were yet available in the trenches. In this critical situation it was believed that Jewish sympathy or the reverse would make a substantial difference one way or the other to the Allied cause. In particular Jewish sympathy would confirm the support of American Jewry, and would make it more difficult for Germany to reduce her military commitments and improve her economic position on the eastern front.

16. Those were the circumstances in which the British Government issued the Balfour Declaration.

> " The Zionist leaders [Mr. Lloyd George informed us] gave us a definite promise that, if the Allies committed themselves to giving facilities for the establishment of a national home for the Jews in Palestine, they would do their best to rally Jewish sentiment and support throughout the world to the Allied cause. They kept their word."

17. To inform World Jewry of the Declaration millions of leaflets were circulated throughout the Jewish communities. They were dropped from the air on German and Austrian towns, and widely distributed through the Jewish belt from Poland to the Black Sea.

18. The Central Powers, meantime, had also recognized the war-value of Jewish sympathy. At the time of the Balfour Declaration the German Government was doing all it could to win the Zionist Movement over to its side; and after the Declaration it hastened, in conjunction with its Turkish allies, to formulate a rival proposition. A kind of chartered company was to be created for German Zionists. It would have a limited form of local self-government and a right of immigration into Palestine. By the end of 1917 it was known that the Turks were willing to

accept a scheme on those lines; but, before the concessions were finally confirmed in Constantinople, Palestine was in General Allenby's hands.

19. The fact that the Balfour Declaration was issued in 1917 in order to enlist Jewish support for the Allies and the fact that this support was forthcoming are not sufficiently appreciated in Palestine. The Arabs do not appear to realize in the first place that the present position of the Arab world as a whole is mainly due to the great sacrifices made by the Allied and Associated Powers in the War and, secondly, that, in so far as the Balfour Declaration helped to bring about the Allies' victory, it helped to bring about the emancipation of all the Arab countries from Turkish rule. If the Turks and their German allies had won the War, it is improbable that all the Arab countries, except Palestine, would now have become or be about to become independent States.

20. We must now consider what the Balfour Declaration meant. We have been permitted to examine the records which bear upon the question and it is clear to us that the words " the establishment in Palestine of a National Home " were the outcome of a compromise between those Ministers who contemplated the ultimate establishment of a Jewish State and those who did not. It is obvious in any case that His Majesty's Government could not commit itself to the establishment of a Jewish State. It could only undertake to facilitate the growth of a Home. It would depend mainly on the zeal and enterprise of the Jews whether the Home would grow big enough to become a State. Mr. Lloyd George, who was Prime Minister at the time, informed us in evidence that:—

> " The idea was, and this was the interpretation put upon it at the time, that a Jewish State was not to be set up immediately by the Peace Treaty without reference to the wishes of the majority of the inhabitants. On the other hand, it was contemplated that when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them by the idea of a national home and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish Commonwealth."

21. Thus His Majesty's Government evidently realized that a Jewish State might in course of time be established, but it was not in a position to say that this would happen, still less to bring it about of its own motion. The Zionist leaders, for their part, recognised that an ultimate Jewish State was not precluded by the terms of the Declaration, and so it was understood elsewhere. " I am persuaded ", said President Wilson on the 3rd March, 1919, " that the Allied nations, with the fullest concurrence of our own Government and people, are agreed that in Palestine shall be laid the foundations of a Jewish Commonwealth ". General

Smuts, who had been a member of the Imperial War Cabinet when the Declaration was published, speaking at Johannesburg on the 3rd November, 1919, foretold an increasing stream of Jewish immigration into Palestine and " in generations to come a great Jewish State rising there once more ". Lord Robert Cecil in 1917, Sir Herbert Samuel in 1919, and Mr. Winston Churchill in 1920 spoke or wrote in terms that could only mean that they contemplated the eventual establishment of a Jewish State. Leading British newspapers were equally explicit in their comments on the Declaration.

22. It remains to describe the reaction of the Balfour Declaration on Arab opinion.

Most of the Arab parts of the Turkish Empire, including 'Iraq, Syria and Palestine were in British military occupation when fighting with the Turks was ended by the Armistice of the 30th October, 1918: and the Arabs had been encouraged to hope that victory would mean the full realization of their independence. Already, in the previous January, one of the " fourteen points " laid down by President Wilson as the basis of peace, and one which the Allied Powers had accepted without reservation, included the following words:—

> " The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development."

23. On the 7th November the British and French Governments issued a joint Declaration of which the essential passages were as follows:—

> " The object aimed at by France and Great Britain in prosecuting in the East the war let loose by German ambition is the complete and definite emancipation of the peoples so long oppressed by the Turks, and the establishment of National Governments and administrations deriving their authority from the initiative and free choice of the indigenous populations.
>
> " In order to carry out these intentions France and Great Britain are at one in encouraging and assisting the establishment of indigenous Governments and administrations in Syria and Mesopotamia, now liberated by the Allies, and in territories the liberation of which they are engaged in securing, and in recognizing these as soon as they are established. Far from wishing to impose on the populations of these regions any particular institutions, they are only concerned to secure by their support and by adequate assistance the regular working of Governments and administrations freely chosen by the populations themselves."

Since the Arabs had always regarded Palestine as included in Syria, this announcement seemed to promise all they wanted; and their disappointment was the greater when they learned that the victorious Powers proposed not only to separate Palestine from Syria but to place it under a special form of

government in order to implement the policy of the Balfour Declaration. By the Sherif Hussein and his son, the Emir Feisal, who had led the Arabs of the Hedjaz in the War, this policy was regarded as a breach of the " McMahon Pledge ", the only compact of which they had hitherto known. And, even if they had interpreted the Pledge as meaning that Palestine would not be independent but reserved for French or British or international control, they could not have foreseen that such control might cover the establishment of a Jewish National Home.

24. Palestine, however, was a relatively small slice of territory and, as matters stood at the end of 1918, the Sherif and his family had gone far to realize their ambitions. The whole of the Arab world had been freed from Turkish despotism. The prestige of the Ottoman Caliph had been dimmed, while the Sherif of Mecca had been proclaimed King of the Hedjaz, which was recognized as a Sovereign State and was about to take part, with the Emir Feisal as its chief representative, in the Peace Conference at Paris. Northwards the future might be still uncertain, but the Arab position at the moment was *de facto* a strong one. The Emir Feisal had ridden into Damascus at the head of the Arab horsemen in the first week of October and, with General Allenby's permission, had hoisted the Arab flag.

25. When, therefore, the Emir Feisal came to London and Paris he was persuaded not merely to accept but to welcome the policy of the Balfour Declaration. At his camp east of the Jordan in the previous summer he had met Dr. Chaim Weizmann, who had done great service by his chemical discoveries to the Allied cause in the War and had taken a leading part in the Zionist movement and the discussion of the Balfour Declaration. He had been able to convince the Emir of the benefits which the Jewish National Home would bring to Palestine as a whole; and a memorandum which the Emir presented at the Paris Conference was highly conciliatory:—

> " In Palestine the enormous majority of the people are Arabs. The Jews are very close to the Arabs in blood, and there is no conflict of character between the two races. In principles we are absolutely at one. Nevertheless, the Arabs cannot risk assuming the responsibility of holding level the scales in the clash of races and religions that have, in this one province, so often involved the world in difficulties. They would wish for the effective super-position of a great trustee, so long as a representative local administration commended itself by actively promoting the material prosperity of the country."

Still weightier evidence of good understanding was the agreement which was signed on the 3rd January, 1919, by the Emir Feisal, " representing and acting on behalf of the Arab Kingdom of Hedjaz ", and Dr. Weizmann, " representing and acting on behalf of the Zionist Organisation ". It pledged the parties

to cordial co-operation between " the Arab State and Palestine ", to the acceptance of the Balfour Declaration, and to the encouragement of the immigration of Jews into Palestine on a large scale and their rapid settlement on the land. The Emir added a note of reservation to this Agreement to the effect that its execution was dependent on the fulfilment of the claims for Arab independence which he submitted to the Peace Conference.

> " If changes are made, I cannot be answerable for failing to carry out this agreement."

26. The Emir Feisal, in concluding this agreement in his father's name, was not, it is true, directly representing the Arabs of Palestine; but the Arabs, as has just been pointed out, regarded Syria as one country, and in Syria the Emir's leadership had been accepted. If his hopes, indeed, had been fulfilled, the development of the situation in Palestine might have been far more peaceful than it has been. As it was, the Agreement marks the one brief moment in the whole story at which a genuine harmony was established between Arab and Jewish statesmanship. If King Hussein and the Emir Feisal secured their big Arab State, they would concede little Palestine to the Jews.

27. Eighteen months later, on the 12th July, 1920, Lord Balfour in an often-quoted speech reiterated the idea of a compromise on that sort of basis. Referring to the difficulties in the path of Zionism, he said:—

> " Among these difficulties I am not sure that I do not rate highest, or at all events first, the inevitable difficulty of dealing with the Arab question as it presents itself within the limits of Palestine. It will require tact, it will require judgment, it will require above all sympathetic good will on the part both of Jew and Arab. So far as the Arabs are concerned—a great, an interesting and an attractive race—I hope they will remember that . . . the Great Powers, and among all the Great Powers most especially Great Britain, has freed them, the Arab race, from the tyranny of their brutal conqueror, who had kept them under his heel for these many centuries. I hope they will remember that it is we who have established the independent Arab sovereignty of the Hedjaz. I hope they will remember that it is we who desire in Mesopotamia to prepare the way for the future of a self-governing, autonomous Arab State. And I hope that, remembering all that, they will not grudge that small notch—for it is no more geographically, whatever it may be historically—that small notch in what are now Arab territories being given to the people who for all these hundreds of years have been separated from it."

28. Lord Balfour did not mention Syria. At the time of his speech the chance of an agreed settlement based on the co-operation of King Hussein and the Emir Feisal was being nullified by the policy of the French Government, which had never been bound by the " McMahon Pledge ", and was vehemently opposed to the establishment of an Arab State under the Emir Feisal's control at Damascus. The Emir for his part, backed by

strong popular feeling in Syria, had determined to resist the claims of France. In March, 1920, he had been proclaimed King of Syria and Palestine by a congress of Syrian notables. By the end of August Damascus had been occupied by a French army, and the Emir expelled from Syria. A year later he was made King of 'Iraq, and in the meantime his brother, Abdullah, had become Emir of the part of historic Palestine east of the Jordan which was allotted under the name of Trans-Jordan to the area of Arab independence, in accordance with the " McMahon Pledge ". Thus, in the end, the royal family of the Hedjaz had not fared ill; but such hope as there had been of settling the problem of Palestine by consent was dead. The Feisal-Weizmann Agreement could not operate: the condition attached to it had not been fulfilled. So the old hostility of the Syrian Arabs to the division of the country and the execution of the Balfour Declaration flared up again. In 1920 and again in 1921, as will be recorded in the next chapter, violent Arab outbreaks against the Jews occurred in Palestine. The conflict between Arab and Jewish nationalism had begun.

3. The Period of Delay.

29. Meantime the " special regime " under which Palestine was to be governed had not yet taken precise and legal form. On the 30th January, 1919, the Supreme Council of the Peace Conference had decided that the conquered Arab provinces were not to be restored to Turkish rule. On the 3rd February the Zionist Organisation presented a draft resolution embodying its scheme for the execution of the Balfour Declaration. On the 27th February its leaders appeared before the Supreme Council and explained the scheme. A more detailed plan, dated the 28th March, was drafted by Mr. Felix Frankfurter, an eminent American Zionist. From these and other documents and records it is clear that the Zionist project had already in those early days assumed something like the shape of the Mandate as we know it. The right of the Jews on historic grounds to re-establish their National Home in Palestine was affirmed. Jewish immigration and close settlement on the land were to be promoted. A body representing the Jews of Palestine and the world at large should co-operate with the Mandatory. Jewish education should be in Jewish hands. Local self-government should be encouraged.

30. It was never doubted that the experiment would have to be controlled by one of the Great Powers; and to that end it was agreed, in accordance with the Emir Feisal's notion of a " great trustee " and with Zionist wishes, that Palestine should have its place in the new Mandate System which was one of the most striking features in the Covenant of the League of

Nations. The principles of it were formulated in Article 22, which reads as follows:—

> " To those colonies and territories, which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant.
>
> " The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.
>
> " The character of the Mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.
>
> " Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.
>
> " Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.
>
> " There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.
>
> " In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.
>
> " The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.
>
> " A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the Mandates."

31. The Treaty of Versailles and the Covenant were signed on the 28th June, 1919; but progress in settling the affairs of Palestine was checked, partly by the opposition of influential

non-Zionist Jews in England and France to the policy of the Balfour Declaration, but mainly by international complications and especially the obstacle created by events in Syria to easy co-operation between the French and British Governments. One vital point, however, was settled, namely, who was to be the Mandatory. The fourth paragraph of Article 22 of the Covenant prescribed that, for " certain communities formerly belonging to the Turkish Empire ", " the wishes of these communities must be a principal consideration in the selection of the Mandatory "; and President Wilson pressed for the dispatch of an inter-Allied Commission to Syria and Palestine to discover the wishes of their peoples. This project failing, he sent an unofficial American Commission, which toured both countries in June and July, 1919, and privately reported that the Arabs wanted complete independence for a united Syria and Palestine, but, if supervision were necessary, their first choice was the United States, their second Great Britain. The Zionists had made their wishes known at an earlier stage. On the 18th December, 1918, the American Jewish Congress had adopted a resolution asking for " the trusteeship of Great Britain ", and the same request was made in the scheme submitted by the Zionist Organisation to the Supreme Council on the 3rd February, 1919:—

> " The selection of Great Britain as Mandatory is urged on the ground that this is the wish of the Jews of the world, and the League of Nations in selecting a Mandatory will follow, as far as possible, the popular wish of the people concerned."

32. Though the acceptance of this request would greatly alter the situation in the Eastern Mediterranean as contemplated in the Sykes-Picot Arrangement, the French Government acquiesced, and on the 25th April, 1920, the Supreme Council at San Remo allotted the Mandate for Syria to France and the Mandates for Mesopotamia ('Iraq) and Palestine to Great Britain, who was to be responsible for giving effect to the Balfour Declaration.

33. The next step was the signature on the 10th August of the Treaty of Sèvres. It confirmed the *de facto* excision of the Turkish Provinces from the Turkish Empire; but as to their future government it differentiated between Syria and 'Iraq on the one hand and Palestine on the other. In Article 94 the two former territories were to be provisionally recognized " in accordance with the fourth paragraph of Article 22 " of the Covenant " as independent States subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone ". In Article 95 it was agreed " to entrust, by application of the provisions of Article 22, the administration of Palestine " to a Mandatory, who would be " responsible for putting into effect the declaration originally made on November 2, 1917, by the British

Government, and adopted by the other Allied Powers ", and there followed the full text of the Balfour Declaration. This Treaty was never ratified. It was superseded in July, 1923, by the Treaty of Lausanne, which omitted all reference to the Mandates.

34. Nearly two years elapsed after the signature of the Treaty of Sèvres before the draft of the Palestine Mandate was submitted to the Council of the League. This time the delay was largely due to the intervention of the United States Government. In a note of the 20th November, 1920, it claimed that the participation of the United States in the War entitled it to be consulted as to the terms of the Mandates. The British Government at once agreed. The draft of the Palestine Mandate, together with those of the other British Mandates, was submitted to the United States Government, and at its request certain minor alterations were made in it. The main point under discussion was economic. Whereas with regard to all other Mandates the United States Government insisted on the application of the principle of equal economic opportunity for all States Members of the League and the United States, it waived this claim with regard to Palestine in recognition of its " special situation " and the interests of the Jewish National Home. In thus showing its sympathy with Zionist aspirations the Government reflected the opinion of the Legislature. On the 30th June, 1922, the following joint resolution was adopted by Congress:—

> " Favoring the establishment in Palestine of a national home for the Jewish people.
>
> " *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected."

35. Agreement having been reached as to the terms of the Mandate, negotiations were opened for the conclusion of a treaty safeguarding American interests in Palestine for the future. The outcome was a " Convention between the United Kingdom and the United States of America respecting the Rights of the Governments of the two Countries and their respective Nationals in Palestine ", which was signed on the 3rd December, 1924, and ratified in due course*.

36. This Convention recites the whole text of the Palestine Mandate, including the preamble. Most of the eight articles of the Convention are concerned with the rights of American

* Cmd. 2559.

nationals, property and institutions in Palestine. Only three need be quoted here:—

Article 1.

"Subject to the provisions of the present convention the United States consents to the administration of Palestine by His Britannic Majesty, pursuant to the mandate recited above.

Article 2.

"The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

Article 7.

"Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate, as recited above, unless such modification shall have been assented to by the United States."

37. Meanwhile, on the 24th July, 1922, the draft Mandate for Palestine had been confirmed by the Council of the League. Between that event and the issue of the Balfour Declaration nearly five years had passed, and in that long interval one aspect of the question, somewhat neglected at the outset, had come to the front. The Balfour Declaration had recognized that the establishment of the Jewish National Home must not prejudice the rights of the existing population of Palestine; but little seems to have been known at that time about the size and character of that population. The Declaration spoke only of "existing non-Jewish communities in Palestine", a phrase which suggested that there were a number of groups, such as Moslem Arabs, Christian Arabs, Armenians and other lesser communities, which were more or less on the same footing. By 1922, however, it was clear that the paramount community in Palestine was the Arab community, over half a million in number and all Arab in speech and Arab in their national aspirations. It was clear also, as will be seen, that the leaders of this community were vehemently opposed to the Zionist policy and could incite the rank and file of their people to murderous attacks upon the Jews. In February, 1922, a delegation of Arab leaders informed the Colonial Office that "the people of Palestine" could not accept the Balfour Declaration or the Mandate and demanded their national independence.

38. In those circumstances the Secretary of State for the Colonies, Mr. Winston Churchill, published in June, 1922, a statement of "British Policy in Palestine"*. It included the following interpretation of the Balfour Declaration:—

"So far as the Jewish population of Palestine are concerned, it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears are unfounded, and that that Declaration, re-affirmed by the Conference of the Principal Allied Powers at San Remo and again in the Treaty of Sèvres, is not susceptible of change.

* Printed in Cmd. 1700 (pages 17-21), also in Cmd. 3530 (Appendix V).

"During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew Press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organizations, its own language, its own customs, its own life, has in fact 'national' characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not 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. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection.

"This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews."

39. This definition of the National Home has sometimes been taken to preclude the establishment of a Jewish State. But, though the phraseology was clearly intended to conciliate, as far as might be, Arab antagonism to the National Home, there is nothing in it to prohibit the ultimate establishment of a Jewish State, and Mr. Churchill himself has told us in evidence that no such prohibition was intended. This view was naturally shared by the Zionist Organisation, whose Executive, after examining the Statement of Policy, declared that "the activities of the Zionist Organisation will be conducted in conformity with the policy therein set forth". One reason why no public allusion to a State was made in 1922 was the same reason why no such allusion had been made in 1917. The National Home was still no more than an experiment. Some 16,000 Jews had entered Palestine in 1920 and 1921. The Arab population was about 600,000. It would be a very long time, it seemed, before the Jews could become a majority in the country. Indeed, as late as 1926, a leading Zionist stated that there was "still little prospect of the Arabs being overtaken in a numerical sense within a measurable period of time".* It was not till the great

* Mr. L. Stein, in *Survey of International Affairs, 1925*, (Oxford, 1927), Vol. I, p. 392, note 2.

rise in the volume of Jewish immigration in the last few years that the prospect of a Jewish State came within the horizon. In 1922 it lay far beyond it.

4. The Mandate.

40. We need only cite here the text of the Preamble of the Mandate and of those Articles which have a direct bearing on our inquiry. The text of the remaining Articles is given in Appendix I at the end of this Report.

Preamble.

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1.

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

Article 2.

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

Article 3.

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

Article 4.

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

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

Article 6.

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

Article 7.

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

Article 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

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

Article 11.

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

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

Article 13.

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

Article 15.

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

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

Article 16.

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

Article 18.

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

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 22.

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

Article 23.

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

Article 25.

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

Article 27.

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

Article 28.

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

41. On the 16th September, 1922, the Council of the League approved a memorandum submitted by the British Government which recited Article 25 of the Mandate, defined the limits of that part of Palestine which was known as Trans-Jordan, and invited the Council to agree that recitals 2 and 3 of the Preamble, Articles 4, 6, 13, 14, 22 and 23, the sentence in Article 2 referring to the Jewish National Home, the second sentence in Article 7, and all Article 11 except the first sentence were not applicable to Trans-Jordan. The memorandum further stated that His Majesty's Government accepted full responsibility as Mandatory for Trans-Jordan and that the provisions of the Mandate which were not inapplicable would be observed in its administration.

42. From a close study of these texts and from what we have read and heard in evidence the following main points emerge:—

(1) Recital 3 of the Preamble adds an important rider to the Balfour Declaration cited in recital 2. It declares that in adopting the policy of the Declaration the Principal Allied Powers gave recognition to " the historical connection of the Jewish People with Palestine and to the grounds for reconstituting their national home in that country ".

(2) The Mandate is of a different type from the Mandate for Syria and the Lebanon and the draft Mandate for 'Iraq. These latter, which were called for convenience " A " Mandates, accorded with the fourth paragraph of Article 22. Thus the Syrian Mandate provided that the government should be based on an organic law which should take into account the rights, interests and wishes of all the inhabitants, and that measures should be enacted " to facilitate the progressive development of Syria and the Lebanon as independent States ". The corresponding sentences of the draft Mandate for 'Iraq were the same. In compliance with them National Legislatures were established in due course on an elective basis. Article 1 of the Palestine Mandate, on the other hand, vests " full powers of legislation and of administration ", within the limits of the Mandate, in the Mandatory.

As to the claim, argued before us by Arab witnesses, that the Palestine Mandate violates Article 22 of the Covenant because it is not in accordance with paragraph 4 thereof, we would point out (*a*) that the provisional recognition of " certain communities formerly belonging to the Turkish Empire " as independent nations is permissive; the words are " *can* be provisionally recognised ", not " *will* " or " *shall* ": (*b*) that the penultimate paragraph of Article 22 prescribes that the degree of authority to be exercised by the Mandatory shall be defined, at need, by the Council of the League: (*c*) that the acceptance by the Allied Powers and the United States of the policy of the Balfour Declaration made it clear from the beginning that Palestine would have to be treated differently from Syria and 'Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sèvres and by the Council of the League in sanctioning the Mandate.

This particular question is of less practical importance than it might seem to be. For Article 2 of the Mandate requires " the development of self-governing institutions "; and, read in the light of the general intention of the Mandate System (of which something will be said presently), this requirement implies, in our judgment, the ultimate establishment of independence.

(3) The field in which the Jewish National Home was to be established was understood, at the time of the Balfour Declaration, to be the whole of historic Palestine, and the Zionists were seriously disappointed when Trans-Jordan was cut away from that field under Article 25. This was done, as has been seen, in obedience to the McMahon Pledge, which was antecedent to the Balfour Declaration.

(4) Of the specific obligations imposed on the Mandatory and the Administration, we regard four as of major importance:—

(i) the obligations under Articles 2 and 6 with reference to the Jewish National Home;

(ii) the obligation in the same articles to safeguard the rights of all the inhabitants of Palestine and in particular those of non-Jews;

(iii) the obligation in Articles 2 and 3 to develop self-governing institutions and encourage local autonomy;

(iv) the obligations undertaken with regard to the Holy Places in Article 13.

The fourth of these obligations applies to Jews and Arabs alike and to many other peoples of the world. The third applies equally to Jews and Arabs. But the first is an obligation towards the Jewish People only and the second an obligation mainly towards the Arabs. It was pointed out to us by Jewish witnesses that the first is a positive, the second a negative obligation, but they admitted, of course, that positive and negative obligations are equally binding. Unquestionably, however, the primary purpose of the Mandate, *as expressed in its preamble and its articles,* is to promote the establishment of the Jewish National Home.

(5) Articles 4, 6 and 11 provide for the recognition of a Jewish Agency " as a public body for the purpose of advising and co-operating with the Administration " on matters affecting Jewish interests. No such body is envisaged for dealing with Arab interests.

(6) While Article 7 provides for a Palestinian citizenship common to Arabs and Jews, Articles 15 and 22 recognize and tend to confirm the difference between Arab and Jewish nationality by prescribing that Arabic and Hebrew shall both be " official languages " and that each community shall be entitled " to maintain its own schools for the education of its own members in its own language."

(7) Article 28 contemplates the possible termination of the Mandate.

43. We have been dealing so far with those specific obligations which are defined in the text of the Mandate. But there are also general obligations attached to every Mandate. These are not always remembered in the present controversy, nor is the first recital of the Preamble so often quoted as those which are concerned with the Jewish National Home. The first recital declares that Palestine is entrusted to a Mandatory " for the purpose of giving effect to Article 22 of the Covenant ". The full text of Article 22 has been given on an earlier page and it is sufficient to repeat its opening paragraph:—

" To those colonies and territories, which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of

the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant."

44. The intention of this governing paragraph of Article 22 cannot be fully understood without a knowledge of how and for what purpose the Mandate System was invented.

45. While the British tradition of trusteeship for backward peoples had a good deal to do with it, the Mandate System was mainly the outcome of American ideas. From the moment that the United States entered the War President Wilson made it clear that in his view such territorial readjustments as might result from victory should be made on different principles from those which had been followed at the close of previous wars. There were to be " no annexations " against the wishes of the people concerned. The principle of " national self-determination" should be applied as far as possible. " Peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game."

46. It was in order to apply these principles to the disposition of the ex-German colonies and ex-Turkish provinces that the Mandate System was established. In earlier days the simple annexation of such " prizes of war " had been a matter of course. Now they were to be governed not as the " possessions " of this or that victorious Power, but as a " sacred trust of civilisation " under regulations laid down by the League of Nations and under its constant supervision.

47. As applied to Palestine the Mandate System meant that " the well-being and development " of its existing population were to be promoted. It also implied that in course of time this population would be enabled to stand by themselves. In 1919, when the Covenant was signed, the vast majority of the population was Arab. It was those half million Arabs, with a small minority of 65,000 Jews, who had been removed from Turkish rule and were now to be entrusted to Mandatory administration.

48. But Palestine was different from the other ex-Turkish provinces. It was, indeed, unique both as the Holy Land of three world-religions and as the old historic homeland of the Jews. The Arabs had lived in it for centuries, but they had long ceased to rule it, and in view of its peculiar character they could not now claim to possess it in the same way as they could claim possession of Syria or 'Iraq. Speaking in the House of Lords on the 27th June, 1923, Lord Milner declared himself " a strong supporter of pro-Arab policy." " I believe in the independence of the Arab countries. . . . . I look forward to an Arab Federation." But, he went on,

" Palestine can never be regarded as a country on the same footing as the other Arab countries. You cannot ignore all history and tradition in the matter. You cannot ignore the fact that this is the cradle of two of the great religions of the world. It is a sacred land to the Arabs, but it is also a sacred land to the Jew and the Christian; and the future of Palestine cannot possibly be left to be determined by the temporary impressions and feelings of the Arab majority in the country of the present day."

49. Therein lay the justification for combining the general obligations of the Mandate System with the specific obligations of the Palestine Mandate. The recognition of Jewish rights was thereby linked with the recognition of Arab rights. Jews were admitted to be in Palestine by right. The little Jewish minority was to be helped to grow by immigration. To facilitate the establishment of the Jewish National Home was a binding international obligation on the Mandatory. The Mandate also imposed specific obligations towards the Arabs. Their civil and religious rights and their position as affected by immigration and land-settlement were not to be prejudiced. But the acceptance of these specific and negative obligations towards the Arabs did not, of course, release the Mandatory from the general and positive obligations implicit in the first recital of the Preamble and in the first paragraph of Article 22 of the Covenant. If Arab claims in Palestine were subject to the rights of others, so were Jewish claims.

50. It is clear, then, that the policy of the Balfour Declaration was subjected to the operation of the Mandate System in 1919 in the belief that the obligations thereby undertaken towards the Arabs and the Jews respectively would not conflict. And this belief was still held when the draft Mandate was confirmed by the Council of the League in 1922. Already by then the Arab leaders had displayed their hostility to the Mandate and all it involved; but it was thought that this hostility would presently weaken and die away. Mr. Churchill spoke of his " Statement of Policy " as a basis on which he believed that a " spirit of co-operation " might be built up. And the ground of this belief in the compatibility of the obligations was no less clear. It was assumed that the establishment of the National Home would mean a great increase of prosperity for all Palestine. It was an essential part of the Zionist mission to revivify the country, to repair by Jewish labour, skill and capital the damage it had suffered from centuries of neglect. Arabs would benefit therefrom as well as Jews. They would find the country they had known so long as poor and backward rapidly acquiring the material blessings of Western civilization. On that account it was assumed that Arab fears and prejudices would gradually be overcome.

51. It must have been obvious from the outset that a very awkward situation would arise if that basic assumption should

prove false. It would evidently make the operation of the Mandate at every point more difficult, and it would greatly complicate the question of its termination. To foster Jewish immigration in the hope that it might ultimately lead to the creation of a Jewish majority and the establishment of a Jewish State with the consent or at least the acquiescence of the Arabs was one thing. It was quite another thing to contemplate, however remotely, the forcible conversion of Palestine into a Jewish State against the will of the Arabs. For that would clearly violate the spirit and intention of the Mandate System. It would mean that national self-determination had been withheld when the Arabs were a majority in Palestine and only conceded when the Jews were a majority. It would mean that the Arabs had been denied the opportunity of standing by themselves: that they had, in fact, after an interval of conflict, been bartered about from Turkish sovereignty to Jewish sovereignty. It is true that in the light of history Jewish rule over Palestine could not be regarded as foreign rule in the same sense as Turkish; but the international recognition of the right of the Jews to return to their old homeland did not involve the recognition of the right of the Jews to govern the Arabs in it against their will. The case stated by Lord Milner against an Arab control of Palestine applies equally to a Jewish control.

52. The essential points of this chapter may be summarized as follows:—

(1) The Arabs understood, before and after the outbreak of the Hedjaz Revolution in 1915, that, in the event of an Allied victory, Palestine would be included in the sphere of Arab independence.

(2) In 1917 the British Government promised to facilitate the establishment of a National Home for the Jewish People in Palestine provided that the civil and religious rights of the Arabs and other non-Jews were not prejudiced; and the Jews understood that, if the experiment succeeded, the National Home would develop in course of time into a Jewish State.

(3) The Mandate system was adopted as the vehicle for the execution of this policy. It involved certain general obligations, mainly towards the Arabs. The Mandate itself involved certain specific obligations, mainly towards the Jews.

(4) The association of the Balfour Declaration policy with the Mandate System implied the belief that Arab hostility to the former would sooner or later be overcome. If this belief should prove false it would be very difficult to operate or to terminate the Mandate.

CHAPTER III

PALESTINE FROM 1920 TO 1936

1.—1920 to 1925

1. It was deemed advisable that the British Mandate for Palestine and the French Mandate for Syria should be put into force at the same time. Since, therefore, the promulgation of the latter was delayed by Franco-Italian discussions, it was not till September 29, 1923, that the two Mandates came into operation. In Palestine, however, the main provisions of the Mandate had already been applied; and the history of its execution may be said to have begun when in the summer of 1920 a Civil Administration was established in place of the military regime. The first holder of the High Commissionership—a title intended, no doubt, to mark the mandatory character of the territory, though Governorships were instituted for the African Mandates—was Sir Herbert Samuel. The government he headed was a government of a simple "Crown Colony" type. There was a small Executive Council of officials, and an Advisory Council consisting (besides the High Commissioner) of ten officials and ten nominated non-officials, of whom four were Moslem Arabs, three Christian Arabs, and three Jews—a distribution which gave the minority communities more than their due representation, since of the population as estimated in 1922, 589,000 were Moslems, 83,000 Jews, and 71,000 Christians. The senior officials both in the central departments and in the districts were British, mostly ex-officers of the Army who had served under the military regime. From the first the junior posts were filled by Palestinians, Arab and Jew. The police were Palestinian with British officers, but a special British gendarmerie, numbering originally 762, were enlisted in 1922, mostly from Ireland. As to the judiciary, British judges were presidents of the two sections of the Court of Appeal, of each of the four Districts Courts, and of two Land Courts. The rest of the judges and magistrates were Palestinians. Cases of religious law and personal status were determined by Moslem and Jewish tribunals.

2. Though the specific and positive obligations of the Palestine Mandate were mainly concerned with the establishment of the National Home, the first principle of mandatory government is to promote, as we have explained in the preceding chapter, "the well-being and development" of the people of the mandated territory as a whole. And for the well-being and development of the Arabs, who constituted the overwhelming majority of the Palestinian people, there was much that needed doing.

3. In 1920 the structure of Arab society in Palestine was still quasi-feudal. At the top of it was a small aristocracy of land-owners, who had been admitted long before the War to the *effendi* or governing class of the Turkish Empire. Many of them were wealthy and most of them well-educated men, who from college-life at Beirut or elsewhere or from travel had acquired the outward forms of European culture. The cohesion of this ruling class was somewhat impaired by traditional rivalry between its leading families, of which the two foremost at this time were the Husseini and the Nashashibi. Next in the social scale came a middle-class of professional and business men in the towns—there were a few small industries, notably soap-making at Nablus—and of the more prosperous owner-cultivators in the plains. But this class was small; and the great majority of the Arab population were peasantry or *fellaheen,* some of them owners of their little plots of land, but mostly tenants or cultivators on the estates of the *effendi,* who in many cases were " absentee landlords ". At the lowest level were the Bedouin, nomads from the desert, still largely pastoral, but also engaged in primitive agriculture. Their number was estimated, probably too highly, in 1922 as a trifle over 100,000.

4. The outstanding characteristic of the peasant class was its poverty. For this there were several reasons—the poorness of the soil, especially in the stony hills where most of their villages were situated, and the lack of water; the heavy load of debt which robbed them of most of their earnings and deprived them of the capital required for the better irrigation of their land or the improvement of its crops; the lack of knowledge of intensive methods of cultivation; the cramping effect of the antiquated land-system and the general insecurity of tenure; the limited markets for country produce and the badness of the means of access to towns. The birth-rate, however, was high, and, despite primitive sanitation and a wholly inadequate system of public health, the peasant population was steadily increasing. As a result, moreover, of the ending of Turkish rule, those younger males in every family who had formerly been drafted out to compulsory service in the army, usually never to return, were now available for work at home. Emigration overseas, too, had been checked by the post-war restrictions on immigration. In every village, therefore, the amount of labour available was greater than it had been before the War; but this could not in itself do much to raise the standard of life. It might, indeed, depress it unless the other factors needed for development were forthcoming.

5. Considering the limited resources available, the progress made between 1920 and 1925 in dealing with this complicated problem was substantial. Part of the country was surveyed and mapped as a preliminary to land-settlement. Including money

advanced before 1920, a sum of over half a million pounds was lent, mostly in small amounts, to cultivators. Expert advice was provided for the improvement and protection of crops. Nearly 200 primary schools were established in the country districts. By drainage and other measures malaria, which in 1920 was rife not only in low-lying rural areas but even in the towns, was eliminated from all the larger towns except Haifa and from wide stretches of the plains. A similar campaign was launched against eye-disease. New hospitals were built, child-welfare centres and clinics opened, training for nurses and midwives provided. Jerusalem obtained a proper water-supply. Hundreds of miles of road were laid, facilitating omnibus services and a great increase in other motor traffic. The railway system was re-organized and renovated. In all these and in other ways a vigorous beginning had been made by 1925 in providing backward Palestine with the material equipment of a modern state.

6. Much of the work summarized above was done by other agencies than Government. Christian missions and other European philanthropic bodies, some of which had been established in Palestine long before the War, took, as they still take, an important part in the provision of social services, especially in health and education. There were some social services, moreover, and in particular education, which the Jews from the outset desired to provide for themselves in their own way and, if need be, at their own cost. And for such expenditure the Zionist Organisation and other bodies could command large sums of money. In the result, much of the work mentioned above was done by the Jewish immigrants themselves, partly by their own efforts, partly with Jewish help from Europe and America. The work of the Hadassah Medical Organisation, a strong and efficient body established by American Zionists, deserves particular mention: and, like the draining of swamps by Jewish colonists, it benefited Arab as well as Jew.

7. It should be frankly recognized that, while the social activities of Government were directly or indirectly beneficial to the country as a whole, they were more to the advantage of the Arabs than the Jews. This was reasonable enough, apart from the fact that the Arabs constituted the overwhelming majority of the population. There could be little prospect of that *rapprochement* and co-operation between the races on which the ultimate success of the whole experiment depended, unless every effort were made in every walk of life to close the gap between them. But even under the most favourable conditions, even if the financial resources available had been far greater than they were, the closing of the gap, the lifting of Arab standards of knowledge, skill and enterprise towards the

Jewish level, could only be a very slow business; and, if in 1925 a new era of progress had evidently begun, the Arabs were still living in the atmosphere of the past, still separated, almost, it might seem, by centuries, from the educated, resourceful, Western-minded section of the Jews now entering the country in increasing numbers.

8. To " facilitate " this inflow " under suitable conditions " was one of the specific duties imposed by the Mandate. Stimulated by the Balfour Declaration, the tide of Jewish immigrants was now gathering momentum from the restoration of peace and order; and the Government's first duty was what Sir Herbert Samuel rightly called " the invidious task " of preventing this tide from swamping Palestine. A special department was established to deal with immigration and an Ordinance was passed to regulate it.* The result was that the Jewish population, which was reckoned at about 55,000 in 1918, had risen by March, 1925, to 108,000. This increase meant more than a difference in numbers: it meant a difference in character. There was more variety now not only in the provenance of the immigrants but in their type and outlook. To quote from Sir Herbert Samuel's review of his five year's administration:

> " There are rabbis and laymen to whom the ancient religion is alone of importance, and in whose lives the study of the Law and ritual requirements are the chief concern. . . . There are eager young workers, essentially modern, who have rejected the letter, though they often retain the spirit, of the religion; intellectual, they are nevertheless keen to engage in manual work in the upbuilding of the country; they may be inspired by the past, but they live actively in the present, and are moving consciously towards a planned future. Between these types there is every gradation and combination of creed and outlook.
>
> " There are in Palestine Oriental Jews from Bokhara and Persia and 'Iraq, and there are University men and women from New York and Chicago. There are Jews from the Yemen . . . good craftsmen in silver and ivory or good labourers on the farms; and there are agricultural experts from the colleges of France, engineers from Germany, bankers from Holland, manufacturers and merchants from Poland and Russia. There are students and writers, doctors and lawyers, architects and musicians, organisers and social workers, from Eastern Europe and Western, from Asia and America. . . .
>
> " Taking a general view, it may be said that at least one-half of the present Jewish population come from Eastern Europe; that those who are strictly orthodox in religion are a minority, those who are wholly irreligous are also a minority, and the mass lie between; that the majority are politically inclined, and progressive in their views; that communists are few, and those who may be regarded as revolutionary or ' Bolshevist ' are a group negligible in numbers; and that three-fourths of this population live at present in the towns and one-fourth in the agricultural colonies."

Thus already the unique character of Jewish colonization in Palestine was plain. The colonies of the New World were

* For details of the immigration system see Chapter X. below.

mostly founded by settlers of a single nation, drawn mainly from the working or lower middle class and not of very varied occupations. The Jewish immigrants came from a variety of different countries, and represented all classes and activities. Their settlement resembled that colonization by a complete society in miniature—a slice through all its strata—which the Colonial Reformers in England in the early nineteenth century dreamed of but never realized. It was unique, too, in the preparations made for it. Not only had most of the immigrants been carefully selected by the Zionist Organisation, but a number of them had undergone a three-years' course of training, mostly for agriculture but also for industry and handicrafts, in twenty centres established in various European countries. All those trained men and women were young and belonged for the most part to the organization called the *Halutzim* or Pioneers.

9. An elaborate Jewish machinery for financing and controlling this colonization was already in operation. A Jewish Agency, known at this time as the Zionist Executive, representing the Zionist Movement throughout the world, had been established in accordance with the Mandate, and was cooperating with the Administration, especially in the work of settlement. Another body, distinct from the Zionists, the Palestine Jewish Colonization Association (Pica), successor of Baron Edmond de Rothschild's society, had also been engaged for some time past in land-purchase and settlement. The Anglo-Jewish Association and the Alliance Israélite Universelle were continuing their pre-war work, especially in agricultural training; and several other societies had been founded or were about to be founded, especially in the United States, to assist in the building of the National Home.

10. The land required for the colonists had been purchased partly by the Jewish National Fund, or *Keren Kayemeth*, maintained by the voluntary contributions of Jews all over the world, and partly by the " Pica ". Another fund, the Foundation Fund or *Keren Hayesod*, had been created to finance the cost of settlement. Altogether roughly £6,000,000 had already been spent on the National Home since the War. 944,000 dunums* of land had been purchased and about 100 villages had been established, containing some 25,000 settlers. Some of the colonies were in the hills of Galilee, but the great majority were in the Maritime Plain and the Plain of Esdraelon. The conversion of the latter from a swampy and thinly-peopled area into healthy and highly cultivated farm-land, at the cost of much suffering and mortality from malaria, had been a particularly notable achievement from the Jewish point of view.

* A dunum is roughly one-quarter of an acre.

11. From the first, too, the social organization of the colonies was as varied as it is to-day. There were orange-plantations in private ownership; there were settlements of individual farmers or small-holders; there were co-operative settlements, some working the land on an individual basis, others working it in common; and there were a few communal settlements, where no wages were paid but work was distributed and needs supplied on the collective principle.

12. In some rural districts the pre-war Jewish villages were growing into little country-towns. The area of Petah Tiqva had grown from 700 to 5,000 acres, and its population from 125 to 4,000. Rehovot in 1890 was a village of less than 300 inhabitants: in 1925 they numbered over 1,400.

13. For the urban population new suburbs had sprung up at Jerusalem and Haifa; and Tel Aviv, on the northern outskirts of Jaffa, which in 1914 consisted of less than 200 houses with 2,000 inhabitants, was now a sea-side town of over 2,000 houses and 30,000 people—" the only town in the world which is wholly Jewish ". To maintain these town-dwellers new industries had been established—four big-scale factories for cement, bricks, flour, and oil and soap, involving between them a capital expenditure of over £500,000, and more than 100 smaller businesses. To assist these industrial developments a company headed by Mr. Rutenberg, a Russian-Jewish electrical engineer, had constructed an electric power station run by oil at Tel Aviv, while another company under the same leadership had begun the work of harnessing the waters of the Jordan and the Yarmuk, at a point some five miles south of Lake Tiberias—an enterprise intended to supply the greater part of Palestine with power at the cost of about £1,000,000.

14. Already, again, the immigrant community had developed an elaborate social and political organization. Most of the industrial workers were enrolled in various branches of the General Federation of Jewish Labour or *Histadruth,* which not only provided social services on a co-operative basis but also tendered for contracts for building and other work. On the political side, a General Assembly had been established of 314 members, elected by the votes of all adult Jews of both sexes and divided into numerous party groups; and a National Executive Council, or *Va'ad Leumi,* chosen by the Assembly, constituted, so to speak, the responsible government of the National Home. Locally, Tel Aviv had its elected Town Council, and every small town and every village of any size had its elected Committee. The religious affairs of the whole community were dealt with by a Rabbinical Council. By regulations made in 1927 under the Religious Communities (Organisation) Ordinance all those bodies were recognized and regulated. Thenceforward the *Va'ad Leumi* and the Committees were entitled by law to

levy taxation by annual budgets and to maintain social services, of which the most important were public health and education. The regulations provided, of course, for the control of those bodies by the Government of Palestine, especially with regard to finance; but, none the less, it would be difficult to find in history a precedent for the establishment of so distinct an *imperium in imperio*.

15. In its culture, lastly, this little society of 100,000 Jews already reflected the post-War life of the Western world. A creative spirit was apparent in local art and literature. Bialik, the greatest Hebrew poet of modern times, was soon to spend the last years of his life at Tel Aviv. A former conductor of Grand Opera in Petrograd and Moscow had trained an orchestra which played to crowded audiences. The only cultural difference, in fact, between this young community and its elders in Europe or America was a difference of intensity. In the first place, owing to the system of immigration, a quite unusual proportion of the community were young and highly-educated. Secondly, the great majority of them were almost passionately conscious of a national mission. They were the builders or re-builders of the National Home. How intense the spirit of nationalism can be has been manifest, not always with happy results, in many quarters of the world in recent times; but nowhere was it in those early days of colonization, and nowhere is it now, more intense than among the Jews in Palestine. The most striking feature of it was and is the revival of the Hebrew language. This, as has been seen, had always been one of the cardinal points of Zionism, and from the time of the Balfour Declaration onwards it had been regarded as essential for this purpose first that Hebrew should be recognized as an " official language " in Palestine and, secondly, that the education of the colonists should be in Jewish hands. Thus already by 1925 a complete framework of Jewish education had been erected—primary schools, secondary schools and technical schools—and in the spring of that year the structure had been crowned by the opening by Lord Balfour of the Hebrew University at Jerusalem. In the primary schools Hebrew was intensively taught and at all the higher stages the language of instruction was Hebrew. As the result a language which a generation earlier had only been spoken for ritual recitation was now the living everyday language of all the younger, if not yet quite all the older, of the Jews in Palestine. All the Jewish newspapers were printed in Hebrew, and a growing body of Hebrew literature was soon to issue from the local presses.

16. To sum up, it may be said that already in 1925 the National Home had developed all the main features which distinguish it to-day. But, despite the results it had already achieved

and the enthusiasm of its pioneers, it was still generally regarded as an experiment which might or might not in the end succeed—and not by gentile critics only. So far the funds needed for land-purchase and settlement and for essential social services had been mainly subcribed in small amounts by the poorer class of Jews throughout the world. Much of the expenditure had been uneconomic. For some of the capital provided no return could be expected; for the rest only a small and possibly long-delayed return. The financing of the National Home, in fact, had been in the nature of donations to a missionary enterprise. But, if it was to realize its promoters' dreams within measurable time, it would need a more normal economic basis; it would need to be regarded as a " sound proposition " and attract investment in the usual way of business.

17. The Jewish National Home is only one side of the picture, and in the course of 1925 the other side of it was illuminated by a significant incident. For the Jews the coming of Lord Balfour to Palestine and his opening of the Hebrew University were the happiest of omens. To the Arabs they were anathema, and they celebrated Lord Balfour's visit by maintaining an effective "general strike ". In fact the Arab opposition to the policy implicit in the National Home had lost nothing of its force. In the early years, indeed, it had been marked by the first two of those violent outbreaks which were to recur at intervals up to 1936. Despite the presence of a substantial number of British troops in the country, a serious outbreak of rioting and looting occurred in April, 1920, in Jerusalem. Savage attacks were made by Arabs on Jews, and firm action of the troops was required to restore order. Five Jews were killed and no less than 211 wounded, including several women and children. Of the Arabs, four were killed and twenty-one wounded. It appeared on investigation that the causes of the trouble had been (1) the Arabs' disappointment at the non-fulfilment of the promises of independence which they believed to have been given them in the War: (2) the Arabs' belief that the Balfour Declaration implied a denial of the right of self-determination, and their fear that the establishment of the National Home would mean a great increase of Jewish immigration and would lead to their economic and political subjection to the Jews: (3) the aggravation of those sentiments on the one hand by propaganda from outside Palestine associated with the proclamation of the Emir Feisal as King of a re-united Syria and with the growth of Pan-Arab and Pan-Moslem ideas and on the other hand by the activities of the Zionist Commission, supported by the resources and influence of Jews in the world at large. It was pointed out that Jewish immigration before the War had not unduly alarmed the Arabs and that there were some among them who recognized the economic

value to the country of a reasonable number of Jewish residents. But, as an influential Arab remarked at the time, " Who that wants salt empties the whole cellar into his plate? "

18. A year later, in May, 1921, there was another alarming outbreak. Excited by disturbances arising from an internal Jewish quarrel between the Bolshevik group and the orthodox Labour Party, the Arabs of Jaffa made a murderous attack on the Jewish inhabitants of the town; and on subsequent days destructive Arab raids were made on five of the Jewish rural colonies. In the course of the trouble 47 Jews were killed and 146 wounded, mostly by Arabs. Of the Arabs, 48 were killed and 73 wounded, mostly by the police and military in suppressing the disorders. The report of the inquiry into these events conducted by Sir Thomas Haycraft, Chief Justice of Palestine, and two officials, revealed to the public for the first time the strength of the Arab antagonism to the National Home and the reasons for it. " The fundamental cause of the Jaffa riots and the subsequent acts of violence ", wrote the Commissioners, " was a feeling among the Arabs of discontent with, and hostility to, the Jews, due to political and economic causes, and connected with Jewish immigration, and with their conception of Zionist policy as derived from Jewish exponents ". In reply to the Jewish arguments that Arab antagonism was directed more against British rule than against Zionism and had been artificially stimulated among the uneducated mass of the Arab population by *effendi,* discontented with the loss of the profitable privileges they had enjoyed under the Turkish regime, the Commissioners declared that " the feeling against the Jews was too genuine, too widespread, and too intense to be accounted for in the above superficial manner ". The root of the trouble, they maintained, was the Arab fear of a steady increase of Jewish immigration, which would ultimately tend to their political and economic subjection. The Arabs were aware that this prospect was definitely envisaged not only by Zionists of the " extremist " kind, like Mr. Jabotinsky, but by more responsible representatives of Zionism, such as Dr. Eder, the acting chairman of the Zionist Commission: and in pursuit of it the Zionists, through their Commission and otherwise, exerted, so the Arabs believed, an undue influence over the Administration. Jewish immigration, moreover, was regarded by the Arabs as a cause of Arab unemployment. " The object of the modern Jewish pioneer in Palestine ", it was said in a volume issued by the promoters of the Jewish Foundation Fund, " is to prepare room and work for the thousands and millions that wait outside ". Finally, the Arabs had observed with dislike and disquiet the attitude and behaviour of many among the younger immigrants. It was natural enough that young Jews, escaped from the miseries and dangers of Eastern

Europe, tasting freedom for the first time, feeling " at home " at last in a land they claimed as theirs by right, should give rein to their high spirits, and freely reflect in dress and behaviour the unconventional standards of the younger post-war generation in other parts of the world; but it was no less natural that such conduct should be regarded with distaste, if not opprobrium, by Arabs trained in the stricter school of Islam. They detected, too, in some of those young newcomers an arrogance which seemed to suggest that they felt themselves to be members of a superior race, destined before long to be masters of the country.

19. Certain other features of the troubles of 1921 should be noted. In the first place, the Moslem and Christian Arabs, whose relations had always been uneasy and at times unfriendly, were united in their hostility to the Jews. Secondly, in the areas of disturbance, that hostility had not been limited to a particular class: it had been shared by the Arab community as a whole. Thirdly, the manner in which the wildest anti-Jewish rumours had spread and the intense excitement they had aroused showed how inflammable was the temper of the Arab countryside, how easily a feeling of discontent or dislike could be raised to the pitch of unreasoning fear and murderous hate. It was clear, lastly, that the gulf so suddenly and sharply revealed between the two races was no accidental or temporary phenomenon. " It is all very well to say ", the Haycraft Commission reported, " that there has been peace for a generation between Arab and Jews. It was the sort of peace that exists between two bodies of men who have little or nothing to do with one another ".

20. It was manifest that the continuance, still more the aggravation, of Arab antagonism to the National Home would undermine the moral basis of the whole policy embodied in the Balfour Declaration and the Mandate, and Sir Herbert Samuel addressed himself energetically to the task of conciliation. One of his first steps was to accord to the Moslem community the same sort of official recognition as that accorded to the Jews. In March, 1921, he issued an Order establishing an elected committee to supervise the administration of the *Awqaf*, or Moslem religious endowments, and the appointment of the judges of the *Shari'a*, or Moslem religious, Courts. The terms of this Order were severely criticized by the leading Arabs, and in December, 1921, a new Order was issued creating a Supreme Moslem Council in whose constitution the Government was to have no voice and over whose administration of the *Awqaf* the Government would have no control. It must have been evident from the outset that the position of the President of this Council, if he were supported by a majority of his colleagues, would be one of considerable power and

prestige. He would have the *Awqaf* funds at his command, and these were to grow till in 1936 they amounted to no less than £67,000 a year. And he would enjoy the right of appointing and dismissing the judges and other officers of the *Shari'a* Courts, whose annual emoluments amount to a total of over £15,000. In 1921 Haj Amin Eff. el Husseini, a whole-hearted Arab nationalist, who had been appointed Mufti of Jerusalem, was also elected President of the Supreme Moslem Council. He has continued to hold both offices ever since.*

21. There were other proofs of the Government's desire to conciliate Arab opinion. The ill-fated proposal made in 1922 to establish a Legislative Council was meant primarily to please the Arab politicians. For the Arab agriculturists substantial relief was accorded by the reduction of the tithe, which was the tax they chiefly felt, from 12½ per cent. to 10 per cent.: and one case of disputed land-ownership, the Beisan case, in which Arab public opinion was deeply interested, was settled on terms very favourable to the Arab cultivators.† The rapid development of social services moreover, though dictated by the general duty of the Government towards the whole population of the country and not specifically by the need of conciliating the Arabs, was bound, it was felt, to have a conciliatory effect. New roads, new hospitals and health-services, new schools, a new regime of equal law and justice—these were the fruits of British administration; and although the Jewish immigrants only paid as yet a fraction of the taxes which financed it, this fraction was already out of proportion to their numbers. And, finally, these influences for peace and harmony in Palestine had been strengthened by the attitude adopted by the Government in England. It was hoped that the " Statement of Policy " of 1922, while firmly re-asserting the Government's adherence to the Balfour Declaration, had robbed it of much of its sting by the moderate definition it contained of the National Home.

22. In the light of all these favouring factors, Sir Herbert Samuel, at the completion of his five years of office, reported a marked improvement in the Arab attitude. The extravagant fears of 1921 had not been realized. Trust in the honest intentions of the British Government had been strengthened. The attitude of the Arab Executive, it is true, was still uncompromising, but its influence was apparently declining. A new and more moderate party, the National Party, had been formed by the Nashashibi faction. An increasing number of thoughtful Arabs, particularly those whose economic interests were not in conflict with the economic interests of the Jews, were beginning, he

*See pages 177–180 below.
† See Section 4(c) of Chapter IX.

believed, to think that Jewish immigration might after all promote the welfare of Arab as well as Jew.

23. Deeds are more significant than words, and the best evidence of the hopes entertained twelve years ago was the marked reduction in the forces available for the maintenance of law and order. The garrison, in Palestine and Trans-Jordan, which in 1921 had consisted of three infantry battalions, and three cavalry regiments with artillery and attached troops, had been reduced by the end of 1926 to a single squadron of the Royal Air Force and two companies of armoured cars; the British gendarmerie had been disbanded and the British as well as the Palestinian element in the police diminished; and ten of the twenty-nine British district officers serving in 1920 had been replaced by Palestinians, Arab and Jew.

2. The Situation in 1925.

24. It is easy to be wise after the event, and we do not mean to suggest that there was no foundation for the cautious optimism prevalent in 1925. But it is quite clear to us now, with our knowledge of what has happened since, that, whatever temporary improvements in the situation may have been effected, the root of the problem remained untouched. The dominant force in the mind of educated Arabs was the spirit of Arab nationalism. It had been intensified, as has been seen, by the events of the War, and it had not in any degree been weakened by anything that had happened after it. The clearest demonstration of this was the definite, logical and unwavering attitude of the Arab Executive to the proposal to establish a Legislative Council. The first communication addressed to the Secretary of State for the Colonies (Mr. Churchill) by the delegation which the Executive sent to London at the beginning of 1922 opened with the following statement:—

> " Whilst the position in Palestine is, as it stands to-day, with the British Government holding authority by an occupying force, and using that authority to impose upon the people against their wishes a great immigration of alien Jews, many of them of a Bolshevik revolutionary type, no constitution which would fall short of giving the People of Palestine full control of their own affairs could be acceptable.
>
> " If the British Government would revise their present policy in Palestine, end the Zionist *con-dominium,* put a stop to all alien immigration and grant the People of Palestine—who by Right and Experience are the best judges of what is good and bad for their country—Executive and Legislative powers, the terms of a constitution could be discussed in a different atmosphere. If to-day the People of Palestine assented to any constitution which fell short of giving them full control of their own affairs they would be in the position of agreeing to an instrument of Government which might, and probably would, be used to smother their national life under a flood of alien immigration."

In the course of the subsequent discussions it appeared that this was in fact a claim for immediate and complete national self-government, and that it was based on two main legal or quasi-legal contentions. First, it was asserted that Palestine was included in the body of Arab States which had been promised independence by the McMahon Agreement.* Secondly, it was maintained that Palestine was one of the " communities formerly belonging to the Turkish Empire " mentioned in Article 22 of the Covenant of the League of Nations, whose " existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone "—a status obviously quite different from that which Palestine then possessed. Mr. Churchill's reply to the first of these contentions was that in the view of His Majesty's Government " Palestine west of the Jordan was excluded from Sir H. McMahon's pledge ". As to the second contention, " There is no question ", he said, " of treating the people of Palestine as less advanced than their neighbours in 'Iraq and Syria . . . [but] it is quite clear that the creation at this stage of a national Government would preclude the fulfilment of the pledge made by the British Government to the Jewish people ". In view of the open opposition of the Arab leaders to Jewish immigration, nobody could question the truth of this last statement, nor could anyone fail to draw from it the obvious inference. The Arab delegates promptly grasped it and underlined it. " The above statement ", they wrote " constitutes the strongest proof that the Jewish National Home is the cause of depriving us of our natural right of establishing an independent government the same as Mesopotamia and the Hedjaz ". And again, " We can find no reason for this delay [in conceding national independence] but in the eagerness of the Government to allow time to elapse during which Jews will have increased in numbers and the powers of Zionism become more established in the land."

25. We believe that the British Government and Parliament have always maintained the moral assumption on which, as explained above, the Mandate was based, namely, that in course of time Arabs and Jews could and would sink their differences in a common Palestinian citizenship. It was for the achievement of that concord, not merely for the further growth in size and strength of the National Home, that they insisted on delay. In other words a national self-government could not be established in Palestine as long as it would be used to frustrate the purpose of the Balfour Declaration. Even so, the crux was plain enough to Arab eyes. It was the Balfour Declaration and its

* See pages 19 to 20 above.

embodiment in the draft Mandate and nothing else which seemingly prevented their attaining a similar measure of independence to that which other Arab communities already enjoyed. And their reaction to this crux was logical. They repudiated the Balfour Declaration. They protested against its implementation in the draft Mandate. " The people of Palestine ", they said, " cannot accept the creation of a National Home for the Jewish people in Palestine". And they refused to co-operate in any form of government other than a national government responsible to the Palestinian people.

26. The British Government were not deterred by the intransigence of the Arab Executive from pursuing the policy they had framed. The main positive proposal of Mr. Churchill's Statement of Policy was the establishment of a Legislative Council to consist of Moslem Arabs, Christian Arabs, and Jews and officials, with the High Commissioner presiding; and elections for it were held in due course in 1923. But the great majority of the Arabs refused to vote, whereupon the proceedings were nullified by Order in Council, and an attempt was made to reconstitute the Advisory Council by nominating unofficial members on the same representative basis as that of the proposed Legislative Council. The High Commissioner invited ten moderate-minded Arabs to become members, eight Moslems and two Christians. All the invitations were accepted, but under pressure from the Arab Executive seven were withdrawn. The nomination of unofficial members was accordingly abandoned: and the Advisory Council remained, and has to this day remained, a council of officials only.

27. In the course of 1923 the difficulty of securing Arab co-operation was made still clearer. Impressed by the emphasis laid by the Arab delegation in the previous year on the powers possessed by the Zionist Executive in Palestine, the Duke of Devonshire, who had succeeded Mr. Churchill at the Colonial Office, proposed that an Arab Agency should be established, " which will occupy a position exactly analogous to that accorded to the Jewish Agency under Article 4 of the Mandate ". The High Commissioner was to nominate the members of the Agency " in consultation with the local leaders ". This proposal, it was pointed out, was " a great concession to Arab sentiment ", and it would not be pursued if it were not certain to be " loyally implemented by the Arabs themselves ". The offer was explained by the High Commissioner to a gathering of 26 Arab leaders. Although several of them belonged to the moderate school, and although such conciliatory force as the " Churchill Statement of Policy " contained had by now had time to take effect, " the meeting was unanimous in declining to accept the offer of an Arab Agency which would not satisfy the aspirations of the Arab people ".

28. In a telegram of the 9th November, 1923, the Duke of Devonshire enumerated the three proposals made "with a view to closer association of Arab community with administration of Palestine ", the Legislative Council, the enlarged Advisory Council, and the Arab Agency. " Towards all these proposals Arabs have adopted same attitude, viz., refusal to co-operate. His Majesty's Government have been reluctantly driven to conclusion that further efforts on similar lines would be useless and they have accordingly decided not to repeat the attempt." As regards constitutional development the deadlock was complete.

29. Two years later the position was the same. The only hope of progress lay in the emergence of a moderate Arab party. But the history of nationalist movements in all parts of the world goes to show that in a struggle for national independence it is always easier for the extremist than for the moderate to secure the allegiance of his people. And the reason is plain. The mainspring of nationalism in revolt is the desire of a people not merely for freedom but for that equal status with other self-governing peoples which freedom implies. And, if freedom can be, equality cannot be, a matter of degree. Every time, therefore, that a moderate nationalist appeals to his people to accept something less than national independence, he is invariably outbidden by the extremist who demands it in full.

30. In Palestine, moreover, the prospects of a moderate nationalism, ready to acquiesce in a more or less indefinite postponement of independence, were prejudiced from the outset by the fact that the problem of Palestine was not a problem that concerned Palestine alone. We do not refer to its unique religious standing in the world, to the feeling in the hearts of countless men and women outside its borders for a land that is sacred to three faiths. We believe that this aspect of the problem has always been and still is susceptible of treatment by general consent. The religious significance of the country, it is true, is closely associated with both Arab and Jewish nationalism, and it can be perverted by reckless extremists to excite the less cool-headed adherents of both. But it need not be, and except on one unhappy occasion* it has not been up to the present, a dominant factor in the exacerbation of the problem. What we mean when we say that the problem extends beyond Palestine is that it involves not only the Arabs and the Jews in the country, but also the Arabs and the Jews outside it. The situation in Palestine, therefore, has never been stable. On the one hand, the Zionist movement, supported as time passed by a growing body of World Jewry, was unceasingly and insistently pressing

* See page 67 below.

to get more and more Jews into the country: so that moderate Arab nationalists were not confronted merely with a certain number of Jews in Palestine at a certain time. They were bound to look abroad and ahead and to contemplate, however reassuring the 1922 Statement of Policy might seem to be, at best a steadily continued, at worst a largely increased, inflow of Jews, which would drastically alter the existing balance between the races; and they were bound, therefore, to find it difficult to disagree, and to persuade their fellow Arabs to disagree, with the extremists who said that Jewish immigration must be stopped and that it could only be stopped by the attainment of independence. On the other side Arab nationalism was exposed to the pressure of events in all the neighbouring countries. North and east and south-east lay Syria, Trans-Jordan, 'Iraq, the Wahabi Kingdom and the Kingdom of the Hedjaz, all Arab lands; and south-west lay Egypt, largely Arab in blood, mainly Moslem in faith. With all these peoples the Arabs of Palestine were in constant touch. Travel by air had not become the commonplace it is to-day; but 'Iraq was already linked with Syria by a motor-service across the desert. And with Syria Palestine was intimately connected. Until the post-war settlement they had belonged for centuries to a single territorial entity. Many of the leading Arabs in the two countries belonged to the same families. Commercial and professional intercourse was close and frequent. Important happenings in Syria, therefore, instantly affected Palestine, and *vice versa;* and there was a similar, if not always quite so strong, reciprocal reaction of events throughout the Arab world and in Egypt.

31. Nowhere, as it happened, was the spirit of nationalism more acute after the War than in this area of the Near and Middle East. In all of its constituent territories, except Trans-Jordan, there were serious disturbances, and in all of them, except Palestine, there was a marked advance towards self-government. Trouble came first in Egypt, which had become a British Protectorate at the end of 1914. With this regime post-war Egyptian patriots were far from satisfied, and in 1919 the organization of the nationalist movement under Zaghlul Pasha, aiming at complete and immediate independence, led to widespread rioting and bloodshed. In 1920 the Milner Mission recommended recognition of Egypt as a sovereign independent State under certain conditions, and in 1922 this recognition was accorded by a unilateral declaration by the British Government. The Protectorate was abolished and Egypt declared an independent sovereign State, subject to the reservation of four points to the absolute discretion of the British Government pending agreement in regard thereto. These were the security of the communications of the British Empire, the defence of Egypt against foreign aggression or interference,

the protection of British interests and of Minorities, and the Sudan. The declaration was never accepted by the nationalists. A long series of political outrages followed, culminating in the murder of Sir Lee Stack in 1924. Severe measures were taken by the British Government: " terrorism " was crushed or driven underground: but in 1925, though Zaghlul was no longer in office, the nationalists could still count on the support of the great majority of the Egyptian people.

32. The situation in Syria was even more disturbed. From the first, it will be remembered, the Syrians had rejected the idea of Mandatory government and demanded national independence; and it was only after some fighting that the French were able in 1920 to occupy Damascus and compel King Feisal to leave the country. During the next four years the French Mandatory administration was organized on a basis of territorial division, under which four " states " were ultimately constituted—a large inland " Syria "; two small sea-board " states ", Lebanon (where the tradition of French friendship was oldest and strongest) and an Alouite " state " north of Lebanon; and a separate enclave in the hill-country for the Druses. In each of these units elected Representative Councils had been established by 1925; the administration was in the hands of Arab ministers; and the powers of the French officials were nominally limited to supervision and advice. Despite this substantial measure of self-government a dangerous insurrection, started by the Druses, broke out in the summer of 1925. It was marked at the outset by the defeat of a French column with 800 casualties and the siege of several isolated garrisons. The most startling incident of the protracted fighting which ensued was the French bombardment of Damascus in October. By the end of 1925, though the situation had been improved by M. de Jouvenel's attempts to revert to " constitutional " methods, the trouble was not ended and guerilla warfare still continued. It was clear not only to France but to the Arab world that the task of maintaining the Mandate in the teeth of Syrian nationalism was difficult and costly.

33. The sympathy of the Palestinian Arabs with their kinsmen in Syria had been plainly shown throughout this period. Both peoples clung to the principle that Palestine was part of Syria and should never have been cut off from it. Feisal was proclaimed King by a Syrian Congress which included Palestinians. Another Syro-Palestinian Congress was founded at Geneva in 1921. In 1925 an effective " general strike " was organized in Palestine in sympathy with the Arab revolt in Syria, and another in the following year to protest against M. de Jouvenel's official visit to Jerusalem. And in 1925, when Lord Balfour proceeded from Jerusalem to Damascus, his arrival precipitated such serious rioting that French troops had to be called in and his own life was for a time in danger.

34. If the sentiment of the Palestinian Arabs was most clearly engaged in developments in Syria, it was 'Iraq that provided the most striking example of what Arab nationalism could achieve. In 'Iraq, as in Syria, agitation against the Mandate policy had persisted since the end of the War, and the confirmation of that policy at San Remo in the spring of 1920 aggravated the unrest. It culminated in the course of the summer in a rebellion so vigorous and widespread that it necessitated something like the reconquest of the country by a British army of some 76,000 men. Before the fighting was over the British Government had decided to make far-reaching concessions to the nationalist movement. In October, in place of what had hitherto been a mainly British administration, more or less on the lines of that of an Indian Province before the War, a provisional Council of State was established, consisting of Arab ministers, and the chief administrative posts in the country districts were similarly filled with Arabs, with British officials acting in both cases as advisers. This regime prepared the way for an Arab constitutional monarchy. In 1921, on the resolution of the State Council confirmed by a plebiscite, Feisal was proclaimed King. In 1922, with the approval of the Mandates Commission, the draft Mandate was discarded and in place of it a Treaty of Alliance between the British Government and the Government of 'Iraq was negotiated, under which the former, while it retained a measure of advisory control over foreign, financial and military matters, acknowledged the sovereign independence of 'Iraq and undertook in due course to facilitate its admission to the League of Nations. Thus, at the end of 1925, 'Iraq was almost, if not yet quite, a free and equal member of international society, with an Arab constitutional monarchy and an Arab cabinet responsible to an elected Arab parliament.

35. Less dramatic than events in 'Iraq, but still significant for Palestinian Arabs, was the quiet beginning of a similar regime on a smaller scale in Trans-Jordan. It remained under Mandate—an extension of the Mandate for Palestine without the Articles relating to the National Home—but the form of government was wholly different from that of Palestine. From 1921 onwards it was headed by an Arab sovereign, the Amir Abdullah, a brother of King Feisal, and in 1923 it was recognized by the British Government as " an independent government ". The British High Commissioner for Palestine retained such ultimate powers as the continuance of the Mandate with its international obligations implied; but the function of the British Resident at Amman and his handful of British subordinates was to advise, not to govern, and the departments of the administration were headed by the Amir's Arab ministers and staffed almost entirely by the Amir's Arab officials. The contrast with Palestine was marked. The Arab who in 1925

looked beyond Jerusalem across the valley of the Jordan to the uplands beyond looked at a country which for ages before the War had been part of Palestine, a far poorer country in its present stage of development than Palestine, a country with a population only about one-third of that of Arab Palestine and socially and politically more backward, yet a country far more advanced than Palestine towards full national freedom.

36. So it was already evident in 1925, that, on its Arab as well as its Jewish side, the problem of Palestine could never be a self-contained, isolated problem. If at the moment Palestine could have been so cut off from the rest of the world by some cataclysm of nature that all approach to it or communication with it from outside became impossible, then perhaps the two peoples confronting each other within its narrow borders might have been forced to make the best of it and learn to live in harmony together. As it was, the Jewish community in Palestine could not be freed from its association with the hopes and fears and sufferings of Jews elsewhere, nor could the national aspirations of the Palestinian Arabs be secluded from those of the Arab world all round it.

37. Thus external as well as internal factors were already operating in those early days to keep the two races in Palestine aloof and hostile. And it is easier to see now than it was then that a conflict had been created between two national ideals, and that under the system imposed by the Mandate it could only be resolved if one or both of those ideals were abandoned. If the Jews had come to Palestine willing to fuse their life and culture with Arab life and culture, to accept the language of the majority, to contemplate the possibility of being some day ruled by that majority, then it is conceivable that they might have been as welcome and successful in Palestine as their ancestors in 'Iraq or Egypt or Spain in the early days of the Diaspora. But it would have been wholly unreasonable to expect such an attitude on their part. It would have been the direct negation of Zionism, both on its social or political and on its cultural side. The Zionists came back to Palestine, on the one hand, to escape from an alien environment, to shake off the shadow of the ghetto, to free themselves from all the drawbacks of " minority life ". On the other hand, they came back inspired with the faith that the Jewish genius, restored to its old home, could do things comparable with the things it had done in ancient days. Necessarily, therefore, the Hebrew language had to be the language of the National Home: necessarily Jewish nationalism was intensified by its foundation. Enlightened immigrants might take a highly sympathetic interest in Arab life and culture: but there could be no question of a Jewish fusion or " assimilation " with it, still less of a subordination. The National Home could not

be half-national. Nor, it need hardly be said, was the idea of the Arabs acquiescing on their side in a fusion of Arab with Jewish culture more imaginable. To quote the Arab delegates of 1922 again, " Nature does not allow the creation of a spirit of co-operation between two peoples so different ".*

38. The situation at the end of the first five years of the Civil Administration has been described at some length because it is important to make it clear that the situation as we ourselves found it eleven years later is not a different situation, brought about by new or temporary factors, in Palestine or outside it. It is the old situation intensified. Most of what has happened since 1925 has been a repetition, on a steadily increasing scale of gravity, of what happened before 1925. The present difficulties of the problem of Palestine were all inherent in it from the beginning. Time has not altered, it has only strengthened them.

3.—1926 to 1929

39. The outstanding feature of the four years after 1925 was the economic depression which afflicted Palestine and, in particular, the National Home. It was not a part of the world-wide depression which began to operate in the course of 1929, and the causes of it are difficult to assess with certainty. One factor is undisputed, the collapse of the Polish *zloty* and the restrictions on currency in Eastern Europe generally, which seriously impoverished the Jewish immigrants who came from that part of the world and represented about one-half of the total immigration. Whatever the cause, the result of the depression was a sharp fall in the rate of immigration. In 1925 as many as 33,801 Jews had entered Palestine and only 2,151 had left it. In 1926 the immigrants numbered 13,081 and the emigrants 7,365. In 1927 only 2,713 came in, and 5,071, nearly twice as many, went out. And, despite this ebbing tide, the figure of Jewish unemployment rose from about 400 at the beginning of 1925 to 5,000 at the end of 1927. Revenue reacted sharply, especially in the return from import duties.

	Total Revenue (excluding grants-in-aid)	*Customs Revenue*
	£	£
1925-26	2,604,446	886,312
1926-27	2,364,887	803,665
1927 (April to December)	1,709,035	569,935

Efforts were made to relieve the prevalent distress, which was accentuated by a destructive earthquake in 1927. The Government anticipated its Public Works programme in order to provide work and wages for the unemployed.

* Cmd. 1700, p. 28.

40. But there were brighter features in the situation which showed that the disease was by no means mortal. There was a steady increase in production, both agricultural and industrial. The index number for the agricultural yield of the country continued to rise. The extent of orange plantations in 1927 was twice as great as it had been in 1923. The industrial returns were equally encouraging. The bigger industries, cement, flour and soap, increased their trade. The young tobacco industry flourished. Even the smaller industries at Tel Aviv were increasing their output and extending their market in Palestine and abroad. Thus, while imports were falling, exports were rising. The value of Palestine products exported was £1,330,830 in 1925, £1,308,333 in 1926, and £1,889,759 in 1927; and of these the agricultural exports in 1927 exceeded the agricultural imports for the first time since the War.

41. The actual growth of the National Home, moreover, if it had been checked, had not been stopped. Between 1925 and 1928 the Jewish population rose from 121,000 to 151,000 and the area of land in Jewish ownership from 944,000 dunums to 1,024,000 dunums.

42. In the spring of 1928 the tide began to turn. Unemployment steadily declined. The full current of Jewish immigration was not yet restored: the total of immigrants for the year was only 2,178. But the outward flow had been checked: there were ten more immigrants than emigrants. Thus by the middle of 1928 the National Home had survived the worst crisis it had so far had to face; and just at that time its moral strength was reinforced by the enlargement of the Jewish Agency. It has been observed in an earlier chapter that the Balfour Declaration had not been welcomed by all the Jews of the Diaspora. A powerful group had been definitely opposed to it. But in the years that had elapsed this opposition had weakened and a growing number of Jews, especially in the United States, if still unwilling to subscribe to all the tenets of the Zionist creed, were now warm supporters of the National Home and anxious to assist in its growth. Co-operation between them and the Zionist Organisation was obviously desirable. It was affirmed in principle by the Zionist Congresses of 1925 and 1927; and in 1928, as the result of a full inquiry by a Joint Commission and of a series of conferences, a new constitution was adopted giving representative non-Zionists an equal number of seats with Zionists on all the bodies which controlled the development of the National Home. This reorganization was endorsed at the close of the Zionist Congress in August, 1929. Thus the Jewish Agency in Palestine became Jewish in a wider sense, and better qualified to mobilize and direct the sympathy and resources of all friends of the National Home among the Jewish people, in America as well as in Europe.

43. It is significant that these years of depression had been years of peace. From 1926 to 1928 Arab antagonism was relatively quiescent. The official reports for these years record no organized protests against Jewish immigration, nor demands for self-government. No meeting of the Palestine Arab Congress was held between 1925 and 1928. The Government, it was evident, did not believe that the troubles of 1920 and 1921 were likely to recur; for it kept the forces available for maintaining order at the very low strength to which they had been reduced in 1926, and this despite the warning of the Permanent Mandates Commission against the " danger of not maintaining adequate local forces ".*

44. Various factors contributed, no doubt, to this interlude of peace. The Government was steadily pursuing its task of developing the country and providing public services; and due weight must be given to the prestige enjoyed by Lord Plumer, who was High Commissioner from 1925 to 1928, and to the influence he exercised among all sections of the population. But to ascribe the apparent softening of Arab bitterness only to such factors as these was to ignore the root of the problem and to foster a dangerous illusion of security. It stands to reason that the main cause of Arab quiescence was the sharp decline in the fortunes of the National Home. For a year or two it must have seemed as if their fears had been exaggerated. The low rate of immigration in 1926 meant that, if it continued, the Arab majority in Palestine, already 5 to 1, would become a steadily greater majority, since the amount of Arab natural increase would exceed the amount of Jewish increase natural and immigrant together. The prospect seemed still brighter in 1927, when over 2,000 more Jews left Palestine than entered it. If this went on, there was no need for the Arabs to make trouble. The National Home, it seemed, had proved a failure and was in course of dissolution. But, when the depression began to lift, when the process of decline was checked, when in 1928 there was a surplus, minute though it was, of Jewish immigrants, when the early months of 1929 witnessed no emigration at all, the Arab attitude quickly changed. The old fears were re-awakened. The old antagonism revived.

45. Nor was it only the internal factors which brought the peaceful interlude to a sudden and violent end in the summer of 1929. The external factors played their part. On the one hand, the enlargement of the basis of the Jewish Agency was not unnoticed by the Arabs. They knew it meant an increase in the pressure of World Jewry on Palestine and in the material resources behind it. They saw, too, that it had revived the self-confidence, not to say aggressiveness, of the less-restrained inhabitants of the National Home. On the other hand, the forces

* Permanent Mandates Commission, 1926. *Minutes*, p. 184.

of nationalism and self-government in neighbouring countries were making new advances. In *Trans-Jordan* the regime of " independent government " established in 1923 was confirmed on the 20th February, 1928, by a formal Agreement between His Britannic Majesty and His Highness the Amir, and an Organic Law came provisionally into force, establishing *inter alia* a Legislative Council consisting of elected representative of the people together with the Amir's Ministers. In *Egypt* a Treaty of Alliance was agreed upon by the British Foreign Secretary and the Egyptian Premier in 1927, which, though it failed to meet the full nationalist claims and was presently withdrawn, embodied substantial concessions on the British side. Egypt was to enter the League of Nations without delay, and the vexed question of the locality of the British garrison was to be reconsidered in ten years' time.* In *'Iraq* the advance was still more marked. By successive agreements from 1926 onwards the British Government had undertaken to bring the quasi-Mandatory position to an end and to promote the entry of 'Iraq into the League at as early a date as the progress of the country justified. But, in view of the nationalist demand for a more specific pledge, a new Treaty was signed in the summer of 1930, committing the British Government to recommend 'Iraq's admission to the League without any proviso in 1932. Even in troubled *Syria,* always closest to Arab Palestine in sentiment as in physical fact, the prospects of nationalism were brightening. The French Government, doubtless impressed by the course of events in 'Iraq, set itself wholeheartedly to come to terms with Syrian nationalism, and in 1928 a Constituent Assembly was set up to draft a constitution in accordance with Syrian ideas. Certain articles in the draft went too far to accord with French Mandatory obligations, and nothing came of it for the moment. But in opening the Assembly the High Commissioner had revealed that a modification or termination of the Mandate was already contemplated. He had declared " that when the Assembly had completed its task, the time would have arrived for placing the relations between Syria and France on the basis of a treaty ". Thus, in 1929, as in 1925, among all that group of kindred countries it was only in Palestine that no advance whatever had been made towards popular government or national independence.

46. The starting-point of the series of events which culminated in the disastrous outbreak in August, 1929, was an incident which occurred in Jerusalem on the 24th September, 1928, the Jewish Day of Atonement. In accordance with immemorial usage, a service was held on that day in front of the Wailing Wall, a lofty wall of massive stone blocks which is sacred to the

* Further negotiations took place in 1929 and in 1930 agreement was reached on all questions except the future of the Sudan.

Jews as having once been part of the Temple exterior, and sacred to the Moslems as constituting the Western face of the platform of the *Haram-esh-Sharif*. It is Moslem property; but since the Middle Ages, if not earlier times, the Jews have enjoyed the right of access to the narrow pavement below the Wall in order to pray there. But the Moslem authorities had insisted, and the Turkish Government had agreed, that no chairs, benches, screens and so forth were to be set up on the pavement. The British Administration, mindful of its obligations under Article 13 of the Mandate, had decided strictly to maintain the *status quo*. When, therefore, it was reported on the evening of the 23rd September that the Jews had introduced a screen to divide the men from the women, orders were given for its removal. But the Jews did not remove it, and it was forcibly removed by the police in the course of the service on the 24th.

47. Nothing more occurred, and to the uninstructed it might well have seemed a very trivial incident. But in Palestine it cannot be forgotten that the *Haram-esh-Sharif* was once the site of the Temple. No moderate-minded Zionist, we are convinced, whatever symbolic language he may use, would contemplate in these days the actual restoration of the Temple. But many less responsible Jews thought otherwise and had said or written words to that effect; and, while moderate-minded Arabs might not be unreasonably alarmed, there were extremist Arabs ready to believe the worst and to pass it on to the credulous and fanatical country folk throughout the land. So far, fortunately, this highly incendiary element of religion had had little to do with the growth of Arab antagonism to the National Home. In Palestine, as elsewhere in the Moslem world, nationalism had been more political than religious. But, if the religious cry were raised, if it were widely and genuinely believed that the coming of the Jews to the country would mean not merely their economic and political ascendancy but also the full re-establishment of ancient Judaism, the invasion and desecration of the Holy Place, and the rebuilding of the Temple on its original site, then there could be little doubt that Arab hostility would be more unanimous, more fanatical, and more desperate than it had ever yet been.

48. The Jewish authorities at once realized the danger latent in the incident. The Zionist Organisation, in addressing a protest to the League of Nations against the removal of the screen, took occasion to repudiate in vigorous terms the suggestion that the Jews intended " to menace the inviolability of the Moslem Holy Place ": and in an open letter to the Moslems of Palestine the *Va'ad Leumi,* while asking that Jewish rights at the Wailing Wall should be respected, declared " emphatically and sincerely that no Jew has ever thought of encroaching upon

the rights of Moslems over their own Holy Places ".* But the harm had been done. Haj Amin Eff. Husseini, still Mufti of Jerusalem and still President of the Supreme Moslem Council, and his fellow-leaders had determined to make the most of it. Protests were made to the Palestine Government; a telegram was sent to the King, " alleging that there were repeated encroachments by Jews at the Wall "; and the Mufti, addressing the Officer acting for the absent High Commissioner, declared in the name of the Supreme Moslem Council the Moslem belief " that the Jews' aim is to take possession of the Mosque of Al-Aqsa gradually."(†) On the 1st November a General Moslem Conference met, the Mufti of Jerusalem presiding, and addressed further protests to the League of Nations and resolved to establish a " Society for the Protection of the Moslem Holy Places ". Further fuel was added to the flames in the course of the next few months by building operations and other " innovations " carried out by the Moslems in the neighbourhood of the Wailing Wall, which the Jews believed to be deliberately intended to interfere with their devotions. An attempt by the Government to settle the various questions in dispute by mutual agreement between the two communities was baffled as much by Jewish reluctance as by Arab.

49. Meanwhile politics had begun to play their part in alliance with religion. The Arab Executive set itself early in 1929 to bring about a revival of nationalist agitation throughout the country; and for that purpose branches of certain Moslem societies were established in the larger provincial towns. The primary objective of this agitation was the old objective, national self-government; and, when Lord Plumer left office at the end of 1928, the Arab Executive lost no time in pressing on Sir John Chancellor, the new High Commissioner, a request for the re-opening of negotiations for the establishment of a Representative Assembly.

50. The immediate prelude to the outbreak of disorder in August, 1929, was a provocative demonstration and counter-demonstration of Jewish and Arab nationalism respectively. On the 15th August the Jews marched in procession to the Wailing Wall. On the next day the Arabs did likewise. A week later the fire which had so long been kindling burst into flame. From the 23rd to the 29th August murderous attacks were made on the Jews in various parts of the country. The most violent were directed not against the new settlements but against the old-established Jewish communities in the Arab hill-country at Hebron and Safad. At Hebron over 60 Jews were killed, including women and children, and more than 50

* Shaw Report, Cmd. 3530, p. 30.
† Ibid, p. 31.

injured. Much Jewish property was destroyed, synagogues were desecrated, and a Jewish hospital looted. Only the courage of the one British police officer in the town prevented the outbreak from developing into a general massacre.* At Safad 45 Jews were killed or wounded, and there was similar looting and destruction in the Jewish quarter. Less sanguinary outbreaks occurred at Jerusalem and Jaffa. In the rural areas several Jewish colonies were attacked and six of them virtually destroyed. There was little retaliation by the Jews. The worst cases were at Jaffa, where an Arab Imam and some six others were killed, and at Jerusalem, where a mosque of great antiquity was damaged and desecrated.

51. When peace had been restored with the help of troops rushed up from Egypt, it was reckoned that 133 Jews had been killed and 339 wounded. Of the Arabs, as far as could be ascertained, 116 had been killed and 232 wounded. As in 1921, the majority of Arab casualties were inflicted by the troops or police. In the subsequent judicial proceedings 27 death-sentences for murder were finally confirmed, one of them on a Jew. Three Arabs were hanged: the rest of the sentences were commuted by the High Commissioner to terms of imprisonment.

52. In the report of the Commission of Enquiry, under Sir Walter Shaw, which visited Palestine from October to December, 1929, the causes of the outbreak were clearly stated. "There can, in our view, 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 of August last." On the political side, the Commissioners pointed out that the schism between the races was a development of post-war days and was mainly due to the conflict between the interpretations placed by Arab and Jewish nationalists respectively on the war-time pledges given by the British Government. The following sentence deserves special attention. "A National Home for the Jews, in the sense in which it was widely understood, was inconsistent with the demands of Arab nationalists while the claims of Arab nationalism, if admitted, would have rendered impossible the fulfilment of the pledge to the Jews." On the economic side the Commissioners reported:

> "In pre-war days the Jews in Palestine, regarded collectively, had formed an unobtrusive minority; individually many of them were dependent on charity for their living, while many of the remainder—in particular the colonists—brought direct and obvious material benefits to the inhabitants of the area in which they settled. The Jewish immigrant of the post-war period, on the other hand, is a person of greater energy and initiative than were the majority of the Jewish community of pre-war days. He represents a movement created by an important international organization supported by funds which, judged by Arab standards, seem inexhaustible. To the Arabs it must appear improbable that such competitors will in years to come be content to share the country with them. These fears have been intensified by the more extreme statements of Zionist policy and the Arabs have come to see in the Jewish immigrant not only a menace to their livelihood but a possible overlord of the future."

* Shaw Report (Cmd. 3530), p. 64.

53. These political and economic fears, the Report explained, had been intensified on the one hand by the number of Jewish immigrants who, despite the set-back of 1926-8, had already settled in the country, and on the other hand by the amount of land they had already acquired.

> "Though Jewish immigration and enterprise have been of great advantage to Palestine, the direct benefit to individual Arabs, which alone is likely to be appreciated, has been small, almost negligible, by comparison with what it might have been had the pre-war methods of settlement been continued. When trade depression and unemployment followed the period of heavy immigration the indirect benefits which Jewish activities had brought to many parts of Palestine were forgotten and everywhere among the Arab people the Zionist movement was regarded as the cause of the economic problems of the country. The sale of the Sursock lands and other Jewish land purchases in districts where the soil is most productive were regarded as showing that the immigrants would not be content to occupy undeveloped areas and that economic pressure upon the Arab population was likely to increase.
>
> "In other words, those consequences of Jewish enterprise which have most closely affected the Arab people have been such that the Arab leaders could use them as the means of impressing upon their followers that a continuance of Jewish immigration and land purchases could have no other result than that the Arabs would in time be deprived of their livelihood and that they, and their country, might ultimately come under the political domination of the Jews. Racial antipathy needed no other stimulus, but it was further encouraged by a spirit of mutual intolerance which has unfortunately been a marked feature of the past decade in Palestine. From the beginning the two races had no common interest. They differed in language, in religion, and in outlook. Only by mutual toleration and by compromise could the views of the leaders of the two peoples have been reconciled and a joint endeavour for the common good have been brought about. Instead, neither side had made any sustained attempt to improve racial relationships. The Jews, prompted by eager desire to see their hopes fulfilled, have pressed on with a policy at least as comprehensive as the White Paper of 1922 can warrant. The Arabs, with unrelenting opposition, have refused to accept that document and have prosecuted a political campaign designed to counter Jewish activities and to realize their own political ambitions."

54. Subsequent events, in our opinion, have confirmed the truth of these observations, which again revealed the real gravity of the problem. The hopes on which the optimism of 1925 had rested had been shown to be illusory. The sense of peace and security which had inspired the reduction of the garrison had proved false and dangerous. So far from drawing together during the last four years, the races had drifted further apart. And the breach had been widened far beyond its breadth in 1925 by the events of 1928-9, first

the emergence of the religious factor, and then the actual outbreak of murder and destruction and its forcible repression. For some time to come, at any rate, all possibility of co-operation, even in the economic field where its chances seemed most favourable, was eliminated. Reciprocal " boycotts " of Arab and Jewish trade were organized. Jewish merchants at Jerusalem abandoned their establishments in the Old City and started afresh in the new commercial quarter outside the walls. Jewish shopkeepers moved from Jaffa to Tel Aviv. In every respect the schism between the two peoples was now open and undisguised.

4. The Controversy of 1930.

55. By the opening months of 1930, though race-feeling was still bitter and its expression in the newspapers still virulent, the tension had somewhat relaxed. The Arab trade-boycott, which had been stricter and had lasted longer than the Jewish one, gradually died out; and the influence of common economic interests was again perceptible. It was as if something like an armistice had been declared pending the publication of the Shaw Report and the Government's decision on it. But it was only a truce, not peace. There was no question of compromise or co-operation. When an International Commission arrived in Palestine in June to deal with the question of the Wailing Wall, the Government's attempt to persuade the Arab and Jewish leaders to come together and frame a voluntary agreement on the matter instead of having a decision imposed on them from above was a complete failure. At the end of the year the Commission reported, and its recommendations were adopted. Though Arab fears of far-reaching Jewish designs on the *Haram-esh-Sharif* have never been dissipated and were indeed expressed in Arab evidence before us, on this particular question of the Wailing Wall there has been no serious controversy since.

56. The Shaw Report appeared in March. It attributed, as has been seen, the main cause of the outbreak to Arab antagonism to the National Home, as being on the one hand an obstacle to the attainment of their national independence and as tending, on the other hand, through the increase of immigration and land-purchase, to lead to their economic and political subjection. In fact the findings of the Shaw Commission, though they were the fruit of a longer and fuller investigation, were virtually identical with those of the Haycraft Commission. In 1921 and 1929 the same causes had the same results. As will presently be seen, the same causes were to have the same results in 1933 and 1936.

57. The main recommendations of the Report were (1) " the issue of a clear statement of the policy which His Majesty's

Government intend to be pursued in Palestine . . . with the least possible delay "; including a definition of the meaning of the passages in the Mandate which purported to safeguard the interests of the " non-Jewish communities ": (2) a revision of the methods of regulating immigration to prevent " a repetition of the excessive immigration of 1925 and 1926 " and to provide for consultation with non-Jewish representatives with regard to it: (3) the initiation of a scientific expert inquiry into " the prospects of introducing improved methods of cultivation in Palestine ", and the regulation of land-policy in accordance with the results: (4) a re-affirmation of the statement made in 1922 that " the special position assigned to the Zionist Organisation by the Mandate does not entitle it to share in any degree in the government of Palestine ".

58. As far as it went, the Shaw Report was not unsatisfactory to the Arabs. In particular it had raised their hopes by expressing the opinion that Jewish immigration had been " excessive " in the past; and they were still further encouraged when the issue of immigration certificates was suspended until Sir John Hope Simpson, who arrived in Palestine in May to conduct the inquiry recommended by the Shaw Commission, had completed his work. His Report was published in October, and once more, it seemed, it was the Arab rather than the Jewish point of view that had prevailed. For that Report was based on a calculation which, if it were accurate, cut at the very root of the National Home. It had hitherto been taken for granted that a substantial amount of cultivable land was still available for the further expansion of Jewish colonization without injury to Arab interests. The amount available had been put by some Zionists as high as 16,000,000 dunums or more; the Commissioner of Lands had estimated it at 10,592,000;* but Sir John Hope Simpson's figure was only 6,544,000* dunums. From that basic calculation he drew two startling conclusions.

(1) If all the cultivable land in Palestine were divided up among the Arab agricultural population, there would not be enough to provide every family with a decent livelihood.

(2) Until further development of Jewish lands and of irrigation had taken place and the Arabs had adopted better methods of cultivation, " there is no room for a single additional settler if the standard of life of the *fellaheen* is to remain at its present level." On State lands, similarly, there was no room, pending development, for Jewish settlers.

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* These estimates excluded the Beersheba Sub-District.

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

59. It would take time for the fruits of this development policy to mature, and meanwhile Sir John Hope Simpson was clearly opposed to the admission of any more Jewish immigrants as settlers on the land. Nor, at first sight, was he much more encouraging with regard to industrial immigration. At that time there was no statistical material available—it is still insufficient—to form a scientific opinion on the amount of Arab unemployment in the country. While refusing, therefore, to dogmatize on the subject, Sir John Hope Simpson was convinced that Arab unemployment was "serious and widespread": and "it is wrong," he argued, "that a Jew from Poland, Lithuania, or the Yemen, should be admitted to fill an existing vacancy, while in Palestine there are already workmen capable of filling that vacancy who are unable to find employment." "This policy," he added, "will be unacceptable to the Jewish authorities." He was right: but in point of fact he had added a rider to his judgment which went far to meet the Jewish case.

> "It has been pointed out that Jewish capital will not be brought into Palestine in order to employ Arab labour. It will come in with the definite object of the employment of Jewish labour and not otherwise. The principle of 'derived demand' would justify the immigration of Jewish labour even when there are Arab unemployed in the country if the newly-imported Jewish labour is assured of work of a permanent nature, through the introduction of Jewish capital to provide the work on which that labour is to be employed. It is clearly of no advantage to the unemployed Arab that Jewish capital should be prevented from entering the country, and he is in no worse position by the importation of Jewish labour to do work in Palestine for which the funds are available by the simultaneous importation of Jewish capital. In fact, he is better off, as the expenditure of that capital on wages to Jewish workmen will cause, ultimately, a demand for the services of a portion of the Arab unemployed."*

60. The inquiries arising from the outbreak of 1929 were now complete, and His Majesty's Government lost no time in acting on them. In October, 1930, concurrently with the Hope Simpson Report, appeared a "Statement of Policy by His Majesty's Government in the United Kingdom," soon to be known as the "White Paper."† The first part of it contained the definition of

* Hope Simpson Report (Cmd. 3686), pp. 131–6.
† Cmd. 3692.

policy and the expression of a determination to pursue it which had headed the list of the Shaw Commission's recommendations. It quoted the words used by the Prime Minister (Mr. Ramsay MacDonald) in the House of Commons a few months earlier: "a double undertaking is involved, to the Jewish people on the one hand and to the non-Jewish population of Palestine on the other"; it pointed out that much of the recent agitation had arisen from a failure, both by Arabs and by Jews, to realize the limits imposed on policy by this double undertaking; and it declared that "His Majesty's Government . . . . will not be moved, by any pressure or threats, from the path laid down in the Mandate." As regards the character of the National Home and the functions of the Jewish Agency it repeated what had been said in the Churchill Memorandum of 1922; and it re-affirmed the principle that "economic absorptive capacity" was to be the limiting factor in immigration. So much for principles. "The practical problems to be faced" were then dealt with under three heads, (1) Security, (2) Constitutional Development, (3) Economic and Social Development. On the first head it was stated that two battalions of infantry, two squadrons of aircraft and four sections of armoured cars would be retained for the time being in Palestine and Trans-Jordan. On the second head it declared that the time had come to establish a Legislative Council on the lines indicated in the Churchill Statement of Policy. On the third head, embracing the most difficult and controversial issues—the possibilities of land-settlement, the problem of unemployment, and the effect thereof on the rate of immigration—it adopted, almost word for word, most of Sir John Hope Simpson's estimates, opinions and recommendations. But there were two notable omissions. The "White Paper" did not commit the Government to the view that, if a comprehensive policy of development were carried out, there would ultimately be room for a substantial number of Jewish settlers on land not yet acquired by them. Secondly, while it repeated Sir John Hope Simpson's argument as to the connexion between Arab unemployment and the rate of immigration, it made no reference to his saving paragraph on the employment of Jewish capital which would not otherwise have been available. The language of the "White Paper," moreover, betrayed a marked insensitiveness to Jewish feelings. Thus, while the Government had not in fact gone beyond the decisions and proposals of the Shaw and Hope Simpson Reports, the tone of the document suggested a rather more definite inclination towards the Arab side of the controversy than had either of the two Reports.

61. The sequel was unfortunate. The publication of the "White Paper" was the last of a series of set-backs to the Zionist cause. The outbreak of 1929 and in particular the butchery at Hebron and Safad had revealed the insecurity of

the National Home. The Shaw Report had warned the Government against " excessive " immigration. The Hope Simpson Report had foreshadowed a drastic restriction of it, if not a temporary cessation, for the purposes of settlement on the land. The " White Paper " had given the impression that for the purposes of labour likewise no Jewish workman would be admitted as long as any Arab workman was unemployed. And these successive blows had fallen at the moment when the National Home had just recovered from the " slump " and Jewish hopes for the future were running high. Not unnaturally there was an outcry among Zionists and their supporters in Europe and America. Dr. Weizmann protested that the " White Paper " was " inconsistent with the terms of the Mandate and in vital particulars marks the reversal of the policy hitherto followed by His Majesty's Government in regard to the Jewish National Home ", and informed the Secretary of State for the Colonies (Lord Passfield) that he had resigned his joint office of President of the Zionist Organisation and the Jewish Agency. Other eminent Zionists also resigned their posts in the Zionist administration. Their attitude was openly supported by leading politicians. Letters appeared in *The Times* supporting Dr. Weizmann's claim that the course of British policy had been changed and accepting his interpretation of the Mandate; and for the moment there seemed to be a serious danger that the government of Palestine would become an issue in British party-politics, with one party on the Arab side and the others on the Jewish. Such a deplorable *dénouement* was happily averted; but the public ventilation of the controversy was an impressive demonstration of the political power the Zionists could mobilize in England, provided always that they could make a reasonable case. And this they had been able to do. They had been able to show that the basis of Sir John Hope Simpson's Report, his estimate of the total cultivable land, was not—it seems doubtful, indeed, if it had been intended to be—a sufficiently scientific and final calculation to justify a reversal of immigration-policy. They had been able to argue with some force that the reservation of all such State land as might become available for landless Arabs, whether dispossessed by Jews or not, could not easily be reconciled with the requirements of Article 6 of the Mandate. And they had been able to exploit the particular omissions and the general temper of the " White Paper " of which mention has been made above.

62. It was announced in November that the Jewish Agency had been invited to confer with Government on the " White Paper." In the following February the result was published, not in an amended " Statement of Policy " but in the form of a letter from the Prime Minister to Dr. Weizmann. This letter

did not repudiate the policy laid down in the " White Paper "; it set out to explain or interpret it; but on such important points as the prospective availability of State land for Jewish settlers or the admission of Jewish labour maintained by Jewish capital the interpretation was more favourable to Jewish claims than the uninterpreted " White Paper " had seemed to be. But a close comparison of the two documents shows that the difference between them was not in fact so marked as has commonly been supposed. The really striking difference was not in statements of opinion or of policy but in the tone.

63. The effect, however, of these proceedings as a whole on Arab opinion was inevitably mischievous. The swing-back to a more sympathetic attitude towards the National Home or, as the Zionists put it, an attitude more in consonance with the Mandate, was necessarily regarded by the Arabs as an unjust Jewish victory over Arab rights. And it is still commonly stated, and not only by Arabs, that a series of Commissions have been sent to Palestine, that in each case they have reported in favour of the Arabs, and that in each case their recommendations have been rejected by the British Government. This is far from the truth. As a matter of fact, the main recommendations of the Shaw Commission and of Sir John Hope Simpson were promptly adopted and put into effect. A statement of policy was issued: the machinery for regulating immigration was improved: the fact that the Jewish Agency, though entitled under the Mandate to advise and co-operate with the Government of Palestine, was not in any sense a part of that Government, was re-asserted: a Development Department was established and began to carry out the recommended programme. The only important question on which the Government's subsequent action did not accord with the Shaw and Hope Simpson Reports was the question of Jewish land-settlement: and on that point the Jewish representatives had forcibly maintained—and the event, in our opinion, has confirmed it—that a certain amount of further settlement was possible, particularly on land hitherto regarded as uncultivable, without injury to the Arab population.

64. The truth, however, as to what was done had been sadly obscured by the method of doing it. In Arab eyes the substitution of the " Black Letter ", as they called it, for the " White Paper " was plain proof of the power which World Jewry could exert in London, and such confidence as they might previously have had in British determination to do at least what justice could be done under what they have always regarded as an unjust Mandate was seriously shaken. But here again the effect on Arab opinion has been exaggerated. It is widely believed that the so-called *volte-face* of 1931 was a primary cause of the subsequent " disturbances "; and it is not to be denied that the

memory of it has been an aggravating factor in the Arab attitude ever since. But we have tried to make it clear on previous pages of this Report that in our view the root of the trouble lay deeper. The overriding desire of the Arab leaders in 1931 was precisely what it had been in 1920—national independence: and the overriding cause of their antagonism to the National Home in 1931, as in 1920, was the conviction that it barred the way to the realization of that desire. It is sometimes forgotten that an Arab delegation, headed by the President of the Arab Executive, came to London in March, 1930, the month in which the Shaw Report was published. According to the official summary of the ensuing conversations between the delegates and members of the Government, the Arabs stated their case not only on land-purchase and immigration but also on self-government; and it was to the last point that the Government's reply was mainly directed.

> " It was pointed out to the Delegation that the sweeping constitutional changes demanded by them were wholly unacceptable since they would have rendered it impossible for His Majesty's Government to carry out their obligations under the Mandate. It was made clear that no proposals could be considered which were incompatible with the requirements of the Mandate.
>
> " Since the effect of meeting the wishes of the Arab Delegation as regards democratic government would have been to render it impossible for His Majesty's Government to carry out their full responsibilities as Mandatory for Palestine and since despite the explanations and assurances given by His Majesty's Ministers the Delegation could not see their way to modify their attitude, it became evident that this matter could not usefully be pursued further."

65. Nor could the Arabs derive more satisfaction on this basic issue from the Shaw Report. While the Commissioners admitted that the Arab animosity towards the Jews, which was the fundamental cause of the outbreak of 1929, had arisen from " the disappointment of their political and national aspirations " as well as from " fear for their economic future ", they expressly refrained from making any recommendation on " constitutional development ". Even the " White Paper ", seemingly not inappreciative of the Arab point of view on other questions, only offered them again the Legislative Council they had already rejected. The concession of anything more than that was firmly ruled out. " It is useless for Arab leaders to maintain their demands for a form of Constitution which would render it impossible for His Majesty's Government to carry out, in the fullest sense, the double undertaking . . . to the Jewish people on the one hand and to the non-Jewish population of Palestine on the other ". In that stark contradiction between Arab aspirations and British obligations lay and had always lain the one insurmountable crux. The rate of Jewish immigration might rise or fall, Jewish land-purchase might be extended or restricted,

" Black Letters " might follow on " White Papers ", but all these factors, though they were certainly important, were only subsidiary factors. They might add fuel to the flames or damp them down. But the Mandate itself, of which these other factors were only applications or interpretations, had lighted the fire; and the Mandate itself, however applied or interpreted, was bound to keep it burning—except on the old original assumption that the two races could and would learn to live and work together.

66. It is not suggested that His Majesty's Government had failed at any time to realize how fundamental this assumption was. On the contrary, at every crisis, in every discussion, in every official statement, it had been firmly and sometimes eloquently reaffirmed. The following quotations speak for themselves.

Churchill Statement of Policy, 1922.

> " The Secretary of State believes . . . that upon this basis may be built up that spirit of co-operation upon which the future progress and prosperity of the Holy Land must largely depend."

Duke of Devonshire to High Commissioner, 1923.

> " For this reason His Majesty's Government have made it their primary concern to devise measures which will put an end to the present agitation and inaugurate a regime in which all sections of the community will co-operate with the British Administration."

White Paper, 1930.

> " It is necessary, however, to emphasise one important point, viz., that in the peculiar circumstances of Palestine no policy, however enlightened or however vigorously prosecuted, can hope for success, unless it is supported, not merely by the acceptance, but by the willing co-operation of the communities for whose benefit it is designed."

Prime Minister's Letter, 1931.

> " Differing interests and viewpoints . . . can only be reconciled if there is a proper realisation that the full solution of the problem depends on an understanding between the Jews and the Arabs."

67. The various Commissions of inquiry had preached from the same text.

Haycraft Commission, 1921.

> " Much, we feel, might be done to allay the existing hostility between the races if responsible persons on both sides could agree to discuss the questions arising between them in a reasonable spirit, on the basis that the Arabs should accept implicitly the declared policy of the Government on the subject of the Jewish National Home, and that the Zionist leaders should abandon and repudiate all pretensions that go beyond it."

Shaw Commission, 1930.

> " In an atmosphere in which racial antagonism and mutual suspicion are general . . . it may seem idle at this moment to point out that there is little prospect either of the success of Jewish colonization in Palestine or of the peaceful and progressive development of the

Arab people unless co-operation between the two races, the composure of their differences and the removal of causes of suspicion are by some means brought about . . . . Without co-operation in a spirit of mutual tolerance, there is little hope that the aspirations of either people can be realized."

Lord Snell's Note of Reservations, 1930.

"Peaceful economic and political development in Palestine will be dependent upon a corresponding growth of good will between the two peoples."

Hope Simpson Report, 1930.

"Unless such a scheme is accepted by both Jew and Arab it may very well fail. Of both it will require the support, if it is to have the desired result, namely, the advancement of a neglected but historic country in the path of modern efficiency, by the joint endeavour of the two great sections of its population, with the assistance of the Mandatory Power."

68. The Zionists, for their part, had endorsed these declarations.

Resolution of Zionist Congress, 1921.

"The determination of the Jewish people to live with the Arab people on terms of concord and mutual respect, and together with them to make the common home into a flourishing community."

Letter from Zionist Organization to Colonial Office, 1922.

"The Zionist Organization will continue on its side to spare no efforts to foster the spirit of goodwill to which His Majesty's Government have pointed as the only sure foundation for the future prosperity of Palestine."

Jewish Agency Memorandum on White Paper, 1930.

The Congress Resolution of 1921 "remains true, as it has always been true."

69. Thus British Ministers, Commissioners of Inquiry, and the spokesmen of Zionism had unanimously re-affirmed the assumption on which the successful operation of the Mandate had rested from the outset, namely, that somehow and at some time Jews and Arabs would co-operate in promoting the peace and welfare of Palestine. Only one voice was missing from the chorus—the Arab voice. Not once since 1919 had any Arab leader said that co-operation with the Jews was even possible. The response of Arab nationalism to the assumption to which all the other parties in the case so stubbornly adhered was an equally stubborn denial. *Obstat natura.*

5. 1931 to 1936.

70. The outbreak of 1929 and the subsequent inquiries and discussions had clearly revealed the difficulties inherent in the execution of the Mandate. The balance which the Mandatory had striven to maintain between its two obligations had been disturbed. For a moment, under Arab pressure, it had swung a little to the Arab side. Immediately, under Jewish pressure,

it had swung back to its old position. Loyalty to the Mandate, it appeared, required that Jewish immigration should continue as long as it could be shown that it did not injure Arab economic interests. The political problem was left, as before, for time to solve. That it was the major problem, that it was acute, that it barred the road to peace—those basic facts may have been blurred by the belief that the possibility of the Jews becoming a majority in Palestine seemed remote. If that was, indeed, the line of reasoning, it missed the point. Jewish immigration had not created, it had only stiffened, the Arab demand for national independence. And even if that dominant fact and all that flows from it had been fully understood, it is doubtful whether at that time His Majesty's Government would have been prepared to reconsider the whole position and to ask whether the Mandate itself, in the light of ten years' civil government of Palestine, ought not perhaps to be revised. So the old process continued on much the same course after 1929 as before it: and it led, as will soon be seen, to the same result.

71. Since the turn of the tide in 1928 the fortunes of the National Home had been steadily, if slowly, rising. In 1929 the number of Jewish immigrants was 5,249, in 1930 4,994, and in 1931 4,075. But against this slight decline in immigration stood a marked decline in emigration. The number of Jewish emigrants in those same years was 1,746, 1,679 and 666. And then in 1932 the immigration figure rose to 9,553, the first of the four consecutive leaps which were to transform the situation by the beginning of 1936. No emigration figure for Jews as distinct from other races was compiled in the years 1932 to 1934, but in 1935 Jewish emigration had sunk to the negligible total of 396. Nor was that the whole picture. For some years past a growing number of Jews had been entering Palestine and remaining there in violation of the law, either by obtaining travellers' passports and outstaying the time of residence permitted or by smuggling themselves in by land and sea. In 1931 the Government decided to accept the *fait accompli* and allowed some 6,000 Jews, who admitted their illegal presence in the country, to be registered as immigrants. But the irregular inflow continued. When the improved system of control came into force, it was discovered that the number of "travellers" entering and illegally remaining in the country in 1933 ran into thousands, and to that was to be added a number of "self-smugglers."

72. With the growth of immigration went a corresponding growth in the amount of capital invested in the National Home and in its agricultural and industrial production. It has been suggested, indeed, that the high volume of illegal immigration

was partly due to the information spreading over Eastern Europe, now in the trough of the world-depression, that work was to be had and wages earned in Palestine.

73. Meantime the economic position of the Arabs as a whole continued to improve. Wages rose, markets for country-produce expanded, more roads and bridges and schools were built. And in due course the new measures determined on in 1930 for safeguarding and advancing Arab interests came into operation. In the summer of 1931 Mr. Lewis French, the new Director of Development, arrived in Palestine and in December, 1931, and April, 1932, he submitted two reports. He was to have been assisted by two colleagues, an Arab and a Jew; but, significantly enough, neither the Arabs nor the Jews would agree to take part in the work. In 1931, Arabs claiming that they had been displaced from lands owing to Jewish purchase thereof were invited to submit their claims for registration with a view to re-settlement at Government cost. To guard against further " landlessness " a Protection of Cultivators Ordinance had been enacted in 1929, securing tenants from arbitrary removal from land in the event of its sale. After several amendments this was replaced by a new Ordinance in 1933. In 1931, and again in 1933, Mr. C. F. Strickland visited the country to promote, by inquiry and report and by personal propaganda throughout the country, the growth of co-operative societies—a measure of assistance, again, which, though helpful to both races, was needed less by the Jews, who had long established an extensive and varied system of co-operation, than by the Arabs, who knew virtually nothing about it. In the political field, likewise, an advance was made which might have been regarded as designed to meet Arab needs and claims more than Jewish. In 1932 a draft Municipal Corporations Ordinance was communicated to the Arab Executive, the Jewish Agency, and various local authorities for comment and criticism; and the Government declared its intention of taking steps towards the formation of a Legislative Council as soon as the Ordinance in its final form had come into operation.

74. The relative tranquillity which prevailed in Palestine between 1930 and 1933 might have encouraged a belief that, taken all together, these measures for promoting Arab welfare were having a conciliatory effect. But events occurred from time to time which revealed that under the quiet surface Arab antagonism was still fiercely smouldering. Several Jews were murdered by unknown assassins. Jewish orange-trees were destroyed, Jewish cattle maimed, Jewish land-purchases obstructed by organized trespass. In 1931 the rifles which had been stored for ten years past in sealed armouries in isolated Jewish colonies were replaced by shot-guns, effective for defence but useless for long-range fighting. In view of the murderous

attacks of 1929, this change could scarcely be regarded as provocative, at any rate by Arabs; but it was made the excuse for an inflammatory agitation in the Arab Press against the " arming of the Jews "; and the consequent demonstration at Nablus was only repressed by vigorous action on the part of the police. There were cases, it is true, of interracial co-operation. A few Arabs and Jews were sitting together on Government Committees and on the old Municipal Corporations. But an invitation to representative Arabs to serve on a Government Education Committee in 1932 was refused, and two Arab members of the Road Board resigned soon after their appointment. Nor was there any change in the attitude of the Arab leaders towards economic co-operation. When the Jews opened a Palestine trade exhibition, the " Levant Fair," at Tel Aviv, the Arab Executive not only declared a boycott of the Fair, but announced that Jews would not be invited to participate in the Arab Fair to be held in the following year. Two other events of the period are worth recording. At the end of 1931 a Moslem Congress, attended by 145 delegates from all parts of the Moslem world, assembled at Jerusalem. Its public proceedings were not political, and did not lead, as had been feared, to disorders. But on the one hand it strengthened the position and prestige of the Mufti of Jerusalem, who presided; and on the other hand it was a demonstration of the solidarity of Islam, significantly staged on Palestinian soil. The second noteworthy event was the creation in 1932 of a new Arab party, the Istiqlal (Independence) Party, which, if it could not compete with the two dominant factions, the Husseini and the Nashashibi, was calculated to appeal to the younger generation of Arab nationalists by its uncompromising concentration on the demand for national freedom.

75. Such was the internal position—as bad beneath the surface as it had ever been—when one of the two external factors, which from the outset had continuously played upon the delicate balance of affairs in Palestine, suddenly began to operate with immensely aggravated force. On the 30th January, 1933, the National-Socialist regime was established in Germany. Almost immediately, and in steadily increasing volume, a stream of Jewish fugitives began to pour out of Germany. Many of them found a temporary refuge in neighbouring countries; but the doors which had been closed after the War against large-scale immigration overseas were not reopened. Meantime the situation of the Jews in Poland and Roumania was growing steadily worse. It was the blackest crisis the Jewish people has had to face in modern times—blacker because more widespread and in some respects more painful than the crisis of the Russian pogroms before the War. And naturally it was to Palestine that the eyes of Jewry turned—to the only country they could enter " as of right and not on sufferance ". In that year,

1933, the record of Jewish immigration jumped from 9,553 to 30,327—more than a threefold increase. Of those, the majority (13,125) came as in previous years from Poland; but the second place in the list was now occupied by Jews from Germany, who in 1932 had numbered only 353 but in 1933 numbered 5,392. And in one respect this new wave of immigration was of an unprecedented character. The immigrants from Germany included a body of unusually gifted men—some of them men of world-wide reputation in science and the professions. And with scientists and doctors and lawyers came men of experience and ability in finance and business organization. Materially, too, the strength of the National Home was greatly fortified. The amount of Jewish capital invested in land-purchase, in the development of citriculture, and in industry and transport was £2,833,000 in 1932 and £5,630,000 in 1933.* The imports of capital goods for the equipment of agriculture, industry and transport or as raw materials were worth £2,422,000 in 1932 and £4,060,000 in 1933.* The financial element which the National Home had always needed for its success—the investment of money in it not as a missionary enterprise but as a " going concern "—had already begun to materialize before 1933; but now its continuance and expansion seemed assured.

76. The Arab reaction to this sudden and striking development was quite natural. All that the Arab leaders had felt in 1929 they now felt more bitterly. Then the National Home was emerging from a " slump ". Now it was entering on a " boom ". All these Jewish men and women, all this Jewish money, pouring into Palestine might mean more prosperity for Arabs as well as Jews, though even that measure of consolation they refused to admit: but the greater the Jewish inflow, the greater the obstacle to their attainment of national independence. And now, for the first time, a worse fate seemed to threaten them than the withholding of their freedom and the continuance of Mandatory rule. Hitherto, with the high rate of natural increase among the Arabs, it had seemed impossible that the Jews could become a majority in Palestine within measurable time. But what if the new flood of immigration were to rise still higher? That question gave a very different colour to the idea of self-government in Palestine as Arab nationalists had hitherto conceived it. It opened up the intolerable prospect of a Jewish State—of Palestinian Arabs being ruled by Jews. It is not surprising, therefore, to find, as ship after ship of Jewish immigrants arrives, hailed with unrestrained enthusiasm by the Hebrew Press, the old antagonism growing hotter and hotter, till it bursts again into flames.

* Figures supplied by the Jewish Agency.

77. The first open manifestation of this rising temper was the publication by the Arab Executive Committee in March, 1933, of a manifesto to the Arab Nation. It declared that " the general tendency of Jews to take possession of the lands of this holy country and their streaming into it by hundreds and thousands through legal and illegal means has terrified the country." The country, it went on, was fully aware that the object of the Government's policy was " to pave the road for driving the nation away from its homeland for foreigners to supersede it ": they " will not expect any good from this Government and its oppression "; and " it will be looked upon as the true enemy whom they must get rid of through every legal means ". The manifesto concluded with an announcement of a meeting to be held at Jaffa and appealed to the nation " to get ready for the serious acts which will be imposed by the resolutions of this assembly ". " The country calls its sons for action and sacrifice in these hard times ". The meeting was held on the 26th March and attended by some five or six hundred Arabs of all classes, townsmen and villagers alike, and of all parties, by the members of the Arab Executive, including the Mufti of Jerusalem, and by the mayors of most of the Arab towns. Resolutions were passed adopting " the principle of non-co-operation ", and ordering " the immediate execution of its first steps forthwith, such as boycotting receptions and exchange of courtesies with Government, Government Boards, British goods and Zionist goods, products and commercial premises ", and the formation of a Committee to study ways and means for a wider application of the " non-co-operation principle ".

78. From that time onwards, the Arab Press, already virulent enough, became steadily more inflammatory. A new Press Ordinance was enacted under which newspapers publishing matter " likely to endanger the public peace " could be suspended with or without warning; but a number of warnings addressed to certain newspapers had little, if any, effect, and none was actually suspended in 1933. By the early autumn such crude charges against the Palestine Government were being printed as that it was deliberately " flooding the country with Jews with the object of displacing Arabs from the land and depriving them of their employment " or that " a mass immigration of Jews was being allowed and encouraged by Government so that when the Legislative Council was introduced the Jews would be in a majority ".* In August the flames were fanned by the proceedings of the Zionist Congress at Prague—which demanded, with special reference to events in Germany, that the Jewish National Home should be " built as speedily as

* Annual Report for 1933, p. 5.

possible and on the largest scale "—and by reports that as many as 10,000 "illegal immigrants" had recently secured a footing in the country. At a Moslem festival early in September the President of the Arab Executive, Musa Kazem Pasha el Husseini, made a violent speech against Jewish immigration and telegraphed to the High Commissioner demanding its immediate stoppage. Further serious agitation followed, and public meetings were organized not only by the Istiqlal Party and the Moslem Young Men's Association, but also by the Moslem-Christian Association: for Moslem and Christian Arabs were once more sinking their differences in the common cause.

79. Finally, early in October, the Arab Executive, whose members had been bitterly criticized in the Arab newspapers for their apathy and inertia, announced that a "general strike" would be declared on the 13th October and a demonstration made at the Government Offices at Jerusalem. Despite the Government's prohibition, the demonstration was attempted on the appointed date, and the angry mob was only dispersed after repeated baton charges by the police. In the course of the next few weeks the trouble spread to other parts of Palestine. On the 27th October there was a serious outbreak at Jaffa. So excited and so dangerous was the temper of the Arab rioters that the police were forced to use their firearms before order could be restored. The news of these events quickly reached Nablus where public buildings were attacked and the police stoned, and travelled on to Haifa where that evening and next day there were similar disturbances. On the 28th and 29th rioting broke out again at Jerusalem. At each of these towns the attacks on the police, though nowhere so grave as at Jaffa, were formidable enough to compel them to fire in self-defence. The total casualties were one policeman killed and 56 injured, and 26 rioters or bystanders killed and 187 injured.

80. So one more page of the history of Palestine under the Mandate had been written in blood. And there was one feature of this last outbreak of Arab violence which was as unprecedented as it was significant. In 1920, 1921 and 1929 the Arabs had attacked the Jews. In 1933 they attacked the Government. The idea that the British authorities in London or Jerusalem were trying to hold the balance even between Arab and Jew was now openly scouted. They were the allies of the Jews, it was said, and the enemies of the Arabs. The Mandate was merely a cynical device for promoting British "imperialism" under a mask of humane consideration for the Jews. One other point could not be missed—the rapidity with which the trouble had spread. Palestine is a small country, and the Arab leaders, it was clear, already possessed a dangerous measure of control

over public opinion at large. It has been asserted, indeed, that, if prompt action had not been taken at the outset, if the police had abstained from firing, a situation not much less serious than that of 1936 might quickly have developed. As it was, the prompt repression of the disorders may have tempted the authorities to go on hoping that somehow or other the Mandate might be made to work without bloodshed, that somehow or other the quarrel between Arab and Jewish nationalism could be composed.

81. The Arabs, in this period of tension, were not the only disturbers of the peace. From the beginning of the Mandatory regime there had always been a minority-group among the Jews almost as bitterly opposed to the Mandate as the Arab nationalists. They were called "Revisionists", because they desired the Mandate to be revised so as to include Trans-Jordan within its scope. They repudiated the idea of a National Home in the area between the Jordan and the sea. They claimed that all Palestine, on both sides of the river, should be the National Home. And if the British Government were not prepared to people it as soon as possible with several millions of Jews, then they demanded the transfer of the Mandate to some other Power that would be so prepared. Party feeling among the Jews had always been vigorous and, despite the progress of the National Home and the great increase in immigration, it was running high in 1933. It was widely suspected that the brutal murder of Dr. Arlosoroff, a leading member of the Jewish Agency, in June was an act of political terrorism. In the Arab outbreaks in the autumn, which were directed, as has been seen, against the Government, the Jews were happily not involved. But in December, soon after their repression, there was a clash at Tel Aviv between a Revisionist gathering and the police, who were compelled to charge the mob through a shower of stones. Nobody was killed, but 11 police and 8 civilians were injured.

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

83. As in 1933, so or more so in 1934 and 1935, the indices of commercial and industrial activity rose with the rising figures of immigration. Some of these are given in the following table:—

	1933	*1934*	*1935*
Immigration	30,327	42,359	61,854
Imports for consumption (in £ millions)	11·1	15·1	17·7
Exports (in £ millions)	2·6	3·2	4·2
Railway Goods Traffic (in million ton kilometres).	86	103	133
Overseas Shipping tonnage cleared (in million tons, steamships only).	3·1	4·1	5·4
Consumption of Electric Power (in million K.W.H.).	22·2	37·5	56·8
Note and Coin Circulation at end of year (in £ millions).	3·6	4·7	6·6
Revenue (in £ millions)	3·9	5·4	5·7
Customs (in £ millions)	1·8	2·6	2·7
Expenditure (in £ millions)	2·7	3·2	4·2

The National Home, in fact, was growing at a pace which in earlier days its most ardent supporters can scarcely have expected; and its prosperity was reflected in the mounting revenue of the Palestine Government. On the material side, indeed, most other countries at that time might well have envied Palestine. But there were two sides to the picture; and the brighter grew the one, the darker grew the other. With almost mathematical precision the betterment of the economic situation in Palestine meant the deterioration of the political situation.

84. As the National Home expanded from 1933 onwards, so the Arab hate and fear of it increased. It made no difference that in the spring of 1934 the Government cut down the Jewish Agency's half-yearly estimate of " absorptive capacity " for the Labour Schedule from 20,100 to 5,600, with the result that a strike was declared at Tel Aviv and Jewish rioters were dispersed by the police. Nor was Arab feeling tempered by the fact that the measures taken by the Government to prevent illegal immigration were now proving fairly efficacious. On the contrary, the attitude of the Arab leaders became more hostile to the Government, and the tone of the Arab Press more bitter. In the autumn of 1934 the Arab Executive submitted to the High Commissioner a formal expression of their view that the safeguards for Arab interests embodied in the Mandate had broken down. A campaign, in which the Supreme Moslem Council took an active part, was set on foot to prevent more Arab land passing into Jewish hands. Small landowners were persuaded to register their lands as family *awqaf* to preclude alienation. One particular contract for the sale of 5,000 dunums to Jews was cancelled at the direct instance of the Supreme Moslem Council. Arabs accused of facilitating the sale of land

to Jews were denounced in the mosques, at public meetings and in the Press as traitors to the nation. An Arab bank was started with a capital of £60,000 for the development of Arab land or its exclusion from alien purchase. Attempts were made, moreover, by organized trespass and fictitious litigation, to prevent the settlement of Jews on land they had already bought.

85. In politics the symptoms of deepening hostility were equally marked. In 1934 the activities of the six Arab organizations were largely concerned with mutual jealousies and recriminations; but in the course of 1935 they not only tended to crystallize into more efficient " parties ", but, yielding to vehement appeals in the newspapers for the subordination of their quarrels to the national cause, they united, with the exception of the Istiqlal Party, in preparing a joint statement of their case for submission to the Government.

Meantime the nationalist movement as a whole was improving its organization and widening its scope. The " Youth Movement ", in particular, was encouraged. Young men's societies, under various names, became more consciously and ardently nationalist. Boy-scout bands and sports-clubs were constituted. " Towards the end of 1935 " (to quote the Government Report*) " the younger elements had evidently gained ground, and were becoming a factor which might challenge the influence of the older Arab leaders ".

86. It was thus becoming clear that the crux of the situation in Palestine was not growing less formidable with the passing of time. On the contrary, the longer the Mandate operated, the stronger and more bitter Arab antagonism to it became. And the task of reconciliation to which Sir Arthur Wauchope, who succeeded to the High Commissionership in 1931, wholeheartedly addressed himself had never been more difficult. In his personal testimony at the twenty-second session of the Permanent Mandates Commission in 1932 he gave reasons for taking a moderately hopeful view. For the immediate future he based his hopes of peace on the development of "self-governing institutions ", under Article 2 of the Mandate. He expected, he said, to enact a new Local Government Ordinance in 1933 and to follow it up with new proposals for the establishment of a Legislative Council. Asked whether these measures would " satisfy the aspirations of the Arabs for self-government ", he replied that " though the extremists might not be influenced, he hoped that the moderate Arabs would be satisfied ". On the long view, he expressed his faith in the community of economic interests. " He was convinced that with the passage of time, the Arabs and

* Report on the Administration of Palestine for 1935, p. 17.

Jews would see that it was to their mutual advantage to work together ". He concluded his formal statement as follows:—

> " We would gladly govern Palestine in accordance with the wishes of the two races; and when these wishes conflict, I use every means to reconcile them. If these efforts prove of no avail, then Government must, regardless of criticism, carry out whatever policy it considers best in the interests of the people as a whole and in accordance with the Mandate ".*

87. The last words are important; for it was the obligations of the Mandate, then as always, that made the task of reconciliation not only supremely difficult but, as we now think, impossible. When the Arab Executive, as has been seen, submitted a protest against Jewish immigration and land-purchase in the autumn of 1934, the High Commissioner could only reply that the number of immigrants had not exceeded the absorptive capacity of the country and that he was doing what he could to protect Arab cultivators and increase the productivity of the land. Nor was any deep impression made by his announcement that on obtaining the concession for the drainage of the Huleh basin the Jewish group concerned had agreed to increase by about one-half the area reserved for Arab settlement. In June of the following year (1935) the sincerity of the High Commissioner's desire for reconciliation was manifested by a signal act of clemency. On the occasion of the King's birthday he announced that fourteen prisoners, who had been convicted for participation in the disorders of 1929, would be at once released, and that twenty-two whose death-sentences for murder had been previously commuted to imprisonment for life would be released in 1936.

88. In the autumn the situation rapidly deteriorated. In October the discovery of arms and ammunition concealed in a consignment of cement imported from Belgium was hailed as a proof that the Jews were secretly arming on a large scale. The Arab Press excelled itself in denunciation of the Government and the Jews. By way of protest a "strike " was declared for the 26th October and widely observed. At Jaffa it excited strong feeling, and a clash with Tel Aviv was narrowly averted.

89. Early in November it became known that a " terrorist " band had established itself in the hills of Galilee, under the leadership of Sheikh Izzed Din al Qassam, a political refugee from Syria with a widespread reputation as a religious leader. The band was caught by the police near Jenin, and four of its members killed, including Sheikh Izzed Din. A great crowd of Arabs attended his funeral at Haifa, and there was some demonstration and stone-throwing. The Arab newspapers hailed him as a martyr to his nation and his faith. " Dear friend and martyr ",

* Minutes of the 22nd Session of the Permanent Mandates Commission, p. 82–86.

said one of them, " I have heard you preach from a platform resting on a sword. To-day . . . you are, by God, a greater preacher than alive you ever were ".

90. On the 25th November the five Arab Parties formally presented the High Commissioner with three main demands—(1) the establishment of democratic government, (2) the prohibition of the transfer of Arab lands to Jews, (3) the immediate cessation of Jewish immigration and the formation of a committee to determine the " absorptive capacity " of the country.

91. It was obvious, once again, that the concession of the second and third demands was inhibited by the Mandate unless it could be shown that Jewish immigration and land-purchase were definitely injuring the rights and position of the Arabs. And the Jews were prepared to maintain with a wealth of argument that, so far from injuring the Arabs, the National Home had greatly benefited them. Just at this time, moreover, the " external factors ", as we have termed them, were operating on the Jewish as well (as will be seen) as on the Arab side with maximum force. Jewish prospects in Europe were no better; in Poland, indeed, they were worse; and the " boom " in the National Home had raised to the highest pitch the hope that relief on an increasing scale would be found in Palestine. The attitude of the Zionist Congress, which had been held at Lucerne in July and August, had shown that in Jewish eyes it was a question not of restricting but of augmenting the volume of immigration in the future.

> " In brief, the resolutions of the Political Commission, which were carried unanimously, reviewed the adverse conditions of Jewish life in the Diaspora, considered that Jewish achievements in Palestine, the only country at present open to Jewish immigration on a large scale, had proved that immigration and settlement could proceed far more rapidly than hitherto, and proclaimed the firm resolve of the Zionist Organisation to focus the energies of the Jewish people on the extension and acceleration of its re-settlement in Palestine. The Congress, while appreciating the part played by the Mandatory Power and re-affirming the readiness of the Zionist Organisation to co-operate appealed to the Government to fulfil its obligations by an active and systematic policy of furthering the Jewish National Home on a scale and at a pace demanded by the position of Jews in the world and possible with active Government assistance."*

The British Government may not have been prepared to endorse so sanguine a view of future possibilities, but at any rate they saw no reason for departing from the policy of 1931. The second and third of the Arab demands were, therefore, rejected. But an effort was made to show that the Arab case was by no means overlooked. The High Commissioner was authorized in February, 1936, to inform the leaders of the five parties that (1) an Ordinance was to be enacted prohibiting the sale of land

* Report on the Administration of Palestine for 1935, p. 19.

unless the owner should retain a sufficient amount of it to provide subsistence for himself and his family, and (2) the careful estimates already made of " absorptive capacity " were to be further checked by a new Statistical Bureau.

92. To the first of the Arab demands the Government's reply had been given without delay. It has been seen that Sir Arthur Wauchope's chief hope of peace lay in the development of self-governing institutions. The new Municipal Corporations Ordinance had come into force in January 1934. In the following December he had informed the Arab leaders that, with the full agreement of the Secretary of State, he proposed, after a reasonable interval for observing the operation of the new Municipal Councils, to discuss with the various parties the establishment of a Legislative Council. On the 21st and 22nd December, 1935, he submitted to the Arab and Jewish leaders successively a definite scheme for the constitution of the Council. It was to consist of twenty-eight members, only five of whom would be officials. There would be eleven nominated unofficial members, and twelve elected members. Of these twenty-three, eleven would be Moslems, seven Jews, three Christians, and two representatives of commercial interests. The President would be " some impartial person unconnected with Palestine ". There would thus be no official majority; but there were to be three main " safeguards ". (1) The validity of the Mandate was not to be questioned. (2) The High Commissioner would be empowered, in certain circumstances, to legislate by " certification " or by ordinance. (3) He would continue to determine the Labour Schedules, though discussion of them in the Council would be allowed.

93. These proposals could scarcely be regarded by the Arab leaders as conceding the " democratic government " they had demanded, still less the national independence which from the outset had figured in the forefront of Arab claims and was still vigorously championed by the Istiqlal Party and by a growing number of the younger educated Arabs. Almost all the Arab newspapers denounced the scheme as maintaining too much power in the hands of the High Commissioner and giving too little weight to the Arab electorate. Above all, it afforded little prospect of Arab opinion being more effective in the future than it had been in the past in checking the flow of Jewish immigration. The scheme, however, was a longer step towards real self-government than the scheme of 1922, and the united party-leaders did not reject it outright.

94. We have little doubt that one of the main reasons why the Arabs acquiesced to this extent in the proposals was the vehemence with which the Jews opposed them. Such merit as the scheme possessed in Arab eyes condemned it in theirs. An

advance towards real self-government meant an advance towards the subjection of the National Home to an Arab majority. Already at Lucerne the Zionist Congress had made its uncompromising attitude quite clear. To continue the summary quoted above:

> " Expressing its grave concern at the intention of the Mandatory Government to establish a Legislative Council, a step which it regarded as contrary to the spirit of the Mandate, the Congress re-affirmed its opposition to the establishment of a Legislative Council in the present stage of the development of Palestine, and reluctantly expressed its categorical rejection of the scheme."*

Dr. Weizmann and his colleagues accordingly informed the High Commissioner that they rejected the scheme and had resolved to take no part in its operation.

95. Its fate was soon determined outside Palestine. On 26th February, 1936, it was debated in the House of Lords and on the 24th March in the House of Commons. On the former occasion Lords Snell, Lytton, Lothian, Jessel, Elibank, Mansfield, Melchett, Marley and Cecil, representing all Parties in the House, were agreed in urging that the scheme should either be abandoned for the present or suspended while a Royal Commission inquired into the question on the spot. The Government spokesman, Lord Plymouth, was its only supporter. In the House of Commons the result was much the same. Twelve members asked for the suspension or drastic modification of the scheme; and the Secretary of State (Mr. J. H. Thomas), whose speech was constantly interrupted, had only two supporters.

96. In view of the Arab reaction to these debates, we think it right to point out that only two of the speakers in each House were Jews. Re-reading the debates, moreover, in the light of our experience in Palestine, we have been impressed by the fairness of most of the speeches. If the case stated against the scheme was partly based on the likelihood that it would operate to the disadvantage of the Jewish National Home, it was also based on such general considerations as the desirability of allowing more time to elapse for training in local government or the unwisdom of committing Palestine to a form of constitution which would naturally lead, and had elsewhere led, to Responsible Government. And on this last point it should be remembered that for several years past Parliament had been discussing the difficulty of introducing Responsible Government in a country so deeply divided by communal differences as India.

97. But, if Parliament judged the scheme on its merits, it is none the less unfortunate that the Jewish side of the case was so much more fully stated than the Arab. The debate, indeed,

* Report on the Administration of Palestine for 1935, p. 19.

was a striking illustration of the disadvantage which the Arabs suffer whenever the field of controversy shifts from Palestine to the United Kingdom. The Jews are perfectly entitled to make use of all the opportunities at their command for ensuring that their claims are fully understood; but we believe that their own ultimate interests would have been better served if British public opinion could have been confronted from the outset with a no less clear and cogent statement of the Arab case.

98. It was, we assume, with a view to adjusting in some degree the one-sidedness of the position that after the debates an invitation was addressed to the Arab leaders to send a delegation to discuss the question of a Legislative Council at the Colonial Office. The " disturbances " broke out before this proposal could take effect: but it is difficult to suppose that it could in any case have done much to erase the impression made on Arab minds by the debates. Nobody in Palestine doubted that Parliament had killed the scheme. The Jewish Press was jubilant. It went so far as to hail the result as " a great Jewish victory ". And that, of course, was how the Arabs looked at it. They were bound to think it an even more conclusive demonstration of Jewish power in London than the " Black Letter ". The scheme, which in their eyes went only a little way to concede the rights they claimed, had been adopted by the High Commissioner and endorsed by the British Government, only to be rejected by Jewish influence in Parliament. That there might have been some other reason for the rejection seems never to have entered their minds. Inevitably their old hostility to the Mandate and all it stood for was reinforced. More than that, their old fear that the Mandate might ultimately lead to their subjection to the Jews became more concrete and more urgent. They were really to be " swamped ", it seemed, and that in no long time.

99. While we think it important thus to emphasize the serious effect on Arab feeling of the rejection of the Legislative Council scheme, we must once more enter a *caveat* against exaggeration. The rejection was not the cause of the trouble that ensued. It aggravated the cause of it. It helped to bring it to a head. But, in our considered judgment, if Parliament had accepted the Legislative Council scheme, it would not have satisfied the Arab nationalists for any length of time. To suppose that it would have done so is to ignore the " external factors ". For, just as the pressure of European Jewry on Palestine was now at its strongest, so also was the influence of events in neighbouring lands. This very winter of 1935-36 witnessed a recrudescence of nationalist agitation in Egypt and in Syria so vigorous and effective that in both countries, within a few months it attained its final objective, the concession of national independence.

100. In the autumn of 1935 developments arising out of the Abyssinian war led to the formation in Egypt of a " United Front " of political parties. This body demanded the conclusion of a treaty between Great Britain and Egypt. The five weeks which elapsed before the British reply was published were marked by constant unrest and serious rioting, mainly by the students in Cairo. But, when it was known that the British Government were prepared to negotiate, the tension was eased. On the 2nd March, 1936, the negotiations began. On the 26th August the Anglo-Egyptian Treaty of Alliance was signed. In it the British Government, having already recognized Egypt as " a sovereign independent State ", undertook to support its application for admission to the League of Nations. Other articles established " an alliance between the High Contracting Parties ", provided for consultation in times of crisis and co-operation in the event of war, declared the British military occupation of Egypt to be terminated, and provided for the removal of the British air and land forces to the neighbourhood of the Suez Canal.

101. The Egyptian example had a considerable influence on opinion in Syria, and the course of events there was much the same as that in Egypt. In January 1936 the growing power of the " Nationalist bloc " culminated in an outbreak of serious disorder. A " strike " was declared and lasted for fifty days. On the 1st March the French Government announced its decision to negotiate a treaty. On the 9th September the Franco-Syrian Treaty of Alliance was signed. Modelled on the Anglo-Iraqi Treaty of 1930, it provided that, within three years at most, the French Government should resign the Mandate and support the application of Syria for admission to the League of Nations. Provision was made for an alliance between France and Syria, for consultation on foreign policy, and for mutual assistance against aggression. France was to have the use of two military air-bases on Syrian soil. The rights of minorities were carefully safeguarded. The essence of the Syrian Treaty, like that of the Egyptian, was the acquisition of full national status. It meant that a treaty-relationship between two sovereign States was shortly to be substituted for the existing relationship between a Mandatory Power and a Mandated Territory. Thus quickly and decisively Syrian nationalism had reached its goal.

102. On the 13th November an almost identical treaty was signed between France and the Lebanon, under which that little sea-board country, with a population of about 860,000 and a territory about the size of Norfolk and Suffolk combined, will soon become, like Syria and 'Iraq, a sovereign independent State.

103. These developments in Egypt and Syria were bound to stimulate nationalist agitation in Palestine. The Arab newspapers

made the most of such congenial matter. At the time of the riots in Cairo, one of them called on its readers to follow the Egyptian example. " Rise to rid yourselves from Jewish and British slavery . . . The leaders in Egypt have awakened. Where are our leaders hiding? " Again, a little later, the students of Palestine were urged to awake like their brothers. " The time is near and the situation grave. Unify yourselves. Demand your violated rights and stolen freedom. Advance. God is with you ". The opening of the Franco-Syrian negotiations, similarly, evoked the strongest expressions of sympathy with " our heroic brothers in the northern part of this oppressed Arab country ". " Syria is to be congratulated. Palestine wishes it success in its national aspirations and in its challenge to the colonizers ". It was only to be expected that Palestinian Arabs should thus envy and seek to emulate their successful fellow-nationalists in those countries just across their northern and southern borders. For now of all the Arab peoples in the Middle East they were the only people, except the people of Trans-Jordan, who had not attained or were not soon to attain full national freedom: and, as has been mentioned before, the Government of Trans-Jordan had long been recognized as an " independent government ".

104. There was one further external factor operating on the situation. The conflict between Italy and the League of Nations on the question of Abyssinia from September 1935 onwards was closely watched throughout the Levant, and its upshot, we have been informed, was everywhere taken to show that British sea-power in the Eastern Mediterranean was no longer so unquestioned as it once had been. Italian propaganda at that time was not unnaturally concerned to weaken British prestige wherever possible. The wireless-station at Bari broadcast criticisms of British " imperialism " in Arabic. The attention of Arab " listeners " in Palestine was directed, for example, to the inadequate provision made by the Government for Arab education. But it would be easy, we think, to overestimate the influence of the Abyssinian *imbroglio* over events in Palestine. Unquestionably it suggested to zealous nationalists, in Palestine as in Syria and Egypt, that an opportunity had been given them for pressing their claims which might not easily recur; and it seems probable that the coincidence in time between the Anglo-Italian tension and the "disturbances " in Egypt, Syria, and Palestine was no accident. But that is all. To suppose that the quarrel over Abyssinia greatly increased the trouble in Palestine, still more to imagine that Italian propaganda engendered it, is to make the old mistake. As we have tried to show, the situation was quite grave enough before September 1935.

105. Thus the history of the fifteen years which had passed since the execution of the Mandate was first entrusted to a Civil Administration had led up to a situation in which almost every factor, both internal and external, prejudicial to a peaceful outcome was stronger than it had been at the outset. It is not surprising in the circumstances that in April 1936 the " disturbances " broke out which occasioned the appointment of the Royal Commission.

CHAPTER IV.

THE DISTURBANCES OF 1936.

1. We do not regard it as part of our duty to describe the " disturbances " of last year in detail or to discuss the manner in which they were dealt with by the Palestine Government. We propose, therefore, to confine ourselves in this chapter to summarizing very briefly the course and character of the disturbances and to stating our opinion as to the " underlying causes " of them in pursuance of the first of our terms of reference.

1. The Course of the Disturbances.

2. The trouble began with the murder of two Jews by Arab bandits on the night of the 15th April on the Tulkarm-Nablus road. The following night two Arabs were murdered not far from Petah Tiqva as an act, so the Arabs believed, of Jewish reprisal. The funeral of one of the murdered Jews at Tel Aviv on the 17th April led to angry Jewish demonstrations. A series of assaults on Arabs in Tel Aviv began, and on the 19th April, excited by false rumours that Arabs had been killed, Arab mobs in Jaffa began attacking Jews and murdered three of them. Police, reinforced by troops, dispersed the rioters. Curfew was imposed on Jaffa and Tel Aviv, and the Palestine (Defence) Order in Council and the Emergency Regulations thereunder were brought into force for all Palestine by proclamation.

3. On the 20th April an Arab National Committee was formed at Nablus and resolved that a general strike should be declared throughout the country and maintained until the Arab demands as put forward in the previous November had been conceded. By the end of the month National Committees had also been constituted in all the towns and in some of the larger villages in Palestine. On the 21st April the leaders of the five united parties accepted the decision taken at Nablus and called a general strike of all Arabs engaged in labour, transport, and shopkeeping on the next day. On the 25th April at a meeting of all Arab parties a Supreme Arab Committee, subsequently known as the Arab Higher Committee, was established. It consisted of Haj Amin Eff. El Husseini, Mufti of Jerusalem (President), Awni Bey Abdelhadi (Secretary), Ahmad Hilmi Pasha (Treasurer), Ragheb Bey Nashashibi, Jamaal Bey El Husseini, Abdul Latif Bey Salah, Dr. Hussein Eff. El Khalidi (Mayor of Jerusalem), Yaqub Eff. Ghussein, Yaqub Eff. Farraj and Alfred Eff. Rock. It should be noted that the Istiqlal Party was now prominently associated with the rest, since Awni Bey Abdelhadi is its General Secretary and Ahmad Hilmi Pasha (Manager of the Arab Bank) is associated with it, and that

Yaqub Eff. Farraj and Alfred Eff. Rock represented the Christian Arabs, being members of the Greek Orthodox and Roman Catholic communities respectively.

4. The new Committee adopted a resolution " to continue the general strike until the British Government changes its present policy in a fundamental manner, the beginning of which is the stoppage of Jewish immigration." They also re-stated the Arab national demands as follows: (1) the prohibition of Jewish immigration; (2) the prohibition of the transfer of Arab land to Jews; (3) the establishment of a National Government responsible to a representative council. It will be observed that the third item is a clearer definition of the full Arab claim than " the establishment of democratic government " demanded in the previous November.

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

The Committee intimated that, while they were not responsible for it, the agitation in favour of " civil disobedience " must be regarded as a spontaneous expression of national feeling, and they added that they could not use their influence to check illegal action or to call off the strike unless Jewish immigration were suspended. To such a " fundamental " change of policy the High Commissioner could not agree. On the 18th May a Labour Schedule of 4,500 immigrants for the next six months was approved.

6. Meantime the strike had been effectively imposed. Already, in May, Arab work and trade were virtually at a standstill. Jaffa port was out of action. Arab shops in Jerusalem and elsewhere were closed. Only at Haifa Port and to some extent on the railways was Arab labour still available. The strike was accompanied by intermittent local demonstrations. Jews were assaulted and stoned in various parts of the country. Much destruction, however, was done to Jewish trees and crops in the Northern District.

7. On the 18th May the Secretary of State informed the House of Commons that it had been " decided, after order is restored, to advise His Majesty to appoint a Royal Commission

* The President and Vice-President of this Committee were convicted of inciting to disorder and fined £25 each.

which, without bringing into question the terms of the Mandate, will investigate causes of unrest and alleged grievances either of Arabs or of Jews." In a debate on the 19th June Mr. Ormsby Gore, who had succeeded Mr. Thomas as Secretary of State, declared, with reference to the Royal Commission, that " the sole aim of His Majesty's Government is to obtain an objective and non-partisan report, to enable them to do justice to all sections of the Palestine population." If the policy recommended by the Commission commended itself to the Government, it would be carried into effect without fear or favour; but, in view especially of its obligations to the League of Nations, the Government must retain the ultimate responsibility. He added that until the report had been received and considered, " no change of policy whatsoever could be contemplated." On the 29th July the personnel of the Commission and its terms of reference were announced.

8. The position in Palestine, meanwhile, had been steadily worsening. During May and June the strike hardened throughout the country. Those few Arabs who kept their shops open or otherwise abstained from striking were soon won over or intimidated by representatives of the National Committees, which, staffed largely by younger Arabs, kept a highly efficient watch on the conduct of the strike. Violence and sabotage increased. There was persistent sniping at Jewish colonies. Five Jews, two Arabs, and one British policeman were murdered. Sporadic attacks were made on the railway lines, two trains were derailed, and one bridge blown up. Roads were barricaded, and telephone wires cut. But the most serious development was the appearance of bands of armed Arabs in the hills, including volunteers from Syria and 'Iraq. Hitherto the military and police had only been exposed to indiscriminate sniping. Now organized attacks were made on them.

9. From the second week in May onwards military reinforcements were arriving from Egypt and Malta. They were mainly used for the defence of key-points, patrolling the roads, escorting convoys and protecting the railway lines. No large-scale attack was made on the bands in the hills. On the 23rd May sixty-one Arab agitators in various parts of the country were arrested, and in most cases compelled to reside under police supervision in other than their home towns. In June some of the more prominent leaders, including Awni Bey Abdelhadi, were interned in a " concentration camp " at Sarafand. In the same month the Emergency Regulations were extended so as to increase the penalties for firing on troops and police, bomb-throwing, and the illegal possession of arms. Those measures had little effect, and at the end of June a weakening

became apparent in the ranks of the administration itself. A memorandum was submitted to the High Commissioner, signed by 137 Arab senior officials and judges.

10. The salient points of this memorandum (which is printed in full as Appendix 2 to this Report) were as follows:—

(i) The disturbances were due to a feeling of despair among the Arabs which had been largely caused by " loss of faith in the value of official pledges and assurances for the future." " The Arab complaint on this head is substantially justified."

(ii) The Government has apparently failed to realize that the trouble cannot be stopped by force, but only by removing the causes of it.

(iii) " We have no hesitation in recommending the stoppage of immigration as the only fair, humane, and honourable solution of the deadlock."

(iv) "We must conscientiously raise a protest against the present policy of repression."

In putting forward these opinions and recommendations the signatories claimed to be " naturally in closer contact with the intimate thoughts of the Arab population than even Your Excellency's closest advisers."

11. This memorandum, which, though phrased in deferential language, definitely asserted that distrust of the Government's good faith was justified and definitely condemned its policy, was signed or afterwards endorsed by all the senior Arab officials, including highly-placed officers in the political as well as the technical departments of the Administration,* and—still more remarkable—by all the Arab judges. It seems to us to throw a sharp light on the state of affairs in Palestine that a British Government should ever have been confronted with such a situation. The memorandum was accepted. A similar memorandum was submitted some weeks later by 1,200 Arab officials in the Second Division of the Public Service.

12. In the middle of July the Qadis of the Moslem *Shari'a* Courts presented yet another memorandum. These judges, it will be remembered, are not Government officers, but they are appointed by and responsible to the President of the Supreme Moslem Council, who receives a salary from Government. The tone of this document was more mutinous than that of the others. It described the Government's policy as " detestable"; it charged the police and military with "unimaginable acts "; and it warned " the British authorities of the revenge of God the Almighty ". It demanded, in conclusion, " the grant of all the demands of the Arabs and the enforcement of the pledges given to them."

* Officials in the Police were the only exception.

13. The announcement of the terms and reference and personnel of the Royal Commission at the end of July had no effect on Arab opinion. It was argued, first, that the result of previous enquiries had shown that no recommendations favourable to the Arab cause would be implemented and, secondly, that the terms of reference precluded the Arabs from attacking the Mandate itself on the ground that it had broken an antecedent pledge. Throughout August and September, therefore, the "disturbances" continued. There were two short periods of relative quiescence while attempts were made to settle the dispute. His Highness the Amir of Trans-Jordan had invited the Arab Higher Committee to Amman on the 6th June, and had been informed by them that they were powerless to stop the strike unless Jewish immigration were suspended. Now, on the 7th August the Amir repeated his invitation, but the result was no more satisfactory. The next move came from 'Iraq. Nuri Pasha, the 'Iraqi Foreign Minister, arrived in Palestine on the 20th August, having offered his services as an unofficial mediator between the Government and the Arab leaders. The latter welcomed his intervention; but, since he could make no promises on the Government's behalf, the negotiations broke down. On the 30th August the Arab Higher Committee published a manifesto, declaring their willingness to trust to "the mediation of the Government of 'Iraq and of Their Majesties and Highnesses the Arab Kings and Princes", and that in the meantime "the Nation will continue its general strike with the same steadfastness and conviction which it has shown."

14. Throughout these months the forces of disorder became more powerful and active. The strength of the bands in the hills was increased both in numbers and in arms and ammunition; and towards the end of August they were joined by trained guerilla leaders from outside Palestine. One of these Fawzi ed Din el Kauwakji, a Syrian, had served with distinction in the Turkish Army in the War and after the French occupation of Syria had obtained the *légion d'honneur* for his work as an intelligence officer. On the outbreak of the Druse revolt in 1925 he had joined the rebels and been sentenced to death; but he had escaped to the Hedjaz, where he became Military Adviser to King Ibn Saud. Finally he had obtained a commission in the 'Iraq Army, which he resigned in 1936. Arrived in Palestine, he appointed himself "generalissimo" of the rebel forces and issued "communiqués" and "proclamations". Under his leadership the bands were drilled and instructed in trench-warfare, and they had several sharp encounters with the British troops. Meanwhile the lawless activities of individual Arabs or "terrorist" gangs became more violent and frequent. Several Jews were murdered. Sabotage

of every kind increased. The oil pipe-line running through the Plain of Esdraelon was repeatedly punctured. Roads were systematically mined. Railways were frequently damaged and there was one serious derailment involving loss of life.

15. On the 7th September the Colonial Office issued a Statement of Policy. It outlined the course of the disturbances and described "the situation which had been created" as a "direct challenge to the authority of the British Government in Palestine". It referred to the appointment of the Royal Commission and to the attempts at conciliation from outside, and pointed out that, owing to the Arab leaders' determination not to end the strike until "fundamental changes" had been made in British policy, "all efforts to introduce a reasonable spirit of accommodation have hitherto failed." Finally it declared that the state of disorder must be brought to an end without delay, and announced that an additional division of troops was being sent to Palestine and that Lieutenant-General J. G. Dill would assume the supreme military command.

16. The reinforcements began to arrive in Palestine on the 22nd September and extensive operations were promptly set on foot with a view to rounding up the Arab bands. By the end of the month the number of British troops in the country had risen to about 20,000. Moreover, an Order in Council had been made authorizing the application of "martial law" by the High Commissioner or by the G.O.C. Palestine Forces as his delegate.

17. The outbreak was now clearly nearing its end. On the one hand, it was evident that the bands could not long resist so large a military force; on the other hand, many of the less politically-minded Arabs were wearying of the long conflict and the personal insecurity and pecuniary sacrifice it entailed. The prospect of not participating in the orange-season, which opens in November, was particularly unpleasant. In this situation, the Arab Higher Committee, who had kept in touch with the Arab Kings and Princes throughout the disorders, welcomed the arrival of appeals for peace, couched in identical terms, from King Ibn Saud, King Ghazi of 'Iraq, and the Amir Abdullah of Trans-Jordan. The text was as follows:—

> "Through the President of the Arab Higher Committee to our sons the Arabs of Palestine:—
>
> "We have been deeply pained by the present state of affairs in Palestine. For this reason we have agreed with our Brothers the Kings and the Emir to call upon you to resolve for peace in order to save further shedding of blood. In doing this, we rely on the good intentions of our friend Great Britain, who has declared that she will do justice. You must be confident that we will continue our efforts to assist you."

18. On the 11th October the Arab Higher Committee published this document, and announced that with the unanimous agreement of the National Committees they had decided "to

respond to the appeal of Their Majesties and Highnesses the Arab Kings and Amirs, and to call upon the noble Arab nation in Palestine to resort to quietness and to put an end to the strike and disorders ".

19. These orders were obeyed. Work was generally resumed on the 12th October. The bands, on which the British troops were now beginning to close in, were permitted to disperse. Cases of sniping and law-breaking still occurred, but the " disturbances " as an organized national movement had ceased. They had lasted six months.

20. At the beginning of November the situation was considered sufficiently peaceful for the Royal Commission to go out to Palestine. We left England on the 5th November and arrived at Jerusalem on the 11th November. But, though the strike had been ended, we found that the Arab leaders were not prepared to assist us in our inquiry. On the 5th November the Secretary of State had announced in the House of Commons the Government's decision that a suspension of immigration during the course of the Royal Commission's investigation " would not be justifiable on economic or on other grounds ".

> " It is the view of His Majesty's Government that, if any drastic departure from the immigration policy hitherto pursued were now to be introduced in advance of the findings of the Royal Commission, this would involve an alteration in the existing situation and might be held to prejudice the inquiries of the Royal Commission, which will be directed, among other matters, to the very important question of immigration generally."

21. In view of this announcement, the Arab Higher Committee resolved on the 6th November to boycott the Commission; and next day, after an interview with the High Commissioner, who did his utmost to persuade them to change their minds, the decision was published in the following terms:—

> " The Arab Higher Committee has met and studied the statement made by the Colonial Secretary in the House of Commons on 5th November, 1936, in relation to the decision of the British Government not to stop Jewish immigration and consenting to issue fresh labour immigration certificates and to allow all other forms of immigration. This is contrary to what the Arabs had been expecting, i.e., a complete stoppage of all forms of immigration. The Committee finds the reasons given by the Colonial Secretary obviously inadequate.
>
> " Whereas the strike which was declared by the Arabs and which continued for six months was nothing but a protest against the policy of the British Government, which deprives the Arabs of their political rights, and a demand for a fundamental change of policy which would have as its first aspect a suspension of immigration (Jewish), and whereas the statement of the Colonial Secretary is a strong insult to the Arabs and hostile to their interests and is an indication of an absence of good faith, in bringing about a just solution of the Arab case based on the realisation of the Arab demands and the safeguarding of their national existence:
>
> Therefore the Committee denounces with vigour this stand and decides not to co-operate with the Royal Commission and asks the honourable nation, which has proved to the world at large its political maturity and strong national faith, to abide by this decision; and may God arrange matters.
>
> The Arab Higher Committee."

22. The boycott was maintained until we had heard most of the Jewish and British evidence and had announced the date at which we intended to leave Palestine. But on the 6th January it was abandoned in similar circumstances to those in which the strike had been called off. On the previous evening a delegation which the Arab Higher Committee had sent to 'Iraq and Saudi-Arabia returned to Jerusalem, bringing letters from King Ghazi and King Ibn Saud. They recommended the Arab Higher Committee, in identical terms, to state their case to the Royal Commission.

> " On account of the confidence we have in the good intentions of the British Government to give justice to the Arabs, we have seen that it is in the interest of the Arab case to get into touch with the Royal Commission and to lay before it your just claims because that is a surer method to safeguard your rights and a more helpful way for securing the aid of your friends in defending you properly. We have explained to the noble delegation all our thoughts on this matter and wish to assure you that we shall not refrain from helping you in bettering the situation as far as lies in our power and we trust that God will help you all to what is best for Islam and the Arabs."

Next day the Arab Higher Committee issued the following manifesto:—

> " The Arab Higher Committee has held a session in the presence of the delegation which has returned from Baghdad and Ryadh and after hearing the statement of the delegation and reading the letters of the King of 'Iraq and King of Saudi Arabia which were brought by the delegation, has found it necessary to accept the exalted request of the said kings and to present the Arab case before the Royal Commission.
>
> " The Arab Higher Committee will get into touch with the Royal Commission on behalf of the Arabs and hopes that everyone who has information or statements helpful to the case will send them to the Committee in writing and that no individual will go to give evidence without prior consent of the Arab Higher Committee as this rule will both lead to a proper and systematic presentation of the case and will avoid repetition and confusion."

2. The Character of the Disturbances and the Loss occasioned by them.

23. It remains to draw attention to the more significant features of the disturbances and roughly to estimate their cost.

In some respects the outbreak of 1936 followed the same lines as those described in the preceding chapter. There was the same use of the economic weapon—the strike. There was

the same consolidation of the Arab nationalist forces, all parties uniting and Christian making common cause with Moslem. There were similar assaults on the persons and property of the Jews, conducted with the same reckless ferocity. Women and children were not spared. Of many tragic cases we may mention that of Mr. Lewis Billig, Lecturer in Arabic Literature in the Hebrew University, who had devoted his life to Arabic studies and was murdered in his house in the suburbs of Jerusalem. But in all these respects, except, perhaps, the last, the outbreak of 1936 overshadowed all its predecessors. It lasted far longer; it extended more completely throughout the whole country; and it was much more efficiently organized.

24. One other feature of the " disturbances " of last year had likewise appeared before. It has been pointed out that the outbreak of 1933 was not only, or even mainly, an attack on the Jews, but an attack on the Palestine Government. In 1936 this was still clearer. Jewish lives were taken and Jewish property destroyed; but the outbreak was chiefly and directly aimed at the Government. The word " disturbances " gives a misleading impression of what happened. It was an open rebellion of the Palestinian Arabs, assisted by fellow-Arabs from other countries, against British Mandatory rule. Throughout the strike the Arab press indulged in unrestrained invective against the Government. " The Government imprisons and demolishes and imposes extortionate fines in the interests of imperialism ". " Great Britain has made the League of Nations into a tool for the realization of its wickedest objects and the legalization of its worst political and social aims, and relies on it as an agent for the annihilation of Palestine ." And as to the military operations and the conduct of the troops, the dropping of poisoned sweets from aeroplanes was one of the least outrageous charges made.

25. So far the outbreak of 1936 was a repetition, to a greatly intensified degree, of the past: but there were two features of it which were quite unprecedented. The first was the attitude of the Arab officials. We have already referred to their memorandum, and we shall refer later on to the difficulty the Government experienced, as the disorders dragged on, in relying on its Arab district officers and police. The second novelty was the intrusion of the " external factor." Previous outbreaks in Palestine had excited the interest and sympathy of the neighbouring Arab peoples: but this time, not only was considerable popular feeling displayed against the British Government as well as the Jews, but a substantial number of volunteers, including the ultimate leader of the rebellion, came

from Syria or 'Iraq, and the Arabs of Trans-Jordan were with difficulty prevented from joining in the conflict. Still more important, the Arab Governments concerned themselves for the first time in the dispute. Throughout its course the Arab leaders in Palestine kept in touch with the Kings of Saudi Arabia and 'Iraq and the Amir of Trans-Jordan. A direct attempt to mediate was made by the 'Iraqi Foreign Minister. And the rebellion was brought to an end on the direct advice of the Rulers of Saudi Arabia, 'Iraq, Yemen and Trans-Jordan. The boycott of the Royal Commission, similarly, was abandoned at the instance of King Ibn Saud and King Ghazi. Naturally, too, the language used both by the Rulers in their letters and by the Arab Higher Committee in announcing the acceptance of their advice reflects the solidarity of Arab interests. The Rulers address the Palestine Arabs as " our sons " and promise to give them all the help they can. The Arab Higher Committee acknowledges " the great benefit to accrue from their intervention and support." The Arab Rulers are well aware that Your Majesty's Government is accountable to no other body than the League of Nations for its execution of the Mandate; and we understand that their relations with Your Majesty's Government are altogether friendly and correct: but the difficulty in which they are placed by an Arab rebellion in Palestine and by the excitement it arouses among their subjects is evident. If, indeed, we were to pick out the feature of the late " disturbances " which on a general view seems to us the most striking and far-reaching, it would be the manner in which they roused the feeling of the Arab world at large against Zionism and its defenders.

26. Only the roughest reckoning can be made of the loss occasioned by the " disturbances " to the Arab population. The official list of " casualties " gives 195 Arabs killed or died of wounds and 804 wounded. But these figures are based only on verified deaths and treatment in hospitals; and the full extent of the Arab losses cannot be gauged. It has been credibly estimated at 1,000 killed—mostly in fighting, since very few Arabs were murdered.

27. On the Jewish side, the official list gives 80 Jews killed or died of wounds and 308 wounded. The figures supplied by the Jewish Agency are " 82 Jews murdered, apart from nine further deaths arising out of and connected with the disturbances between April and October, 1936," and 369 Jews wounded in the same period. As to material loss, the Jewish Agency reports the destruction of 80,000 citrus trees, 62,000 other fruit trees, 64,000 forest trees, and 16,500 dunums of

crops. It reckons the total cost of the injury to Jewish property at about £250,000, of which £100,000 is in respect of the destruction or damage of commercial or industrial premises in Jaffa by fire or otherwise.

28. Of the Palestine Police Force and the Trans-Jordan Frontier Force one officer and fifteen other ranks were killed or died of wounds, and fifteen officers and eighty-seven other ranks were wounded.

29. Of the British forces, naval, military and air, two officers and nineteen other ranks were killed or died of wounds, and seventeen officers and eighty-seven other ranks were wounded.

30. The direct cost of the " disturbances " to the Palestine Treasury in the financial year 1936-37 is estimated at more than £1,500,000 (including £1,186,000 for additional troops, £144,000 for extra expenditure on Police and Prisons, and about £35,000 for repairing damage to roads and railway bridges, rolling stock and the like). The corresponding total for 1937-38 is £433,000 (principally increased expenditure on security forces). The effect on receipts is more difficult to assess, but the loss of revenue probably amounted to £900,000 in 1936-37, and it is estimated that it will be as much as £750,000 in the current year. Thus the total direct cost to the taxpayers of Palestine will have been approximately £3½ million. To this must be added the losses incurred by the Arab and Jewish communities —both directly from the interruption of business and employment, the suspension of the tourist trade, damage to property and in other ways, and indirectly from the resultant check on the importation of capital. Only conjecture is possible as to the amount of these losses; but it must have run into millions of pounds.

3. The Underlying Causes.

31. This seems to us to be an appropriate point to deal with the first of our terms of reference, which requires us " to ascertain the underlying causes of the disturbances ".

32. The evidence given by the Arabs on this question is the more important, because it was they who made the " disturbances ", and the Arab Higher Committee told us plainly why they did it. There has never, indeed, been very much doubt about it. The Arab leaders have often set out their case before in public statements, and for some time they were in doubt whether they could add to its weight by repeating it before the Royal Commission.

33. The gist of their evidence on the matter may be summarized as follows:—

They frankly stated that, though they considered that they have complaints as to the way in which the Mandate has been carried out, they do not rest their case upon these grievances but that their quarrel is with the existence of the Mandate itself. They do not accept the interpretation of the McMahon letter set out in the Government's statement of British policy in Palestine in June, 1922.* They deny the validity of the Balfour Declaration. They have never admitted the right of the Powers to entrust a Mandate to Great Britain. They hold that the authority exercised by the Mandatory is inconsistent with the Covenant of the League of Nations and with the principle of self-determination embodied in that Covenant. We have examined these controversial issues in an earlier chapter; and the point which concerns us here is not whether these Arab claims are justified or not, but simply that they are their claims, and that the overriding or setting-aside of them was the main cause of the disturbances.

34. In support of these claims, the Arab Higher Committee re-affirmed the conviction, maintained by Arab leaders ever since the War, that Palestine west of the Jordan was not meant to be excluded from the McMahon Pledge. They asserted that they were not an oppressed people under Turkish rule but that they had as full a share as any other Turkish citizens in the government of the country. It was not to escape oppression but to secure independence that they assisted the British forces and threw in their lot with the Allies. King Hussein called upon all the Arab territories to take their share, and volunteers from Palestine were among the first to join in a revolt which had a single end in view—the independence of the Arab lands, including Palestine. The Arabs of Palestine put their trust in the Proclamation which Lord Allenby issued in 1918 in the name of the Governments of Great Britain and France that it was the solemn purpose of the Allies to further the cause of Arab self-determination and to establish Arab national governments. They understood this Proclamation to be the renewed assertion of the promise made to King Hussein in the McMahon letter.

35. The Arab Higher Committee further claimed that the League of Nations recognized in principle the independence of all the Arab countries which were separated from the Turkish Empire. They were classed together in a group, to which what were called " A " Mandates were to be applied: i.e., they were to be subject to the temporary advice and supervision of a Mandatory Government, and in the selection of the Mandatory the public opinion of the state concerned was to have a determining voice. The Arabs were therefore indignant when

* See page 20 above.

Palestine, without any consultation of its inhabitants by the Allied Powers, was severed from Syria and placed under a British Mandate in which the Balfour Declaration was enshrined. Again, though the Mandate was ostensibly based on Article 22 of the Covenant of the League of Nations, its positive injunctions were not directed to the " well-being and development " of the existing Arab population but to the promotion of Jewish interests. Complete power over legislation as well as administration was delegated to the Mandatory, who undertook to place the country under such political, administrative and economic conditions as would secure the establishment of the Jewish National Home.

36. In actual fact, the Arab witnesses maintained, the rights and position of Arabs have been prejudiced by the fall in their numerical proportions in Palestine from about 90 per cent. in 1922 to 70 per cent. to-day. As their aspirations to self-rule have been disappointed they have been unable to administer their own country and their national existence is threatened with annihilation through the entering into the country of another race.

37. One member of the Arab Higher Committee dealt more closely with the legal argument. He remarked that the terms of the Mandate are inconsistent with the provisions of Article 22 of the Covenant of the League of Nations. Paragraph 4 of that Article recognizes the existence of two juristic persons—one the community which should govern independently and the other the foreigner who is to assist and advise until the former is able to stand alone. But in Palestine there is one person who governs and who assists himself. Your Majesty is the Mandatory and Your Majesty's Government and their nominees are the Government of Palestine and, while the Preamble speaks of a Mandate, Article 1 denies the existence of a Mandate in the proper sense by conferring upon what is called " the Mandatory " full powers of legislation and administration. The community which is to be provisionally recognized as independent has no existence. This, it was argued, does not meet the provisions of Paragraph 4 and is contrary in principle to the treatment of other territories which were, like Palestine, released from the Government of Turkey. The Arabs maintain that all " A " Mandates were or are being governed by this section with the exception of the Mandate for Palestine; and they claim that the Arabs of Palestine are as fit for self-government as the Arabs of 'Iraq or Syria. They think that Article 22, and particularly Paragraph 4 of that Article, is really their charter and the Mandate represents—or should represent—its by-laws. They submit that the by-laws are inconsistent with the charter. They complain that the terms of the Mandate are drafted in such a manner that the student might understand that there existed

in Palestine a Jewish majority and a non-Jewish minority, the other sections of the population. On the contrary the Arab inhabitants of Palestine form the overwhelming majority and are the owners of the territory for the welfare of which the Mandate system was created; yet throughout the Mandate they are referred to as the " non-Jewish " population—a misleading and humiliating term. The Jews, in fact, are to live in Palestine, to quote the words of the Churchill Statement of Policy, " as of right and not on sufferance "; while the Arabs, on the other hand, are to live in Palestine as on sufferance and not of right. Again, in Article 2 the country is to be placed under such administrative, economic and political conditions as will secure the establishment of a Jewish National Home, while the Arab owners and inhabitants of the land are merely to have their religious and civil rights safeguarded. Under Article 4 a Jewish Agency is to be established to assist the Mandatory in all Jewish affairs. This provision has not only created a state within a state, but has formed a Mandate over a Mandatory in that country.

38. The Arab Higher Committee further maintained that faith of the Arabs in the British Government was shaken by this outcome of their efforts in the War, and that subsequent actions of the Government had deepened their distrust. In particular the substitution of Mr. MacDonald's letter for the " White Paper " of 1930 and the recent rejection by Parliament of the proposals for a Legislative Council had convinced them that Jewish influence was too powerful to permit justice to be done.

39. The desire for the removal of the Mandate and the establishment of national independence was thus put forward by the Arab Higher Committee as the primary cause of the disturbances. With it was associated both by Arab and non-Arab witnesses the fear of Jewish domination, political and economic. The Arabs are afraid of the Jews: they are impressed and alarmed by their pertinacity, their wealth, their ability and growing numbers. They cannot attempt to emulate the £70 million or more of capital which the Jews in the last 20 years have brought into the country. They view with mistrust the extent of land which has passed into Jewish hands: they fear that as the result of high prices and the weakness of some of their fellow-countrymen more land will pass into the hands of the Jews. They note that land once acquired by the Jewish National Fund can never, by the terms of the trust, be re-sold to the Arab. They point to the destruction of villages and the decay of the social structure of village life. If they have fears for themselves, these fears are multiplied a thousandfold for their children, whose whole future seeems to be threatened by the advancing tide of Jewish immigrants. No doubt, too,

among the less-educated Arabs at any rate, the fear is widespread that Jewish domination might affect the Holy Places and influence the freedom of religious observance.

40. The Jewish witnesses agreed with the Arab in regarding the " underlying causes " of the disturbances as political. They questioned whether Arab nationalism was so strong or so coherent as it might seem to be on the surface in Palestine or outside it: but they admitted that the opposition of Arab nationalism to the Balfour Declaration and the Mandate was the mainspring of all the trouble. " *The* underlying cause ", said a Jewish witness, " is that we exist ".

41. But this opposition, it was argued, would have been restrained and its expression in violence and rebellion discouraged if the Mandatory Government had shown a more positive sympathy with the policy of the Jewish National Home and a greater resolution in carrying it into effect. As it was, the official tendency in Palestine to take up a defeatist, almost an apologetic, attitude on this cardinal issue had helped to foster a belief in the Arab mind that the National Home was not an immutable point of policy and that, if Arab resistance to it were sufficiently obstinate and forcible, the Mandatory Power might presently be worried or even frightened into giving it up. In this connexion Jewish witnesses laid stress on the Government's failure to maintain law and order, on its hesitation to make use of Jewish loyalty, particularly in police-service, on its toleration of inflammatory attacks on the National Home in the Arab Press, and on its permitting Palestine to become a centre of Pan-Arab and Pan-Islamic propaganda.

42. On the negative side the Jews asserted that the trouble had not been caused either by the economic effects on the Arabs of Jewish immigration or by its increase. The growth of the National Home had benefited the Arabs as a whole; and, though the high figure for immigration in 1935 might have helped to precipitate the outbreak in the following year, the outbreaks of 1920 and 1921 had occurred when immigrants were relatively few, and that of 1929 had followed on two years of greatly reduced immigration.

43. After examining this and other evidence and studying the course of events in Palestine since the War, we have no doubt as to what were " the underlying causes of the disturbances " of last year. They were:—

(i) The desire of the Arabs for national independence.

(ii) Their hatred and fear of the establishment of the Jewish National Home.

44. We make the following comments on these two causes:—

(i) They were the same underlying causes as those which brought about the " disturbances " of 1920, 1921, 1929 and 1933.

(ii) They were, and always have been, inextricably linked together. The Balfour Declaration and the Mandate under which it was to be implemented involved the denial of national independence at the outset. The subsequent growth of the National Home created a practical obstacle, and the only serious one, to the concession later of national independence. It was believed that its further growth might mean the political as well as economic subjection of the Arabs to the Jews, so that, if ultimately the Mandate should terminate and Palestine become independent, it would not be national independence in the Arab sense but self-government by a Jewish majority.

(iii) They were the only " underlying " causes. All the other factors were complementary or subsidiary, aggravating the two causes or helping to determine the time at which the disturbances broke out.

45. The other factors may be summarized as follows:—

(i) The effect on Arab opinion in Palestine of the attainment of national independence first by 'Iraq, to a less complete extent by Trans-Jordan, then by Egypt and lastly, subject to a short delay, by Syria and the Lebanon. The weight of this factor has been augmented by close contact between Arabs in Palestine and Arabs in Syria, 'Iraq and Saudi Arabia and by the willingness shown by the Arab Rulers to do what they properly could to assist them.

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

(iii) The inequality of opportunity enjoyed by Arabs and Jews respectively in putting their case before Your Majesty's Government, Parliament, and public opinion in this country; and the Arab belief that the Jews can always get their way by means denied to the Arabs. Based in general on the status of the Jewish Agency both in Jerusalem and in London, this belief was greatly strengthened by the publication of Mr. MacDonald's letter to Dr. Weizmann in 1931 and by the debates in Parliament on the proposals for a Legislative Council early last year.

(iv) Associated with this last factor, the growth of Arab distrust, dating back to the time of the McMahon Pledge and the Balfour Declaration, in the ability, if not the will, of Your Majesty's Government to carry out their promises.

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

(vi) The intensive character of Jewish nationalism in Palestine; the " modernism " of many of the younger immigrants; the provocative language used by irresponsible Jews; and the intemperate tone of much of the Jewish as well as the Arab Press.

(vii) The general uncertainty, accentuated by the ambiguity of certain phrases in the Mandate, as to the ultimate intentions of the Mandatory Power. This uncertainty has aggravated all the difficulties of the situation, and in particular has (*a*) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as may be, and (*b*) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some of its officials as showing that the British determination to implement the Balfour Declaration is not whole-hearted.

CHAPTER V.

THE PRESENT SITUATION.

1. We arrived in Palestine on Armistice Day and attended the ceremony at the British War cemetery on Mount Scopus overlooking Jerusalem. No one in the circumstances could help reflecting that the Peace which followed the Armistice of 1918 had been an even less real peace in Palestine than in Europe. Something like another war, however minute in scale, had recently been waged, and something like another armistice had been concluded. The more we saw and the more we heard in the days that followed, the clearer it became that this armistice was only a suspension of hostilities, not a preliminary to peace. The Arab leaders had refused to co-operate with us in our search for a means of settling the dispute. It was believed in many quarters that another outbreak might occur at any moment. Several isolated murders or assaults occurred during our stay, and at one time acts of brigandage were reported almost every day. It was impossible not to feel the sense of tension at Jerusalem, and of pessimism. In neutral circles the task we had undertaken was regarded as well-nigh impossible. But, while indeed it seemed manifest that the situation was far more serious and a settlement far more difficult than we had imagined before leaving England, we realized the danger of allowing ourselves to be too much affected by the atmosphere around us. We tried to prevent our judgment being unduly darkened by the circumstances of the moment. We sought to discount all such factors in the problem as might fairly be regarded as the transient outcome of the recent disorders. And, if in the result our grave view of the situation was not only confirmed but enhanced, it was not due, so far as we are aware, to any neglect on our part to give due weight to any reassuring facts or opinions or to follow up any line which might conceivably lead to a happier conclusion. We are sure, therefore, that the following description of the position in Palestine as we found it and left it, discouraging though it may be, is not an overstatement of the facts.

1. The Jewish National Home.

2. At first sight and viewed in isolation from the sombre background, one feature in the picture might seem bright enough. Twelve years ago the National Home was an experiment: to-day it is a " going concern ". The number of its inhabitants has increased fourfold. In 1925 it was 121,000. Last year the official estimate was 370,000; but it was generally admitted that the actual figure was at least 400,000 and probably higher. The process of agricultural colonization has steadily continued. The amount of land in Jewish ownership

has risen from 844,000 dunums in 1925 to 1,332,000 dunums in 1936. There are now 203 agricultural settlements containing some 97,000 people.* Some of the new colonies are again in the uplands of Galilee, northwards of Mount Tabor; but most of them, as before, are in the plains. Three-parts of the Plain of Esdraelon, all the Valley of Jezreel, a great part of the Maritime Plain between Jaffa and Mount Carmel, and another large area south of Jaffa—these wide stretches of plain-land, drained and irrigated and green with citrus trees or brown from the plough, are now the agrarian basis of the National Home. The country-towns have likewise grown and prospered. To take the two examples given for 1925, the area of Petah Tiqva (including village lands outside the municipal area) is now 5,900 acres and its population 15,000. The population of Rehovot has increased from about 1,400 to nearly 7,000, and its Local Council, which in 1925 had raised and spent some £1,400 on local services, had a budget in 1936 of nearly £20,000.

3. Yet more impressive has been the urban development. Tel Aviv, still a wholly Jewish town, has leaped to the first place among the towns of Palestine. Its population now probably exceeds 150,000. It spreads over 1,600 acres and contains between 6,000 and 7,000 houses. Its Municipal Council obtains a revenue of over £400,000 (exclusive of the Government grant-in-aid). It has grown too fast for orderly town-planning: its frontage on the sea has so far been neglected; and it has not yet acquired public buildings worthy of it; but its main *boulevard* and some of its residential quarters, its shops and *cafés* and cinemas, above all the busy, active people in the streets already reproduce the atmosphere of the older Mediterranean sea-side towns of Europe. But it is essentially European. From its beginnings the contrast between Tel Aviv, an artificial creation, rising so quickly from a barren strip of sand, and ancient Jaffa, still more the contrast with a purely Arab town among the hills like Nablus, was clearly marked, and it is now quite startling.

There is the same effect at Jerusalem. On the slope rising westwards from the Old City, still a tangle of narrow streets and dark arcades, still indomitably Asiatic, has spread, and is still fast spreading, a suburb of modern Jewish stone-built villas and flats and shops, centred round the massive fortress-like headquarters of the Jewish Agency. The population of Jerusalem has grown to 125,000: and of that some 76,000 are Jews.

The growth of Haifa, too, which has now a population of 100,000, is only less remarkable than that of Tel Aviv. But Haifa is not, like Tel Aviv, a wholly Jewish concern. It has

* Jewish Agency's enumeration, September, 1936.

grown, it is true, with the growth of the National Home, about one-half of its inhabitants are now Jews, and much of the business of its port is Jewish business, but much of it is also international. The European shipping in the new and spacious harbour is serving Arab as well as Jewish Palestine. We observed that many cases of goods in the sheds at the quay-side were marked for transit to Baghdad.

4. But, broadly speaking, the remarkable urban development in Palestine has been Jewish. Nor is it in Jewish eyes by any means complete. If all goes well with the National Home, if the "boom" persists, if expanding industries can find expanding markets, if the immigration of men and money continues to supply the demands of production and consumption alike, new towns, it is foretold, will spring up along the sandy coast, where no one can assert, whatever may be said inland, that a Jew coming in means an Arab going out. Already, indeed, on a barren waste just south of Jaffa a whole township has been planned, many of the streets laid out and paved, and building begun; and schemes, no doubt, are being considered for the development of other seaside towns. To some Zionists this rapid growth of industry and urban life may seem to threaten one of the basic principles of their original creed—that the return to Palestine was a return to work on its soil. But so far, at any rate, it can be said that the industrial structure has not entirely outgrown its agrarian base. The relation between rural and urban areas, between industrialists and agriculturists, has remained fairly constant from the start. In 1927 the proportion of workers on the land (earners) to the Jewish population was 7·3 per cent.: to-day it is 6·4 per cent. In the United Kingdom the proportion is 6·4 per cent.; in Belgium 7 per cent.*

5. The economic structure of the National Home will be examined in a later Chapter.† It is sufficient here to illustrate the growth of citrus production on the one hand and industrial enterprise on the other by figures supplied by the Jewish Agency. In the 1929-30 season the value of the fruit exported from Jewish orange, grapefruit and lemon plantations was about £300,000: in the 1936-37 season it is estimated to have been £2,000,000. During the same period the production of Jewish industrial enterprise rose from £2½ millions to £8½ millions, and the amount of capital invested from £2¼ millions to over £8 millions. From 1918 to the present day over £14 millions has been invested in Palestine through the "national funds" and roughly £63 millions by private investors, nearly half the latter sum in the course of the last four years. The total investment, therefore, amounts to £77 millions,

* Figures supplied by Jewish to Agency.
† See Chapter VIII.

and of this at least one-fifth has been contributed by the Jews in the United States. Lastly, the amount of Jewish deposits in Palestine banks amounted last year to £16½ millions. These are all startling figures. They bear witness to a quite extraordinary measure of economic expansion.

6. The political and social structure remains as we described it in 1925. With the passing of ten years and the fourfold increase in the population the Jewish Agency and the *Va'ad Leumi* have consolidated their position as the allied organs of World Jewry and the Jews in Palestine. The General Assembly, the membership of which was reduced in 1930 to 71 (the number of the old *Sanhedrin*), still consists of nearly 20 parties or groups, but these, as before, have roughly cohered into a dominant Labour " bloc ", a mainly Revisionist opposition, and a weak and unorganized Centre. Local government is now firmly established. The Municipal Council of Tel Aviv is crying out for more freedom from official control than the Government has so far thought it wise to concede. While we were drafting this Report, Petah Tiqva attained municipal status, and thus became the second wholly Jewish town in the world. Every Jewish " colony " or village still manages its domestic affairs through elected committees.

7. With every year that passes, the contrast between this intensely democratic and highly organized modern community and the old-fashioned Arab world around it grows sharper, and in nothing, perhaps, more markedly than on its cultural side. The literary output of the National Home is out of all proportion to its size. Hebrew translations have been published of the works of Aristotle, Descartes, Leibnitz, Fichte, Kant, Bergson, Einstein and other philosophers, and of Shakespeare, Goethe, Heine, Byron, Dickens, the great Russian novelists, and many modern writers. In creative literature the work of Bialik, who died in 1935, has been the outstanding achievement in Hebrew poetry, and that of Nahum Sokolov, who died in 1936, in Hebrew prose. A number of Hebrew novels have been written reflecting the influence on the Jewish mind of life in the National Home. The Hebrew Press has expanded to four daily and ten weekly papers. Of the former the *Ha'aretz* and the *Davar*, with circulations of about 17,000 and 25,000 respectively, are the most influential and maintain a high literary standard. Two periodicals are exclusively concerned with literature and one with dramatic art. But perhaps the most striking aspect of the culture of the National Home is its love of music. It was while we were in Palestine, as it happened, that Signor Toscanini conducted the Palestine Symphony Orchestra, composed of some 70 Palestinian Jews, in six concerts mainly devoted to the works of Brahms and Beethoven. On each occasion every seat

was occupied, and it is noteworthy that one concert was reserved for some 3,000 workpeople at very low rates and that another 3,000 attended the Orchestra's final rehearsal. All in all, the cultural achievement of this little community of 400,000 people is one of the most remarkable features of the National Home.

8. There is Arab literature, of course, and Arab music, but the culture of Arab Palestine is the monopoly of the *intelligenzia;* and, born as it is of Asia, it has little kinship with that of the National Home, which, though it is linked with ancient Jewish tradition, is predominantly a culture of the West. Nowhere, indeed, is the gulf between the races more obvious. Anyone who attended the Toscanini Concerts at Jerusalem might have imagined, if he closed his eyes, that he was in Paris, London, or New York. Yet, almost within earshot was the Old City, the *Haram-esh-Sharif,* and the headquarters of the Arab Higher Committee. It is the same with science. The Daniel Sieff Research Institute at Rehovot is equipped with the most delicate modern instruments; the experiments conducted there are watched by chemists all over the world: yet from its windows can be seen the hills inhabited by a backward peasantry who regard it only as the demonstration of a power they hate and fear and who would like, no doubt, when their blood is up, to destroy it.

9. Our stay in Palestine was necessarily too short for us to probe deeply into the psychology of the National Home, but we received some marked impressions. The Jews in Palestine, to begin with, are happy. They are not as happy as they were before the outbreak of last year. If there is gaiety at Tel Aviv, there is tension there, too, as at Jerusalem; and throughout the " colonies " there is an uneasy feeling that the National Home is confronted with a crisis in its fate. Some members of the community, moreover, notably some of the recent immigrants from Germany, are not enthusiastic Zionists nor deeply steeped in Hebrew tradition, and may therefore find the National Home not very homelike. But, speaking generally, whether it be the Jew who has been driven from a comfortable life in a cultured *milieu* and is now digging all day in the fields and sleeping in a bare cottage, or whether it be the Jew who has emerged from a Polish ghetto and is now working in a factory at Tel Aviv, the dominant feeling of both is an overwhelming sense of escape. The champions of Zionism have always held—and on the whole they are now proved right—that a Jew released from an anti-Jewish environment and " restored " to Palestine would not only feel free as he had never felt before but would also acquire a new self-confidence, a new zest in living from his consciousness that he was engaged in a great constructive task.

10. This sense of a " mission " was strong, as has been seen, from the first; and it is at least as strong now as it has ever been. But the change in its character already to be observed in 1925 is now more marked. In the older " colonies ", which are largely of Russian origin, the religious attitude to the National Home still prevails; but in some of the newer " colonies " and in the towns the most zealous, the most missionary-minded Jews are often Jews in race alone and not in faith. To adopt the terms of a significant question and answer at one of our sessions, there are fewer Jews now whose mandate is the Bible and more whose bible is the Mandate.

11. The non-Zionist orthodox Jewish community, *Agudath Israel*, is known to have deplored this increasing tendency towards secularism, and it has long carried on a stubborn dispute with the Jewish Agency with special reference to the allotment of immigration-certificates. Nevertheless, as with Moslem and Christian Arabs, so with orthodox and unorthodox Jews, the national crisis has established a common front. The disorders of 1933 were quickly followed by a *rapprochement* between *Agudath Israel* and official Zionism. The more serious outbreak of 1936 cemented the alliance. In giving evidence before us the representatives of *Agudath Israel* supported on all major points the case presented by the Jewish Agency. Zionism, in fact, is Jewish nationalism, and like nationalism elsewhere—in post-war Turkey, for example—its driving force is political rather than religious.

12. Thus a tendency already apparent in 1925 has been intensified; and under existing conditions the process is bound, in our view, to continue. To take one vital point, the Jewish system of education is doing what it was meant to do. Practically every Jewish boy and girl attends a primary school. A substantial proportion of them go on to a secondary school. In more than two cases out of three, the school, whether primary or secondary, is a Jewish school, the instruction is in Hebrew, the course of work is planned to impregnate the pupil with the Hebrew tradition. A glance at the curriculum of a leading Jewish secondary school will illustrate this point. Twelve hours a week are devoted to the Hebrew language, the Bible, the Talmud, and Hebrew literature and history in general, as against four hours to English and three hours to Arabic—which last is a highly commendable provision as far as it goes. Considering, further, that Jewish schoolmasters and schoolmistresses are bound for the most part to be enthusiastic believers in the Zionist " mission ", it is not surprising if from this educational " melting-pot " emerges a national self-consciousness of unusual intensity. We do not underrate this achievement. It is impossible, indeed, not to be impressed

by the energy and self-sacrifice which have gone to build up this system of education. We are only concerned to point out that the process is intensive, and that the product of it loses in breadth what it has gained in depth. The civic sense of Jewish youth in Palestine is not Palestinian except in so far as in theory or in prospect Palestine is identified with the National Home.

13. It should be frankly recognized, then, that the ideal of the National Home is a purely Jewish ideal. The Arabs hardly come into the picture except when they force an entry with violence and bloodshed. That does not mean, it need hardly be said, that the Jews wish to oppress the Arabs or to keep them poor and backward. On the contrary they maintain as they have always maintained—and we do not question their sincerity—that the establishment of the National Home has been and will continue to be a positive economic advantage to the Arabs. But for the average Jew that comfortable assurance is enough. He goes on with his work and tries to forget about the Arabs. In some of the older " colonies " there used to be some sense of kinship with the Arabs or at least that fellow-feeling which comes from working side by side. But there is little of that left now, and there has never been much of it among the more modern, western-minded, urban Jews. Welfare work has been done for Arab as well as for Jew by Jewish institutions, notably the Hadassah. Jewish professional men have given their services to both races. Since we left Palestine a tragic case has been reported in the press of a Jewish doctor who went back alone to work among the Arab villagers in remote Beisan and was murdered. But, broadly speaking, we got the impression that the social conscience of the National Home tends to concentrate on Jewish needs and to leave the Arabs to the care of Government.

14. Jewish nationalism, indeed, seems sometimes to reject consciously or unconsciously, the very idea of a real Palestinian community. It claims, for example, that, though Palestine is not an Arab word and might therefore fairly serve for Jews as well as Arabs, *Eretz Israel* (Land of Israel) should be also accepted as the official translation of " Palestine ", and protests that the printing of the Hebrew initials " E.I." after " Palestine " on every stamp and coin is not enough. It demands, too, that Government grants for public services should be shared between Arabs and Jews in strict proportion to their numbers, and, since Jews provide proportionally more revenue, the claim seems logical; but in fact it runs counter to one of two principles. Either it repudiates the basic idea of public finance in the democratic world—that the rich should be taxed to meet the needs of the poor—or it denies or ignores the theory that Arabs and Jews are members of one Palestinian society.

It has long been obvious that the notion of a cultural "assimilation" between Arab and Jew is a phantasy. It is time, surely, that Palestinian "citizenship" also should be recognized as what it is, as nothing but a legal formula devoid of moral meaning.

15. It remains to consider the relations of the Jews with the Mandatory Government. It can be said at once, though it is little enough to say, that they are better than the relations of the Arabs with the Government. The policy of the great majority of the Jews is the policy of the Jewish Agency; and the Jewish Agency, which is entitled under the Mandate to co-operate with the Government, may have differed from it often enough, criticized it, resented its decisions, but it has never carried controversy to the point of challenging the Government's authority. It has steered a course for the majority between the opinions of two minority groups. One of these is a group of intellectuals, centred at the Hebrew University, who hold that the only solution of the problem of Palestine is for the Jews to show themselves not "like other nations" in the quality and temper of their nationalism, to subordinate political ambitions to cultural and spiritual ends, to acquiesce in such a limitation of their numbers as would make them a permanent minority in Palestine, even in the last resort to submit to Arab rule. The moral courage of that school of thought must command respect; but it enlists no effective support in the National Home. The other minority consists of the Revisionists, who still demand the expansion of the National Home, presumably by force, over all Palestine and Trans-Jordan. They are a determined and troublesome group. Since we left Palestine they have attacked the Jewish Agency's headquarters at Jerusalem and its branch-office at Warsaw. But their followers only amount to about one-twentieth of the Jews in Palestine; and we have little doubt that the Jewish Agency, backed as it is by an organised majority in the National Assembly and the *Va'ad Leumi*, will maintain its control of the situation. For in the National Home "extremist" nationalism is deprived of the advantage which, as has been explained above, it enjoys elsewhere. It cannot, like Arab extremism, "go all out" for freedom, since a free Palestine in present circumstances means an Arab State. Nor can it refuse allegiance to the British Government, which alone protects it from the enmity of the Arab world. But, if the Agency and the *Va'ad Leumi* are not in that sense extremist, their policy is not altogether moderate. They claim the maximum of "rights" which the Mandate, as they interpret it, can yield. They insist that the rate of immigration should be kept up to the full extent of the "economic absorptive capacity" of the country, and their estimate of that capacity has always exceeded and often far

exceeded the Government's estimate. They attack the Government's proposals for regulating the sale of land in the interests or Arab agriculturists. They complain that the share of revenue allotted to Jewish public services is not in fair proportion to their numbers or their contribution to taxation. And, when in these and other matters they do not get their way, they are tempted to forget that the Mandatory obligation is twofold and to complain that the administration is culpably "pro-Arab."

16. We shall consider in later chapters of this Report how far this sense of grievance is justified. Our concern at the moment is to point out that the relationship between the National Home and the Government is not as happy as it ought to be. It is true, of course, that in times of disturbance the Jews, as compared with the Arabs, are the law-abiding section of the population: and, indeed, throughout the whole series of outbreaks, and under very great provocation, they have shown a notable capacity for discipline and self-restraint. But in less grave matters than rioting and bloodshed we could not help observing a certain restiveness, a certain impatience of authority. An illustration is the attitude assumed by the inhabitants of Tel Aviv. The law requires that the Municipal Council should expend no money without the prior approval of the Government, represented by the District Commissioner. In fact, that prior approval is often dispensed with, on the ground that some expansion of social services is needed without delay. The Government for its part usually acquiesces in such infringement of the law, on the ground that an attempt to enforce it would be met by at least the passive resistance of the whole community. In our view such an attitude to Government, however unfortunate, is not altogether surprising. The British Government, it should be remembered, is an alien Government to all but a tiny handful of the Jews in Palestine. Jews from Poland or Germany or Roumania may appreciate the difference between the British attitude to Jewry and that which they have experienced in the countries of their birth. All Jews, we were assured, are grateful to Britain. But, when Jews in Palestine are told that the Government's interest in the National Home is at the most half-hearted, their resentment is not softened by any sense of kinship with its British officers or any native loyalty to the British Crown.

17. The root of the restiveness, however, lies deeper than that. The National Home is a highly educated, highly democratic, very politically-minded, and unusually young community. It is conceivable, though we think improbable, that it would acquiesce in a dictatorship if the dictator were a Jew of its own choice: but it can never be at ease under an alien bureaucracy. Crown Colony government is not a suitable form of government

for a numerous, self-reliant, progressive people, European for the most part in outlook and equipment, if not in race. The European communities in the British Empire overseas have long outgrown it. The evolution of self-government in India left that stage behind in 1909. Crown Colony government is nowadays mainly maintained for the wardship of politically backward races in the tropical or sub-tropical world. Its retention in other Colonies, such as most of the West Indies or Mauritius or Malta, is due to the existence of a mixed population or to other special circumstances. And, of course, it is only the peculiar circumstances of Palestine which justify the maintenance of Crown Colony government there. If, apart from those circumstances, it would be difficult to contest the Arab claim that they are "able to stand by themselves under the strenuous conditions of the modern world," it would be absurd to contest such a claim on the part of the Jews.

18. The form of government, then, which circumstances have imposed on the whole of Palestine, is not a suitable or natural form for the Jewish section of its population. It tends, moreover, in our opinion, to impair the political health of the National Home: for it breeds one of the worst of political ailments—irresponsibility. On a wide range of important matters, it is true, the Jews enjoy a large measure of local self-government; but even in that field it is the Government of Palestine which possesses, if it does not always exercise, the ultimate control. And in more vital matters, the rate of immigration, the regulation of land-sales, the protection of industry and promotion of trade, the maintenance of law and order, the provision of a garrison, in the matters, in fact, which really determine the fate of the National Home, its inhabitants have no constitutional power at all and no responsibility. The general demand they make on the Government may be summarized as a demand for a forcing of the pace. They want more immigrants, more land, more rural and urban development, and they want it all in a hurry. They realize, no doubt, that so rapid a growth has its risks, and, no doubt, they are prepared to face them in the sanguine spirit of their race and mission; but, when they abuse the Government for not conceding all they ask, they seem to forget that, if things go wrong, the Government must bear the blame and the burden of putting them right. We have referred elsewhere to the difficulty of foretelling the future economic development of the National Home; but it stands to reason that for one cause or another, as the result, perhaps, of some world-wide catastrophe, a set-back to its fortunes is at least conceivable. In that case the National Home would doubtless suffer most, but all Palestine would suffer with it: and the cost of reparation and recovery would fall on Arab as well as Jewish taxpayers and perhaps in the end on British taxpayers as well.

To make demands without having to deal with all the difficulties they may involve, to clamour for a policy without being answerable for its execution, to insist on risks being taken without incurring the full responsibility for the consequences, these are familiar features of agitation among politically-minded people who are not responsible for governing themselves. The unusual feature in this particular case is that the agitators do not want self-government, because it means government by an Arab majority. So the disease continues unchecked by its natural remedy; and we cannot help regarding it as a regrettable weakness in the life of the National Home that its young community should be growing up in an atmosphere of irresponsibility with regard to the gravest issues that confront it.

19. We have just referred to the forcing of the pace: and the sense of haste is the last, but by no means the least marked, of the impressions we wish to record of the National Home. It is obvious, indeed, that the rapidity with which its whole structure has been built up, especially in the last few years, has intensified the difficulties inherent in the situation. If Jewish immigrants had only trickled in, if Jewish colonization had been predominantly agrarian and only gradually extended, if there had been no great urban and industrial development, the problem of adjusting the relations between the National Home and Arab nationalism would have had to be faced in due course: but conceivably it could have been dealt with in a calmer atmosphere and with better chances of agreement. As it is, the pace at which the Home has grown has exacerbated the quarrel and helped to bring it to a head. Yet the reason for haste is easy to understand. Immigration means escape. Immigrants squeeze into Palestine, prepared to endure any hardships which may result from overcrowding, because life in Palestine at its worst is better than the life they have led elsewhere.

20. But there is another reason for haste which has recently, we think, been working on Jewish minds. Arab antagonism to the National Home was never ignored by thoughtful Zionists; but, whereas they used to regard it as no more than an obstacle, however serious, to be somehow overcome, they now see it, we believe, though they do not always say so, as the danger that it is or might become. Nobody in Palestine can fail to realize how much more bitter, how much more widely spread among the people, Arab hatred of the National Home is now than it was five or ten years ago. And the feeling is not confined to Palestine. The Arab leaders have long seen to it that their grievances were known and discussed in Cairo, Damascus and Baghdad; and the story of fighting and bloodshed in Palestine last year, often grossly magnified and distorted, was soon current talk throughout the Arab world. In earlier times there had been little, if

any, anti-Jewish sentiment observable in Egypt or 'Iraq or the heart of Arabia. But last summer there were repeated demonstrations in Cairo and Baghdad. We have reason to believe that this anti-Jewish agitation has not yet become formidable; for the moment it is quiescent: but there can be little doubt that a renewal of the conflict in Palestine would revive and inflame it. The same is true of Trans-Jordan. The militant Bedouin were only restrained with difficulty from joining in the fight across the river; and we were told on unimpeachable authority that, whatever may have been the attitude of the Arabs in Trans-Jordan to the question of Jewish immigration in the past, a Jewish settler could only enter the country now at the risk of his life.

21. It is, indeed, one of the most unhappy aspects of the present situation—this opening of a breach between Jewry and the Arab world. We believe that not in Palestine only but in all the Middle East the Arabs might profit from the capital and enterprise which the Jews are ready enough to provide; and we believe that in ordinary circumstances the various Arab Governments would be ready enough on their side to permit a measure of Jewish immigration under their own conditions and control. But the creation of the National Home has been neither conditioned nor controlled by the Arabs of Palestine. It has been established directly against their will. And that hard fact has had its natural reaction on Arab minds elsewhere. The Jews were fully entitled to enter the door forced open for them into Palestine. They did it with the sanction and encouragement of the League of Nations and the United States of America. But by doing it they have closed the other doors of the Arab world against them. And in certain circumstances this antagonism might become dangerously aggressive. Like everyone else, the Jews must realize that another world-war is unhappily not impossible: and in the changes and chances of war it is easy to imagine circumstances under which the Jews might have to rely mainly on their own resources for the defence of the National Home. There, then, is a second and a very potent reason for haste. The more immigrants, the more potential soldiers. "There is safety in numbers," said a Jewish witness. And again: "If we are kept in a state of permanent minority, then it is not a National Home, it may become a death-trap."

22. It is impossible, we believe, for any unprejudiced observer to see the National Home and not to wish it well. It has meant so much for the relief of unmerited suffering. It displays so much energy and enterprise and devotion to a common cause. In so far as Britain has helped towards its creation, we would claim, with Lord Balfour, that to that extent, at any rate, Christendom has shown itself "not oblivious of all the wrong it has done." But we would ask all sympathisers with the National

Home, in Europe or overseas, not to under-estimate the difficulties which confront it. It does it no service to brush them aside, to say that all will be well if we wait a little longer, still less to assert that there would be no real difficulty at all if the Mandatory Power would do its duty by the Mandate. At each successive crisis in Palestine those idle hopes have been raised, and those hasty charges made. The best service which well-wishers of the National Home can render it is to recognize frankly that the situation in Palestine has reached a deadlock and to bend their minds to finding a way out.

2. Arab Progress.

23. In Arab as in Jewish Palestine the most striking fact is the growth of population. It has risen since 1920 from about 600,000 to about 950,000; and in this case, unlike the Jewish, the rise has been due in only a slight degree to immigration. No accurate estimate can be made of the number of Arabs who have come into Palestine from neighbouring Arab lands and settled there, but it may be reckoned that roughly nine-tenths of the growth has been due to natural increase, and it has been a growth of over 50 per cent. in 17 years. Those are remarkable figures, especially in view of the general belief that the population of Palestine under the Ottoman regime was more or less stationary. If, further, we consider the growth in the prosperity of Palestine as a whole, it is difficult, on the face of it, to believe that the Arab population has had no share in it. The inference, however, is the subject of sharp controversy. The Jews in evidence before us sought to confirm it with a wealth of arguments and statistics. The Arabs denied it outright. They were better off, they told us, before the days of the British Occupation. It was clearly our duty to probe the case on either side, and we have done what we could to form a judgment on it. But, since, until a year or so ago, the technical equipment of the Palestine Government for exact sociological inquiry was deplorably inadequate, our judgment must be taken as only a rough, though we believe it to be a fair, opinion on a complicated question.

24. The *effendi,* to begin with, have suffered one definite loss. They do not enjoy "the sweets of office" under the present Administration to the extent that they enjoyed them before the War. But this is not an injury that worsens with time. On the contrary a steadily increasing number of *effendi* and other educated Arabs have obtained posts in the Government service since the British Occupation, and some of them high-salaried posts. Apart from that, it is difficult to detect any deterioration in the economic position of the Arab upper class. Landowners have sold substantial pieces of land at a figure far above the

price it could have fetched before the War. In the early days, it is true, much of the selling was done by Arab owners domiciled in Syria; but in recent transactions mainly Palestinian Arabs have been concerned, and those transactions have been considerable. In 1933 £854,796 was paid for the purchase of Arab land, mostly from owners of large estates, £1,647,836 in 1934, and £1,699,448 in 1935. Partly, no doubt, as the result of land-sales the *effendi* class has been able to make substantial investments of capital. Some of this has gone towards increased production, especially of fruit, from the land they have retained. At least six times more Arab-owned land is now planted with citrus than in 1920. Arab citrus plantations in the Maritime Plain now cover 135,000 *dunums,* and represent an investment of £6,500,000.

25. Some of the capital has been directed to building houses for lease or sale or to industrial enterprise. The development of Arab industry, though not comparable, of course, with that of Jewish industry, has made progress. It appears from the Government Report for 1933 that the number of Arab " industrial undertakings ", which was about 1,200 before the War, had risen to about 2,200. Among relatively large-scale industries are soap, flour-milling, bricks and tiles, cigarettes and tobacco, cotton, wool and silk weaving, salt-quarrying, stone and lime, bedsteads, nails, wearing apparel, confectionery, and alcoholic liquor. No official statistics are available as to the amount of capital invested in this industrial field as a whole; but it has certainly increased in the course of the last few years, as has the amount of Arab bank-deposits.

26. In the light of these facts we have no doubt that many Arab landowners have benefited financially from Jewish immigration. They have sold a large amount of land to Jews at a price far higher than its pre-war value. A member of the Arab Higher Committee admitted to us that " nowhere in the world were such uneconomic land-prices paid as by Jews in Palestine ". Some of the Jewish money has been spent also on the products of Arab industry, such as stone and other building materials, on rent for Arab-owned houses and in wages for Arab labour. On the other hand it is evident that Arab industry cannot in the long run compete with Jewish where technical skill or the use of imported raw materials are needed. It seems to us inevitable that, as the industrial enterprise and equipment of the National Home expand, so Arab industries will decline. Already, indeed, the major Arab industry, Nablus soap, has severely felt the effects of Jewish as well as Egyptian competition.

27. It is the condition of the *fellaheen,* still the great majority of the Arab population, that must be regarded as the dominant factor in any estimate of the economic progress of Arab

Palestine. It cannot, unhappily, be questioned that the standard of living among the *fellaheen* is still low. Like other agricultural communities they have suffered from the world-wide fall in prices. They have suffered, too, from severe and repeated droughts and consequent bad harvests. Some of the obstacles to their progress have been partially removed. Some of the cramping *mash'a* system of land-tenure has been replaced by individual ownership. Their burden of debt has been eased. The Government has done much to relieve them by reducing and remitting taxation and providing loans. Tithe was reduced, commuted, and finally replaced by a more equitable tax on rural property. The development of co-operation has been slow and somewhat discouraging, but at least a beginning has been made and over 60 Arab Co-operative Societies are now in existence. There is evidence, moreover, that some *fellaheen* are at any rate on the way to becoming better cultivators. If the great majority are still wedded to their old primitive ways, there are some who are learning better methods, using better seed and better tools, under official guidance and inspection.

28. There is one point on which the *fellaheen* have lost ground. In 1920 they had little enough land on which to maintain themselves and their families. Their numbers have greatly increased and to-day there are many for whom no land is available. Inevitably, therefore, in Palestine, as in most other parts of the world, a drift has begun to set in from the country to the towns. But, though there again exact statistics are unavailable, it appears that industrial development has gone far to provide employment for those Arabs who can no longer make a living on the land. The number of Arabs engaged in industry must now be well above the 60,000 at which it was estimated in the Census of 1931. Work in the towns accounts, too, for the growth of such excrescences as the collection of " shacks " on the outskirts of Haifa, opprobriously known as " Tin Town." But, if there are signs that the growth of an urban proletariat has begun, this is a social symptom not peculiar to Palestine, and in Palestine, as far as we could judge, it has not yet meant destitution or degeneration. The official estimate for Arab unemployment, admittedly a very rough one, was 6,000 at the time of our visit to Palestine, which in the circumstances and especially in view of the " disturbances " is not an alarming figure. And for the employed the rate of wages has steadily gone up. The daily wage paid to an Arab for skilled labour is now from 250 to 600 mils, and for unskilled labour from 100 to 180 mils.* In Syria the wage ranges from 67 mils in older industries to 124 mils in newer ones. Factory labour in 'Iraq is paid from 40 to 60 mils.

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* 100 mils = 2 shillings.

29. Nor is it only in the towns that the landless *fellah* finds a livelihood. The Government's programme of public works means a continuous demand for labour, and a large number of Arabs are employed on roads and bridges and the like. Moreover, the great expansion of citrus-cultivation, Arab as well as Jewish, has greatly increased the demand for agricultural labour; and for that, too, the rate of wages has risen. For general agricultural work it was 80 to 120 mils a day in 1931, and 100 to 150 mils in 1935. For tree-planting and nursery work it was 100 to 150 mils in 1931, and 150 to 200 mils in 1935.

30. It is not easy to say whether the rise of wages has meant a rise of real wages. The Arab Higher Committee asserted that the cost of living has gone up and that this is partly due to the artificial protection of Jewish industries. Undoubtedly the cost of living is higher than it was before the War; but the Jewish Agency cited official calculations to show that for some years past it has been steadily falling.

31. In the light of the foregoing considerations we have come to the conclusion that, despite the disproportion between their numbers and the amount of cultivable land they occupy, the *fellaheen* are on the whole better off than they were in 1920. But there is another consideration which we have not yet mentioned, and one on which there can be no controversy. The whole range of public services, the initiation of which we described in the preceding chapter, has steadily developed, to the benefit of the *fellaheen*. Except in periods of "disturbance," their lives and property have been reasonably safe. Their civil rights have been safeguarded by the Courts. The growth in their numbers has been largely due to the health services, combating malaria, reducing the infant death-rate, improving water-supply and sanitation. Education, if as yet it only meets half the demand, has to that extent enabled the rising generation to profit more easily from the technical instruction given in the Arab Agricultural College or by official advisers in the villages. Better roads and quicker transport have meant higher returns on market-produce. In sum, it may be said that, though much more could have been done if more money had been available, the equipment of Palestine with social services is more advanced than that of any of its neighbours,* and far more advanced than that of an Indian province or an African colony.

32. It remains to examine the validity of the Jewish claim that this advance has been largely due to the establishment of the National Home. After considering the evidence submitted

* A table comparing the revenue expenditure and trade of Palestine with those of neighbouring countries is given in Appendix 3.

to us, both orally and in writing, by the Jewish representatives on this question, we have come to the following conclusions:—

(i) The large import of Jewish capital into Palestine has had a general fructifying effect on the economic life of the whole country.

(ii) The expansion of Arab industry and citriculture has been largely financed by the capital thus obtained.

(iii) Jewish example has done much to improve Arab cultivation, especially of citrus.

(iv) Owing to Jewish development and enterprise the employment of Arab labour has increased in urban areas, particularly in the ports.

(v) The reclamation and anti-malaria work undertaken in Jewish "colonies" have benefited all Arabs in the neighbourhood.

(vi) Institutions, founded with Jewish funds primarily to serve the National Home, have also served the Arab population. *Hadassah,* for example, treats Arab patients, notably at the Tuberculosis Hospital at Safad and the Radiology Institute at Jerusalem, admits Arab countryfolk to the clinics of its Rural Sick Benefit Fund, and does much infant welfare work for Arab mothers.

(vii) The general beneficent effect of Jewish immigration on Arab welfare is illustrated by the fact that the increase in the Arab population is most marked in urban areas affected by Jewish development. A comparison of the Census returns in 1922 and 1931 shows that, six years ago, the increase per cent. in Haifa was 86, in Jaffa 62, in Jerusalem 37, while in purely Arab towns such as Nablus and Hebron it was only 7, and at Gaza there was a decrease of 2 per cent.

33. The further claim, based on the Jewish contribution to revenue, seems to us indisputable. Arab witnesses argued that the Government could have spent more money in social services if the National Home had not, on the one hand, necessitated a more elaborate and costly administration than was needed for the Arabs, and if it had not, on the other hand, involved so large an expenditure on security to protect it from attack. But they could not deny that such public services as had in fact been provided had benefited their people; nor could they deny that the revenue available for those services had been largely provided by the Jews. It is impossible to calculate with anything like precision what share of taxation is borne by the Jews. But it is certain that much the greater part of the customs duties are paid by them, and the rising amount of customs-revenue has formed from 1920 to the present day the biggest item in the rising total revenue.*

* For the figures see page 206.

34. Our conclusion, then, is that, broadly speaking, the Arabs have shared to a considerable degree in the material benefits which Jewish immigration has brought to Palestine. The obligation of the Mandate in this respect has been observed. The economic position of the Arabs, regarded as a whole, has not so far been prejudiced by the establishment of the National Home. But we would add a rider to that judgment. First, the continuance of such economic benefit as the Arabs derive from the National Home depends on the continuance of its prosperity. If it were to encounter a serious set-back, if there were widespread unemployment, we think that Arab labour would be the first to suffer. Secondly, such economic advantage as the Arabs gain from Jewish immigration will steadily decrease and ultimately disappear if the political breach between the races continues to widen. Two peoples at war cannot promote each other's welfare. Boycott and bloodshed and all they mean in the breakdown of economic relationships, in the shrinking of trade, in the cost to Government and the contraction of public services—these things, if they continue, will soon undo all the good the coming of the Jews has done to Palestine as a whole.

3. Arab Nationalism.

35. It was not till we had announced the date on which we intended to leave the country that the Higher Committee decided to abandon its " boycott " and co-operate with us in trying to find the way to peace in Palestine; and when at last they came before us, headed by the Mufti of Jerusalem, the first words of the prepared statement he made to us, were these: " The Arab cause in Palestine is one which aims at national independence. In its essence it does not differ from similar movements amongst the Arabs in all other Arab territories." And at the close of his statement he stated that the first cause of the " disturbances " was " the fact that the Arabs in Palestine were deprived of their natural and political rights "; and he summed up the Arab demands as (1) " the abandonment of the experiment of the Jewish National Home ", (2) " the immediate and complete stoppage of Jewish immigration ", (3) " the immediate and complete prohibition of the sale of Arab land to Jews ", and (4) " the solution of the Palestine problem on the same basis as that on which were solved the problems of 'Iraq, Syria and the Lebanon, namely, by the termination of the Mandate and by the conclusion of a treaty between Great Britain and Palestine by virtue of which a national and independent government in constitutional form will be established ".

36. Thus it is clear that the standpoint of the Arab leaders has not shifted by an inch from that which they adopted when first they understood the implications of the Balfour Declaration. The events of 17 years have only served to stiffen and embitter their

resistance, and, as they argue, to strengthen their case. And the core of their case, it must be stressed again, is political. There has been, no doubt, a sense of economic rivalry between the races; and the Arabs have been alarmed at the business capacity the Jews have shown and the financial resources they can command. But so far (as we have just explained) they have not suffered. On the balance the National Home has meant a substantial material gain to them. Not unnaturally they deny it. But, even if they could be persuaded to admit it, we are quite convinced it would not appreciably weaken their antagonism. Their feeling in the matter has been put in some such figurative language as this. " You say we are better off: you say my house has been enriched by the strangers who have entered it. But it is *my* house, and I did not invite the strangers in, or ask them to enrich it, and I do not care how poor or bare it is if only I am master in it."

37. Nor is the conflict in its essence an interracial conflict, arising from any old instinctive antipathy of Arabs towards Jews. There was little or no friction, as we have seen, between Arab and Jew in the rest of the Arab world until the strife in Palestine engendered it. And there has been precisely the same political trouble in 'Iraq, Syria and Egypt—agitation, rebellion and bloodshed—where there are no " National Homes." Quite obviously, then, the problem of Palestine is political. It is, as elsewhere, the problem of insurgent nationalism. The only difference is that in Palestine Arab nationalism is inextricably interwoven with antagonism to the Jews. And the reasons for that, it is worth repeating, are equally obvious. In the first place, the establishment of the National Home involved at the outset a blank negation of the rights implied in the principle of national self-government. Secondly, it soon proved to be not merely an obstacle to the development of national self-government, but apparently the only serious obstacle. Thirdly, as the Home has grown, the fear has grown with it that, if and when self-government is conceded, it may not be national in the Arab sense, but government by a Jewish majority. That is why it is difficult to be an Arab patriot and not to hate the Jews.

38. The logical consequence of this became increasingly clear as the Arab evidence proceeded. The demand for national independence takes priority of the demand for the stoppage of Jewish immigration and land purchase. Given independence, as the Mufti of Jerusalem said, the Arabs will deal with the Jews themselves. It follows that, even if it were possible to crystallize the National Home as it stands, to forbid another Jew to enter Palestine, or another Arab dunum to be bought, the mainspring of Arab agitation would remain untouched. We cannot, in fact, avoid the conclusion that

restrictions on the growth of the National Home, whether or not they may be desirable for other reasons, would not remove the basic cause of Arab discontent. The National Home in Arab eyes is already too big. But even if it were far smaller, even if it had been crystallized in 1925, the Arab attitude would be much the same. Big or small, it blocks the way to national independence. Big or small, the Arabs insist on their right to govern it as part of a self-governed Palestine.

39. The story of the last seventeen years is proof that this Arab nationalism with its anti-Jewish spearhead is not a new or transient phenomenon. It was there at the beginning: its strength and range have steadily increased; and it seems evident to us from what we saw and heard that it has not yet reached its climax. Both internal and external factors are forcing on its growth. Two of the internal factors are predominant. First, the movement is now sustained by a far more efficient and comprehensive political machine than existed in earlier years. The centralization of control which we noted as an alarming feature of the outbreak in 1933 has now been as fully effected as is possible in any Arab country. All the political parties present a " common front " and their leaders sit together on the Arab Higher Committee. Christian as well as Moslem Arabs are represented on it. There is no opposition party. If anything is said in public or done in daylight against the known desires of the Arab Higher Committee, it is the work not of a more moderate, but a more full-blooded nationalism than theirs. In every town there is an Arab National Committee, which has its representatives in the neighbouring villages. How widespread is this organization and how well it does its work was shown by the conduct of the Arab population as a whole in the course of the disturbances last year. Our own experience was a further proof of it. As long as the Arab Higher Committee maintained the " boycott," no Arab came near us: and, even when it was withdrawn, the only witnesses permitted to give evidence before us were, with four exceptions, members or agents of the Higher Committee. The exceptions were the Melkite Archbishop of Galilee and the Rev. N. Mamura, who appeared with the full assent of the Arab Higher Committee and in company wih one of its Christian Members; Mr. George Antonius, whose appearance was likewise approved; and Hassan Sidki Bey Dajani, who is at least a sufficiently ardent nationalist to have been interned at Sarafand. All those four witnesses supported *in toto* the Arab Higher Committee's case.

40. This nationalist organization is served by a copious and vigorous Press. There are four daily newspapers printed in Arabic. *Al Liwa* (circulation 3,000 to 4,000) is the official organ

of the Palestine Arab Party, the Mufti's Party, and Jamal Bey El Husseini is its proprietor. *Falastin* (4,000 to 6,000), which is in Christian Arab ownership, supports the National Defence Party, the President of which is Ragheb Bey Nashashibi. *Al Difa'a* (4,000 to 6,000) speaks for the *Istiqlal* Party, of which Awni Bey Abdelhadi is the Secretary-General. *Al Jamia al Islamiya* (about 2,000) is more independent of party organizations, but is strongly nationalist. There is also a weekly journal, printed in English, *Palestine and Transjordan* (about 1,500), of which the Managing Editor is Fuad Eff. Saba, Secretary of the Arab Higher Committee. It will be observed that all these newspapers but one are associated more or less closely with members of the Arab Higher Committee; and, while they differ often enough on personal issues or points of tactics—*Falastin*, for example, during our stay in Jerusalem took a less intransigent line on the question of the " boycott " than the others—they reiterate in unbroken unison the full Arab claim for national independence. Nor is there a trace of moderation in their tone. During the " disturbances " last year Arab newspapers were suspended 34 times and officially warned 11 times. And if evidence were needed to show that the ending of the " strike " meant little change of heart, we could find it ourselves in the general temper and often in the actual language that appeared in print from day to day while we were in the country. *Al D'ifa'a*, for instance, published an article on the 21st December headed " The Claws of the Wolf ". " The Arabs of Palestine ", it declared, " are looking at the Government with an eye of hate "; and, fixing the responsibility for all the trouble " first on the Government and then on the Jews ", it hinted that more " sacrifices " might be needed to save the country from " the madness of imperialism ".

41. The second internal factor in the growth of Arab nationalism is education. Except for a few private schools, the whole of the Arab educational system, unlike the Jewish, is maintained by the Government: but, for reasons which will be examined in a later chapter,* it is at least as purely Arab in its character as the Jewish system is Jewish. At both the primary and secondary stages the teaching is in Arabic only: apart from scientific subjects, the curriculum is almost wholly devoted to the literature, history and traditions of the Arabs; and all the schoolmasters from the humblest village teacher to the head of the Government Arab College are Arabs. A school-system thus purely Arab may be better for Arab children than a " mixed " system with a British element in its staff and in its field of instruction; it is the right way, it is said, to make them " good Arabs ". Whether that is so or not, it certainly makes them good Arab patriots. The general tendency of schoolmasters to

* See Chapter XVI.

be politically-minded is nowhere more marked than in the Middle East: and it is not to be expected that Arab schoolmasters in Palestine, Government servants though they are, should be able to repress entirely their sympathy with the nationalist cause. It is significant, though the attitude of the parents must not be forgotten, that practically every Arab school throughout the country closed its doors during the " strike " last year. The boys of the Government Arab College, the corner-stone of the system, were not prevented by their masters from breaking the windows of a private " mixed " school at Jerusalem which continued at work. All the senior Arab schoolmasters and officials in the Education Department signed the manifesto of the 30th June, 1936. Two of the masters were interned at Sarafand.

42. Arab education thus produces one of the most intractable difficulties in the situation. We cannot wish there should be less of it, merely because of its political results: and in a later chapter we shall explain that under present conditions such drastic alterations in its curriculum or teaching-staff as might be devised with a view to neutralizing its political influence are so difficult as to be virtually impracticable. The fact, therefore, must be faced that every year some thousands of young Arabs emerge from a school-system which has inevitably fostered their nascent patriotism.

43. Nor is that the end of their political education. We have seen how the " Youth Movement," which has played so large a part in recent years in the efflorescence of nationalism in Egypt and Syria, has lately spread in Palestine. It inevitably attracts the keener-minded young Arabs. It offers them opportunities of active service in the national cause as " Scouts "—and these " Scouts " do actually and usefully scout—or as patrols to enforce a " strike " or " boycott," or even, it is suspected, as assassins. It is, as might be supposed, an extremist movement. Its adherents have nothing to do with " moderates." They are quick to denounce the official leadership of their cause when they think it too slow or too timid. They talk of new men and new methods and, as in Syria, they take a sympathetic interest in Fascism. They are quite unmoved by economic arguments. They interpret their crusade in terms of conflict and sacrifice, not of peace and prosperity. " British talk," writes one who knows the Arabs well, " of balanced budgets and higher standards of living is poor cold stuff compared to the heroics of the nationalists. No gallant youth of any race would hesitate for a moment under which banner to enlist." This Youth Movement has not yet, it seems, produced a notable leader, and at present, therefore, its zeal is at the command of older men. Nor has it acquired such political power as has been exercised in recent years by the student class in Cairo. But,

if its importance should not be overrated, neither should it be minimized. The Youth Movement, in conjunction with the Arab system of education, means at the least that the strength of Arab nationalism in Palestine is not likely to decrease as time goes on.

44. So much for the internal factors which are stimulating the growth of Arab nationalism. We have already emphasized the importance of the external factors; and we need only point out here that their influence on the situation is also increasing and will probably continue to increase. On the one hand, the urge of the Jews to escape from Eastern Europe is not likely to grow less in the course of the next few years. On the other hand, the realization of national independence in Egypt, and in the near future in Syria, and the Lebanon, and the admission of these countries into the League of Nations will quicken and embitter the Palestinian Arabs consciousness of their political inferiority. The sight of Syria, especially, when, in less than three years from now, she emerges from mandatory tutelage and stands in friendship and alliance on an equal footing with France, will be a constant irritant; and the sympathy of Syria with the aspirations of the Palestinian Arabs may well be more pronounced when she is no longer subject to the restraining influence which the French Government has hitherto exercised on behalf of its mandatory colleague at Jerusalem.

45. The ugliest element in the picture remains to be noted. Arab nationalism in Palestine has not escaped infection with the foul disease which has so often defiled the cause of nationalism in other lands. Acts of " terrorism " in various parts of the country have long been only too familiar reading in the newspapers. As in Ireland in the worst days after the War or in Bengal, intimidation at the point of a revolver has become a not infrequent feature of Arab politics. Attacks by Arabs on Jews, unhappily, are no new thing. The novelty in the present situation is attacks by Arabs on Arabs. For an Arab to be suspected of a lukewarm adherence to the nationalist cause is to invite a visit from a body of " gunmen." Such a visit was paid to the editor of one of the Arabic newspapers last August shortly after he had published articles in favour of calling off the " strike." Similar visits were paid during our stay in Palestine to wealthy Arab landowners or businessmen who were believed to have made inadequate contributions to the fund which the Arab Higher Committee were raising to compensate Arabs for damage suffered during the " disturbances." Nor do the " gunmen " stop at intimidation. It is not known who murdered the Arab Acting Mayor of Hebron last August, but no one doubts that he lost his life because he had dared to differ from the " extremist " policy of the Higher Committee. The attempt to murder the Arab Mayor of Haifa, which took

place a few days after we left Palestine, is also, we are told, regarded as political. It is not surprising that a number of Arabs have asked for Government protection.

46. Such, in the briefest compass we could achieve, is our analysis of the character and sentiment of the two national groups whose opposition constitutes the problem of Palestine. To sum up:—

The establishment of the Jewish National Home has so far been to the economic advantage of the Arabs as a whole.

Jewish nationalism is as intense and self-centred as Arab nationalism. Both are growing forces, and the gulf between them is widening.

What the Arabs most desire is national independence. What they most fear is Jewish domination.

What the Jews most desire is freedom to develop fully the ideas inherent in the National Home and in particular to admit to it as many immigrants as they themselves think can be " absorbed ". What they most fear is a crystallization of the National Home as it is, leaving the Jews in a permanent minority in Palestine, exposed to the possibility of Arab domination or even, in certain not inconceivable circumstances, of suffering the fate that befell the Greeks at Smyrna or the Assyrians in 'Iraq.

4. The Position of the Government.

47. We doubt whether there is any country in the world where the position of the Government is less enviable than that of the Government of Palestine, poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by an elaborate, yet not very lucid, legal instrument, watched at every step it takes by both contending parties inside the country and watched from outside by experienced critics on the Permanent Mandates Commission and by multitudes of Jews throughout the world.

48. Its task would have been easier if Palestine had been a British territory. The Government could then have set itself with a free hand to devise all possible measures for bringing the two races together and building up a sense of common citizenship between them. English could have been made the sole official language, and might have helped Arabs and Jews, as it has so notably helped the varied peoples of India, to understand each other. The whole educational system could have been kept under effective Government control and directed towards the same unifying purpose. Above all, the personnel of the administration might have been entirely British except in very

minor posts. If the whole District Administration in particular had consisted of British officials, carefully selected for the work, speaking both Arabic and Hebrew, fully conversant with the history and claims of both races, and instructed that their first duty was to try, by close personal contact with Arabs and Jews, to bring about a better understanding between them, then, it is conceivable that the gulf might not have widened quite so fast and so far as it has.

49. But all this was inhibited—in general by the mandatory character of the administration, and in particular by the specific requirements of the Mandate.

In general, the principles and intentions of the Mandate System made it as impracticable for Palestine to be governed on normal Crown Colony lines as it was to treat 'Iraq as if it were a province of British India or Syria as if it were part of " overseas France ". Thus, at the very outset, as has been seen it was regarded as part of the Government's duty to appoint as many Arab and Jewish officials as practicable in order that they might qualify by experience for their ultimate task of self-government. In happier circumstances those " Palestinian " officials might have done something, though not as much as British officials, to promote a better feeling between their respective peoples: but, as things were, they could do little, and, as things are, they can do nothing. No Arab official is given charge of a Jewish District, no Jewish official of an Arab one. Nor can they so neutralize their natural feelings as to play the part of intermediaries between their peoples. In quiet times, we were informed, they have done their full duty to the Government and co-operated loyally with each other; but in times of political conflict they draw apart and cannot act as one administration. It was not denied that, as the " disturbances " of last year grew more and more serious, so the Arab District Officers and police, with some notable exceptions, were less and less able to withstand the strain imposed upon their loyalty. Fortunately, there is little present likelihood of an analogous situation on the Jewish side: but, should it arise, Jewish officials and police would be put in the same difficult position as their Arab colleagues were last year.

50. The particular requirements of the Mandate were an equally insuperable obstacle to the adoption of a thoroughgoing policy for bringing the races together and fostering the gradual growth of a common devotion to their common homeland. The Mandate, indeed, just because it was framed mainly to realize the nationalist ideals of Zionism, could scarcely have been better calculated than it is to keep the races apart. In the first place it imposed the use of three official languages. It affirmed, secondly, " the right of each community to maintain its own schools for the education of its own members in its own

language ". It established, thirdly, a Jewish Agency to " advise and co-operate " with the Government—a provision which was counterpoised in due course, though not fairly balanced, by the establishment of the Supreme Moslem Council and the Arab Executive and its successor. In the result, the two communities, instead of being drawn together by the common forms and symbols of a single citizenship, have adopted the forms and symbols of separate nationhood. There are three national flags flown in Palestine—the Union Jack; the red, white, green and black Arab flag; and the blue and white banner of Zionism. Nobody wants a Palestinian flag. If there are not three National Anthems, it is only because there is no Arab hymn to sing with " God Save the King " and the Zionist " *Hatikva* ". And last, and most prejudicial to the cause of peace, there are three political bodies in Palestine which lay claim to the allegiance of Palestinians—the Mandatory Administration, the Arab Higher Committee allied with the Supreme Moslem Council, and the Jewish Agency allied with the *Va'ad Leumi*. They might almost be called three Governments; and it is the simple truth that of the three the Government of Palestine makes the least appeal to the natural loyalty of either the Arabs or the Jews.

51. Its hands tied by the Mandate, the Government of Palestine has been quite unable to prevent the steady frustration of its hopes of concord and co-operation. Such positive efforts as it has made from time to time to bridge the gulf have all proved useless; and it has tended more and more to adopt the *rôle* of the impartial arbiter. But here again, unfortunately, the Mandate has not been helpful: for a strict obedience to its provisions against discrimination between the races has fostered the growth of a kind of mechanical impartiality which makes neither for good government nor, in fact, for better relations between the races.

52. A clear illustration of this is the process of recruitment. If there had been no Mandate, the Government might from the outset have adopted the principle that, Arabs and Jews being members of one political community, capacity would be the sole test for official employment. But under the Mandate it has been assumed that the number of official posts should be, as far as possible, shared between Arabs and Jews in proportion to their total numbers. Not only, therefore, must a vacancy in an Arab or Jewish area be filled by an Arab or a Jew; but, for posts which do not involve direct contact with the people, the first question, we understand, is often not whether the man is the best man for the post, but whether it is the turn of an Arab or a Jew to be appointed.

53. This principle of proportional treatment goes far beyond the question of personnel: it permeates the whole field of the

administration. In 1933 the Government decided that from 30 to 33 per cent. of the labour employed on public works should be Jewish, the percentage being calculated on wages and not on the total number of working days. This percentage was based on two factors: the Government accepted 37 per cent. as the percentage of Jewish contribution to public revenue and 18 per cent. as the approximate proportion of Jews in the population. The calculations involved in basing the amount of the Government grant to Jewish education on (*a*) the amount spent on Arab education and (*b*) the ratio between the Arab and Jewish " school-age " populations have led to a sharp dispute between the Department of Education and the *Va'ad Leumi*. The grant for health services is similarly determined. In every department and in every detail the most scrupulous care is taken to preserve the balance. It is a very small point, but none the less significant, that the three cars provided by Government for our personal use were hired from Moslem Arab, Christian Arab, and Jewish firms respectively. We doubt, indeed, if anywhere else the principle of impartiality between different sections of a community has been so strictly applied. The Government of Palestine might almost be described as government by arithmetic. And the worst of it is that the more strictly and widely it operates, the more it nourishes the spirit of antagonism between the races. Both the Arab and the Hebrew newspapers are jealously on the watch for the slightest deviation from the narrow path, and during our stay in Palestine indignant protests were published on the following, among other, grounds—that Jewish scavengers in Jerusalem were not supplied with winter clothes as Arab scavengers had been; that a Jewish doctor was appointed to the hospital at Jaffa while there are no Arab doctors in Tel Aviv; that trunk-calls to and from Tel Aviv have to pass through the Jaffa Exchange; that on the main gate of the Jerusalem Museum the title of the institution is inscribed in English and Hebrew, but not in Arabic.

54. Whether or not it was necessary to extend the principle of impartiality or non-discrimination so far as it has been extended, the maintenance of the principle as one of the bases of the Government's policy is, of course, unquestionably right; and, though individual officials have sometimes by incautious language betrayed a personal bias out of keeping with the two-fold obligation of the Mandate, the Government as a whole can claim to have honestly maintained the principle. The point we wish to emphasize is that official impartiality has had no helpful effect on the relations between the races. Neither of them believes in its sincerity; and it has whetted rather than blunted their jealousy and antagonism.

55. The same is true of another marked feature of the Government's policy. From first to last it has been conciliatory. As regards the Jews, it has gone far, if not always as far as they have wished, to meet their claims. In applying, for example, the principle of economic absorptive capacity as the limiting factor for immigration, the case submitted by the Jewish Agency has always been most carefully examined. In municipal matters Tel Aviv has been ridden on a very light rein; no attempt has ever been made to compel a strict observance of the Ordinance. But the Jews, of course, since they accept the Mandate, need conciliating less than the Arabs, who repudiate it. And, if one thing stands out clear from the record of the Mandatory administration, it is the leniency with which Arab political agitation, even when carried to the point of violence and murder, has been treated. The facts recorded in Chapter III speak for themselves. After each successive outbreak, punishment was sparing and clemency the rule: there was no real attempt at disarmament, nor any general repression: freedom of speech was not curtailed. On the Government's handling of the last outbreak it is not our duty to express opinions: the matter was implicitly ruled out from our terms of reference; but we feel bound to say, and we think the Government itself would be the first to admit, that it carried the policy of conciliation to its farthest possible limit. Again we are not discussing the wisdom of the policy. Through all these years, indeed, it has been obvious that the only chance of peace in Palestine, the only hope of attaining that ultimate harmony and co-operation on which the whole future of the Mandate depended, was to try to reconcile the Arabs to it. Our point, once more, is that conciliation, like impartiality, has failed. If the patient treatment of the Arabs last year has been sharply criticized, its critics must confess that it had at least this merit. It proved to demonstration that conciliation is no use. It has now been tried for 17 years, and at the end the Arabs, taken as a whole, are more hostile to the Jews and much more hostile to the Government than they were at the beginning.

5. The Arab and Jewish Proposals.

56. The situation thus compels the question what other line of policy, if any, has a better prospect of success; and with this in our minds we listened with the greatest attention to the proposals put before us by the official spokesmen of the two contending parties.

57. The solution of the problem advanced by the Arab Committee was, as has been seen, a simple one. The prompt establishment of national independence, they asserted, is the only way

to peace in Palestine. In other circumstances, it is evident from the course of British policy in neighbouring countries that that claim would not be unfavourably regarded by British public opinion. But in the circumstances as they are we find it difficult to believe that Arab public opinion on its side really thinks the claim can be conceded. For it means the surrender of the Jewish National Home to government by Arabs who outnumber the Jews by more than two to one.

58. The Arab Higher Committee assured us that the welfare of the Jewish minority would be safeguarded not only by specific provisions in the Treaty which would accompany the grant of independence but also by the habitual toleration which Jewish minorities have enjoyed in other Arab lands. But it must be remembered that those Jewish minorities elsewhere are relatively very small and that the Jewish minority in Palestine is already regarded by the Arabs as too big. On this point the following questions put to the Mufti of Jerusalem and his replies should be noted:—

> *Q.* Does His Eminence think that this country can assimilate and digest the 400,000 Jews now in the country?
>
> *A.* No.
>
> *Q.* Some of them would have to be removed by a process kindly or painful as the case may be?
>
> *A.* We must leave all this to the future.

We are not questioning the sincerity or the humanity of the Mufti's intentions and those of his colleagues; but we cannot forget what recently happened, despite treaty provisions and explicit assurances, to the Assyrian minority in 'Iraq; nor can we forget that the hatred of the Arab politician for the National Home has never been concealed and that it has now permeated the Arab population as a whole.

59. Nor is it only a question of humanity. We have tried to show that the National Home is essentially a European institution, essentially modern, and, on its economic side especially, intimately linked with the outer world. We mean to imply no reflection on the natural ability of Arab leaders if we say that the National Home, with its peculiar and delicate economic constitution, cannot prosper under a government which has had little experience of modern capitalism and is not fully acquainted with financial and commercial problems on a world-wide scale. It seems clear to us, in fact, that the establishment of an independent government of Palestine at this time would violate the undertaking in Article 2 of the Mandate to place the country " under such political, administrative and economic conditions as would secure the establishment of the Jewish National Home ". Nor, we think, can it be argued that, since a Home has been established, we can honourably cease to

interest ourselves in its security. Here, indeed, as in other aspects of the problem, the actual circumstances of to-day are as compelling in themselves as any previous commitments. There are 400,000 Jews in Palestine. They have come there not only with our permission but with our encouragement. We are answerable, within reason, for their welfare. We cannot, in the present state of affairs, abandon them to the good intentions of an Arab government.

60. This seems to us quite plain, and we cannot help thinking it must be plain to any thoughtful Arab statesman also. Disputants are bound to put forward their maximum claims when their case is up for trial; and the Arab Higher Committee could scarcely be expected to ask for less than the national independence which, on their interpretation of the agreement, was promised to King Hussein, and which is now enjoyed or about to be enjoyed by all Arabs in Asia outside Palestine. But surely they must realise, even on their own showing, that two wrongs do not make a right; and we doubt whether British prestige and the belief in British good faith would stand higher anywhere in the Arab world if we tried to escape from our difficulties in Palestine by an open betrayal of the Jews.

61. Jewish opposition, moreover, would have to be reckoned with. The Jews, as has been observed, are believed to have secretly armed themselves to a certain extent. Convinced as they are that an Arab government would mean the frustration of all their efforts and ideals, that it would convert the National Home into one more cramped and dangerous ghetto, it seems only too probable that they would fight rather than submit to Arab rule. And to repress a Jewish rebellion against British policy would be as unpleasant a task as the repression of Arab rebellions has been.

62. To the Jewish extremists the solution of the problem is as simple as that put forward by the Arab Higher Committee. Mr. Jabotinsky and the Revisionists demand that the expansion of the National Home should continue at an accelerated pace. Trans-Jordan should be opened to Jewish immigrants and room quickly found in this larger Palestine for many millions of Jews. The whole country would thus become in fact *Eretz Israel* and in due course obtain its independence as a Jewish State. It is true that, as explained in Chapter II, the Jews understood, in the days of the Balfour Declaration, that some such result as this might be its final outcome. But the whole situation has been changed by what has happened in the interval. In present circumstances the Revisionist programme is not merely at plain variance with our legal and

moral obligations: its execution would convert the friendship of all the Arab peoples into implacable resentment and react beyond their borders throughout the Moslem world.

63. More serious and prolonged consideration must be given to the Jewish proposals as submitted to us by Dr. Weizmann and his colleagues on behalf of the Jewish Agency and the *Va'ad Leumi*. Those witnesses are men of the world, who realize, better, perhaps, than the Arabs, the difficulty in which Your Majesty's Government is placed, and who realize, too, the dangers that confront themselves. Their representations, it was clear, had been very thoroughly and anxiously considered: they were put before us at full length and with a multitude of corroborative facts and figures. Indeed, the Jewish evidence, oral and in writing, was an impressive performance, characteristic of the industry and scientific standards of the National Home. Nor was it surprising that such a full-scale effort should be made on its behalf in view of the fact that its fate, at this moment of crisis, might be seriously affected for good or ill by our Report. For that reason also it was natural, no doubt, that the Jewish case, like the Arab, should be maximal; that the Jews, like the Arabs, should ask, or rather insist on having, 100 per cent. of what they claim as theirs by right. Nor could we forget what the Jews in Palestine never forget—the sufferings of the Jews in Europe, and the incentive they constitute for trying to stretch the bounds of the National Home to their utmost limit.

64. The proposals can be clearly summarized. We were told that peace could only be attained in Palestine by the application of the Mandate interpreted at every point in accordance with the full Jewish claims. There must be no new restriction on immigration. Its rate must continue to be " determined " only by the " economic absorptive capacity " of the country, and must be kept up to the limit of that capacity. No new restrictions must be placed on the sale of Arab land to Jews. No measures must be taken to prevent the Jewish population from becoming in due course a majority in Palestine; and, if and when it becomes a majority, no veto should be put on Palestine becoming a Jewish State, in the sense that the Jews would have a major voice in its government. At this point only was a concession made. The Jews did not wish, they said, to be " dominated " by the Arabs, neither did they wish to " dominate " them. They were prepared, therefore, to adhere to the principle of " parity." If a Legislative Council were now established, and if the present Jewish minority were given an equal number of seats thereon with the present Arab majority, the Jews would never claim more than that equal number, whatever the future ratio between Arab and Jewish population might become.

65. If the Government would adopt this policy without hesitation or equivocation and make it clear that any illegal agitation against it would be promptly and firmly repressed, then, the Jewish witnesses assured us, all would be well. The Arab extremists, it was suggested or to be inferred, would at once lose their hold on public opinion. The moderates would come to the front and co-operate with Government. Common economic interests between Arab and Jew would re-assert themselves. Educated Arabs for the most part would come to acquiesce in the frustration of their national ambitions, while the *fellaheen,* anxious only to be left to till their fields in peace, would welcome the collapse of a dangerous and costly agitation in which their hearts had never been engaged. In other words, the policy laid down in Mr. Ramsay MacDonald's letter requires no alteration, but only enforcement. The apparent obstacle is an unreal obstacle. Arab nationalism in Palestine has been artificially puffed up by methods which the Government should never have allowed. Only a little firmness is needed to deflate it.

66. We understand that this optimistic outlook is widely shared in England and elsewhere outside Palestine; and it is not to be lightly brushed aside. If, indeed, it were justified by the facts, the difficulties of the problem, it is obvious, would be greatly reduced. But we are convinced it is not justified. It is founded, in our opinion, on two false estimates. It underrates the strength of Arab nationalism throughout the country and particularly among the young. And it overrates the help which Arab moderates would be willing or able to render in the continued enforcement of the policy of 1931.

67. It is far from our purpose to cast any reflection on the attitude of the moderates in the past. It is greatly to their credit that they should have yielded as much as they have to the pressure of successive High Commissioners and co-operated as much as they have with the Government and in some cases with the Jews. Thus before the recent deterioration in the situation, only a few of the Arabs invited to sit on " mixed " Government boards or committees refused outright to do so on the ground that they included Jews or, in their view, too large a proportion of Jews. Even now Arabs are still serving on such bodies as the General Agricultural Council, the Standing Committee for Commerce and Industry, or the Harbour and Road Boards. But these Arabs, we are informed, do not regard themselves as co-operating with the Jews, but only, as they were asked to do, with the Government, whose official representative is always in the chair.

68. In the " mixed " municipalities Arab mayors and councillors have succeeded in working with Jewish colleagues in the past, except, of course, in periods of " disturbance ". Friction has always been less marked in Haifa than elsewhere, and a policy of co-operation with the Jews has been pursued. Jewish interests in Jaffa have received a fair share of municipal attention. In Jerusalem, where the mayor has always been an Arab though the majority of the taxpayers have for some time past been Jews, municipal questions have not been determined as a rule on racial lines; but the strength of latent feeling was revealed last year by the bitter quarrel which broke out when the " disturbances " began and the mayor became a member of the Arab Higher Committee.

69. In business, likewise, moderate-minded Arabs have worked in quiet times with Jews. The members of the Jerusalem Chamber of Commerce have maintained a fair measure of co-operation: but Arab and Jewish citrus-growers are separately organized and have not often succeeded in adjusting their conflicting interests. And, of course, there has been considerable commercial, though little social, intercourse between individuals. Even the breach created between Tel Aviv and Jaffa in 1929 was overcome; and before the troubles of last year many Arabs of Jaffa, particularly women of the upper classes, shopped at Tel Aviv.

70. That is by no means a negligible record; but two comments must be passed on it.

First, Arab "moderation " has never extended to the higher plane of politics. Willingness to co-operate with Jews in municipal government is unhappily no evidence at all of willingness to co-operate on a national scale: and Arab councillors, who can agree with Jews about improving an urban water-supply or regulating a market or laying out a park, cannot agree with them about the rate of immigration or land-purchase or the constitution of a Legislative Council. Practically all the Arab mayors, it will be remembered, attended the nationalist meeting at Jaffa which preceded the outbreak of 1933.* And of course, the moderates among the Arab politicians have always made common cause with the extremists on major national issues.

71. Secondly, the will to co-operate has never been strong enough to survive a crisis. When race-feeling was aroused, when an outbreak became imminent, then, if ever, was the time for the moderates to cling to the principle of co-operation, to seek for common ground, to use all their influence to avert the storm. But in public at any rate, whatever may have happened in private, they were never strong enough to take the line of compromise and conciliation. And in each case, of course, the threads of co-operation were broken by the outbreak itself, and only slowly and partially knitted up again when it was over. At the present moment, with few exceptions, the two

* See page 83.

races are holding rigidly apart. The Jerusalem Municipality, as a " mixed " body, is virtually out of action. A separate Arab Chamber of Commerce has been established. Jaffa and Tel Aviv are once more at open war, embittered now by the building of a new jetty at Tel Aviv, which was necessitated by the cessation of work last year at Jaffa port. There is little or no Arab shopping now at Jewish shops and social intercourse has practically ceased. In Galilee this is peculiarly significant. Before 1929, at any rate, the relations between the Arabs of Galilee and the old-established Arab-speaking Jews were not unfriendly. Now there is serious tension in Tiberias and the Jews of Safad are segregated into something like a ghetto.

72. Another reason for questioning the wisdom of trying to base a settlement on moderate Arab opinion is the difficulty of finding anyone now to profess it. The moderates have always been nationalists. They have been exposed like other Arabs to the pressure of events and influences which have operated, as has been pointed out, to inflame and intensify their nationalism. And if it has never been easy for an Arab who is proud of his race to hold aloof from his more ardent compatriots, it is harder than ever now—and not only, or even mainly, because it is more dangerous.

73. Our last reason is drawn from experience. As we pointed out in discussing the situation in 1925, the extremist has usually kept the lead, the moderate has rarely counted, in a struggle for national independence. We see no reason why the history of nationalism in Ireland, India, Egypt—to mention only countries with which Britain has been concerned—should not repeat itself in Palestine.

74. For these reasons we find ourselves reluctantly convinced that no prospect of a lasting settlement can be founded on moderate Arab nationalism. At every successive crisis in the past that hope has been entertained. In each case it has proved illusory.

75. If the opinions we have stated in the preceding paragraphs are well-founded, it is clear that the policy recommended by the Jewish Agency and the *Va'ad Leumi* will not bring peace to Palestine. Its execution, we have no doubt, would be resisted by the whole force of Arab nationalism, whether in some general outbreak or in recurrent " disturbances." For it would mean the influx of the maximum number of Jews for which the National Home and its supporters oversea could find or make employment. It would mean a Jewish population mounting steadily, if all went well, towards a majority over the Arab population, with the prospect which that implies of ultimate Jewish control over the whole

country. The Arabs, therefore, would be bound to regard the process as the gradual conversion of Palestine into a Jewish State.

76. It has sometimes crossed our minds that this conversion might conceivably have been accomplished, once for all, as an act of war. In terms of *Realpolitik* the British had conquered the country from the Turks and were entitled to do what they liked with it. If any Arab contribution to victory had been ignored and any undertakings to them brushed aside and if the new frontier had at once been drawn and the new Jewish State at once established, it is possible, perhaps, that the Arabs would by now have acquiesced. But it is far harder to imagine the conversion of Palestine into a Jewish State in the present circumstances as, so to speak, an act of peace. It is true that Jewish immigration is not merely sanctioned but required by solemn international agreements. It is true that the Jews enter Palestine " as of right and not on sufferance." None the less, the Arabs regard their entry, sustained as it is from time to time by force in the teeth of their resistance, as in the nature of an invasion, and the process by which they gradually rise towards a majority in the country as a sort of creeping conquest.

77. But, if Arab opposition to the policy recommended by the Jewish Agency and the *Va'ad Leumi* seems to us inevitable, we do not suggest it would be formidable. It would be ludicrous to suppose that it is beyond the resources of Your Majesty's Government to deal with a rebellion on so small a scale and so ill-equipped for modern warfare. But we do suggest that, before committing itself to a course of repression, British public opinion would have to be convinced that there is no other means by which justice can be done in Palestine. And we go further. We venture to think that Jewish public opinion throughout the world, if it could realise as clearly as we do that the policy advocated by its spokesmen entails the recurrent use of force, would likewise hesitate to press for its adoption, unless, again, there is demonstrably no other way by which its aspirations can be fairly satisfied. The instruments of force, it is true, the soldiers and aircraft, the bombs and machine-guns, are British: they must be British, for Your Majesty's Government cannot stand aside and let the Jews and Arabs fight their quarrel out. But that does not veil from Jewish eyes the harsh realities of repression; and, if it could be shown that a reasonable chance existed of solving the problem by other means, we believe that the spirit of Zionism, as we understand it, would revolt against the use of force, all the more strongly because it is not its own.

78. It is clear to us, therefore, that neither the Arab nor the Jewish proposals, as officially put before us, afford a basis for a peaceful or lasting settlement. We have sought accordingly, with the aid of all those witnesses who took a moderate line, to find a middle path. We have exhaustively considered what might be done in one field after another in execution of the Mandate to improve the prospect of peace. In the ensuing second part of this Report we have embodied the results of this inquiry.

PART II

THE OPERATION OF THE MANDATE

CHAPTER VI.

ADMINISTRATION.

1. Palestine under Turkish Rule.

1. Turkish government in Palestine before the Great War was in effect a despotism, modified to some extent by the delegation of authority to the leading families in Syria who held estates in Palestine. The head of the Administration was the *Vali* in Beirut, Jerusalem being an independent *Sanjaq* (County). The *Sanjaq* of Jerusalem stretched from the Egyptian frontier to just north of Jaffa: the remainder of what is now Palestine was included in the *Vilayet* of Beirut—in the *Sanjaqs* of Beirut, Acre and Balqa (Nablus). Each *Sanjaq* was divided into *Qadas* (Districts), the latter combining several *Nahias* (village or combination of small villages). Each of these administrative units had its own Council and posse of executive officials, as, for example, the *Kaimakam* in the *Qada,* appointed by the Turkish Government, but responsible to the *Mutasarrif* or Chief Executive Officer of the *Sanjaq*. In the case of Jerusalem the latter was in direct touch with Constantinople. These Executive Officers in all the higher grades formed a distinctive Turkish bureaucracy. Turkish was the official language.

2. The revenues of the *Vilayet,* part of which had to be paid into the Imperial Treasury, were derived chiefly from the taxation of land and buildings, customs, stamp duties, and Court fees. Other imposts were levied: such as a tax on animals, payment in lieu of forced labour on roads, or to obtain exemption from military service. At a later date special war taxes were imposed on buildings, salaries and professions.

3. The main tax on land was the tithe (*Ushr*) calculated at $12\frac{1}{2}$ per cent. of the gross yield of the land. While the incidence varied according to the harvest, the annual assessment in the field or on the threshing floor gave opportunity for great abuse. The system of the tithe dates from the *Qoran*. The tithes were farmed out by public auction, usually to influential persons of means who were able to provide adequate security. "The rich man rarely, if ever, paid his fair assessment; and the loss of revenue from this evasion was made good by overcharging his poorer neighbours. The Turkish Government, in accepting the final highest bid for a village or locality, was only interested in so far as the full collection of the sum due to them was paid. Any sum over and above this went into the contractor's pocket, and, in practice, by a division of spoil between the contractor, the rich landowner, and the *Mukhtar* [village headman] great

pressure could be, and was exerted upon the peasantry."* Some of the fine houses adjacent to the large towns are evidence to-day of the profits made by the Turkish tax collectors.

4. An important feature of the Turkish regime was the recognition of religious endowments known as *Waqf* or, in the plural, *Awqaf*. Under Moslem law "where a property is made waqf the proprietory right of the grantor is divested and it remains henceforth in the implied ownership of the Almighty. The usufruct only is applied for the benefit of human beings and the subject of the dedication becomes inalienable and non-heritable in perpetuity." This form of endowment was also adopted by most of the other religious communities in Palestine.

5. Intimately connected with these trusts were the *Shari'a,* or religious, Courts. During the Ottoman regime a number of laws affecting the constitution, jurisdiction, procedure and internal organization of the *Shari'a* Courts were promulgated by the Sultan, who was also the Caliph, and, after the establishment of the Constitutional Government, by the legislative body —a Moslem authority. This authority did not admit any restraint on its legislative power and in fact amended the *Shari'a* law whenever it thought it desirable, as, for example, by a law dealing with the inheritance of land. As regards the administration of *Awqaf,* the *Shari'a* Courts registered any dedication and enforced its terms, while the Ministry of *Awqaf* supervised the administration of trust property. The Ministry of Justice in Constantinople exercised administrative powers in regard to the procedure and internal organization of the *Shari'a* Courts, the rules of procedure for which were established by law, not by orders isued by the Ministry. These Courts were an important part of the Turkish Administrative system. Religious Courts were also recognized for the different religious communities. These, under the Ottoman principle of *laissez-juger,* dealt with matters of personal status.

6. As a result of the revolution in 1908, an Ottoman Parliament was created consisting of a Senate and a Chamber of Deputies, the latter being elected by an electoral college on the basis of one Deputy for every 50,000 male subjects. The number of Deputies elected from the territory which is now Palestine was six. The unit for the primary election was the *Nahia,* that is, a village of over 200 houses, or a collection of villages with that population. It is interesting to note that communal representation was recognized in the *Nahia* Councils and in their "Council of Elders." The *Imam* (Moslem priest) and representatives of the non-Moslem religious communities were *ex officio* members of the latter. The President was the *Mudir* appointed by the *Vali* or Governor of the

* Annual Report for 1920–21, page 9.

Vilayet. The administrative officers of these village Councils were known as *Mukhtars* and were elected by the same persons as were entitled to elect the Council of Elders. Every village had one *Mukhtar,* but if a village consisted of more than one quarter or ward or contained more than one community with the qualifying number of houses, it had one *Mukhtar* for each quarter or community. This office of village headman has survived, and to-day forms the chief point of contact between the officials and the countryside. The functions of the Council of the *Nahia* were the preservation of peace, collection of taxes and maintenance of public accounts. The Council of Elders was expected to supervise expenditure, the apportionment of taxation and the settlement of disputes, including communal disputes, and to report cases of persons who died leaving property and absent heirs, or land going out of cultivation.

7. Under the Ottoman Government a Court of First Instance, composed of three Judges, was established in each *Qada* or *Kaza,* with a Court of Appeal composed of five or more Members in each *Sanjaq*. In Palestine there were, therefore, 13 Courts of First Instance and three Courts of Appeal. The predilection for boards or committees, and the multiplicity of officials is noticeable. There were in addition single Judges or Justices of the Peace in the principal towns. Thus there were numerous Courts throughout Palestine, with numbers of Judges, whose salaries were by no means commensurate with their responsibilities.

8. The position of the foreigner in Palestine under Turkish rule was usually safeguarded by the consular authority of his country. Arab Christians also availed themselves of the services of foreign consuls. The interests of minorities were thus protected. Immigration, except by Ottoman nationals, was nominally prohibited, but the door could generally be opened on payment. Foreigners could not be registered as owners of land, unless prepared to forego consular protection, but nevertheless some fairly prosperous Jewish colonies were started by Baron Edmond de Rothschild, and relations between the colonists and their Arab neighbours were on the whole friendly. Palestine was in fact a very poor, backward country, which, as to-day, had to rely for any progress on import, human and material.

9. It is right to recognize also that the rule of the Turk before the War was, in the matter of law and order, extremely effective. The *Vali* in Beirut retained in his own hands the portfolio of internal security. The Courts may have been corrupt; dishonesty may have pervaded public finance; the methods employed for the prevention or detection of crime may have been antiquated and, like Turkish penology, repugnant to modern ideas; but the evildoer did not prosper. Sedition, banditry or

robbery were put down with a firm hand. The Turkish policeman was feared—and respected. Except in a few outlying places the ordinary citizen could go about his lawful occasions unmolested.

10. During the Great War there was a reversion to military despotism, and towards its close the Turkish commanders, having reason to doubt the loyalty of their Palestinian subjects, adopted severe repressive measures. Apart from frequent public executions and intensive conscription, the countryside was denuded of animals, fuel and food supplies. Landowners were forced to mortgage their properties to meet the demands made on them by the military authorities. Payment, when made, was in a depreciated currency. Turkish Treasury notes had fallen to one-fifth of their face value; the prices of staple foodstuffs and other commodities ruled abnormally high in a country always dependent on imports. In their retreat the Turks took with them not only the agricultural stock and produce of the country, but also the records, cash balances and principal officials of the Government.

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

2. The Occupied Enemy Territory Administration: 1918-1920.

12. The normal rule of military administration of occupied territory is to preserve the *status quo,* to avoid the introduction of marked change in the laws of the country or their manner of application, and to carry on with the least disturbance of public life pending the appointment of a permanent Government. This transition period is usually of short duration.

> "The financial administration [of Occupied Enemy Territory] passes into the hands of the occupant, but all fiscal laws remain operative. If he collects the taxes, dues and tolls payable to the State, he is in consequence bound to defray the expenses of the administration of the occupied territories to the same extent as the national government was liable. The collection must be made, as far as possible, in accordance with the rules in existence and the assessment in force. The occupant is entitled to appropriate to the use of the army any balance remaining over after the disbursement of these expenses. The occupant may use local rates only for the purposes for which they are raised."*

So also the Manual of Military Law defines the procedure for the occupant of enemy territory:—

> "It is no longer considered permissible for him to work his will unhindered, altering the existing form of government, upsetting the constitution and domestic laws, and ignoring the rights of the inhabitants."†

* *Manual of Military Law*, Chapter XIV, paragraph 369.
† Ibid, paragraph 354.

13. In Palestine the Administration was a military organization, acting under a Chief Administrator who received his orders from the Commander-in-Chief (General Allenby) through the General Officer Commanding. There were 13 Military Governors of Districts, reduced in 1919 to 10, with 59 military officers as assistants. The services of such of the subordinate Turkish officials as remained were utilized, but almost the whole of the staff employed was new to administrative work. Necessarily the administration had to carry on without many of the facilities that are usually regarded as essential. Frequent changes in the personnel and shortage of staff increased the difficulties.

14. It was no easy task that these military officers had to undertake. Apart from making necessary provision for the maintenance of public peace, a judiciary had to be created and revenues collected. Enquiries regarding the ownership of land disclosed a general state of confusion, and almost the first task of the O.E.T.A.* in 1918 was to prohibit transactions in land and close the land registries. They also suspended a number of vexatious imposts.

15. Owing to the impoverishment of the people it was found necessary to issue agricultural loans on a generous scale. The Ottoman Agricultural Bank had 13 agencies operating in Palestine at the time when the territory was occupied. The records and cash, however, had been removed before British occupation. It was soon realized that a generous system of credit would be necessary to restore the condition of agriculture, and an agreement was reached in 1919 between the Military Administration and the Anglo-Egyptian Bank Limited—now amalgamated in Barclays Bank (Dominion, Colonial and Overseas)—whereby the Bank agreed to advance, if and when required, £500,000 for the issue by the Administration of loans to cultivators.

16. The usual Departments were created—Finance, General (including Police), Commerce, Law, and Public Health. The Budget for 1919-20 took the total income at £735,200. The estimates of expenditure were governed by the principle of absolute necessity. General administration was expected to cost £178,200; Police and Prisons £128,400; Public Health £90,500; Public Works £85,750. Only £46,000 could be spared for Education, and £16,500 for Agriculture. The period of occupation, without any settlement as to the political and economic future of the country, was unduly prolonged and, despite shortage of funds, the Administration was compelled to assume all the ordinary functions of a peace-time Government. The Turkish system had still to be continued;

* Occupied Enemy Territory Administration.

the necessary clerical and manual employees had to be recruited locally. The former were mainly obtained from Arab Christians educated by the various Missions.

17. Yet, even so, a start was made in social services. Veterinary provision was made for the elimination of cattle disease, which was prevalent. The establishment of this service consisted of an officer of the Army Veterinary Department with a staff of five Veterinary Inspectors. Quarantine Posts and Veterinary Infirmaries were opened.

18. In Public Works, expenditure on works was confined to the maintenance of necessary roads and buildings. Only essential roads were maintained pending the peace settlement. No steps could be taken to develop the country either in the way of irrigation or in the construction of new roads, which in ordinary circumstances would be regarded as necessary and in some cases remunerative. The improvement of the water-supply of towns and villages and of conservancy did not admit of delay. The total lack, for example, of a proper drainage system in Jerusalem was a cause of grave anxiety, and it was found necessary to restrict the water-supply.

19. Expenditure on education was confined to the continuance under more efficient administration of the provision made by the Turks before the War, the management of the schools being relegated to local Educational Committees. Many of the Mission schools, including certain denominational technical schools provided by the Catholic monastic communities, had been despoiled by the Turks during the War.

20. £64,700 had to be spent on special relief measures to meet the abnormal conditions produced by the War. "Many exiles," it was reported, "have not returned, villages ruined by the War still remain unbuilt, and there is a general feeling of insecurity as to the future of land tenures." It was found necessary to control the prices of the principal commodities. In Jerusalem one-sixth of the population was in need of relief, and in 1919, owing to the withdrawal of the American Red Cross Commission, the Syria and Palestine Relief Fund and other charitable institutions, the work undertaken so ably by philanthropic associations devolved upon the Administration. The "American Committee for Relief in the Near East" still continued its operations.

21. The Police were reorganized, the number being reduced from 1,273 to 1,110 of all ranks. It was noted at the time that "this strength is still relatively high, especially under a military occupation, but the special character of the country and the relative smallness of the military forces at the disposal of the authorities, also the possibility of fanatical or nationalist outbreaks during the present period of uncertainty, are factors

that cannot be neglected." An endeavour was made to improve the quality of the regular Police and to resuscitate, so far as possible, the old oriental system of local responsibility for watch and ward, with a small, highly trained force in reserve for emergencies. The riots in Jerusalem in 1920 showed that the Police Force actually was inadequate.

22. A Public Health Department was organized, the expenditure being directed to anti-malarial measures, and provisions for the general public health. These included the inspection and sanitary organization of every town and village in the country, most of the cost being met by local funds.

23. Despite the difficulties, there was a noticeable improvement in general conditions evidenced by an increase in the population, in the stock of animals and in the area under cultivation. The population on 31st March, 1919, was approximately:—

Moslems	515,000
Jews	65,300
Christians	62,500
Others	5,050
	647,850

The tax on animals was estimated to produce £21,300, as against £5,700 in the previous year; Customs revenue £110,500 as against £30,600. Of the estimated receipts of £224,835 from tithes, £103,000 was assigned to the Ottoman debt, and £21,235 to the *Awqaf*. The assessments of the House and Land Tax were based on those made by the Turks some fifty years previously.

24. The notable features of the Military Administration were, first, the direct rule by British officers, though in 1919 seventeen "Syrian officers" were appointed; and, secondly, the regard paid to the claims made on the Administration by religious bodies. The *Shari'a* Courts continued to function, the Judges being appointed by the Senior Judicial Officer of the Administration, after consultation with a Committee consisting of the Moslem members of the Court of Appeal and the Inspector of *Shari'a* Courts. The needs of the *Awqaf* were satisfied, administration of the funds being left to a *Waqf* Council with a Director-General of *Awqaf*, in place of the former Ministry of *Awqaf* at Constantinople. A British officer was present at all their meetings, and their accounts were audited by the Administration. Thirdly, the system was Turkish, with the village *Mukhtar* as the liaison officer between the rural population and the Governors of Districts. Wherever possible the various committees which had been constituted under Turkish rule were encouraged to function.

25. On the whole, this system of temporary government by the Military authorities worked well. There was, however, one disturbing factor, the visit and the attitude of the Zionist Commission. The Balfour Declaration did not at the time attract as much attention in Palestine as might have been expected. The War was in progress; the future uncertain. The arrival in Palestine of a Commission authorized by the British Government to travel, investigate and report on the prospects of a National Home, as well as "to help in establishing friendly relations with the Arabs and other non-Jewish communities", aroused the Arabs to the realities of the situation. No steps were taken to represent the Arab side of the case. Doubtless enthusiasm for the Zionist cause led to the disregard of other people's feelings at a time when the greatest tact and discretion were necessary. The subsequent efforts of Dr. Weizmann to allay suspicions were unsuccessful. Many of the demands put forward by the Jews provoked resentment. It was urged that they should at once participate in the Military Administration: there should be a Land Commission, with experts nominated by the Jewish Organization "to ascertain the resources of Palestine". It was contended that under the Balfour Declaration Jews in Jaffa should be allowed to provide their own bonded warehouses: that the Anglo-Palestine Bank, a Jewish Company, should advance the money required for loans to Arab agriculturists. They desired to select, and supplement the pay of, Jewish candidates for the Police. They demanded and began to train their own Military Defence Force. Hebrew should be recognised as an official language. All this during the prolonged period of military government designed to "carry on" temporarily and to preserve the *status quo*.

26. At this early stage there was in effect a separate Jewish Judicature, developed from the Peace Courts, an ancient Jewish system of arbitration. The American Zionist Medical Unit preferred that their excellent work should be carried on independently of the Administration. It was obvious that the Jews had created a very efficient intelligence department, from which (as is indeed the case to-day) the Administration could keep little secret. When the Easter riots of 1920 occurred, the Zionists took up an attitude openly hostile to the Administration. And all this occurred while the Mandate for Palestine was under consideration.

27. One unhappy result of this situation was that some of the Civil Servants in Palestine did not, as in the United Kingdom or in India, stand entirely aloof from religious faction or political strife, but found themselves in some cases forced into the position of partisans to represent the Arab cause. There was at the time no one else who could represent their case, while the Zionist Commission was touring the country.

28. The Arabs, as we have already stated, considered that they had been betrayed. The Jews in 1920 regarded the Military Administration as " anti-Zionist and perhaps anti-Jewish ". Arab fears and Jewish hopes may have alike been extravagant, but the cleavage which was in the future to make every administrative act a political issue had begun.

29. The flames of racial hatred which broke out in Easter, 1920, in the Holy City might well have drawn attention to the volcano underneath. They certainly indicated that co-operation between the two races in the administration of the country would be difficult to secure for some years to come. They might well have suggested the desirability of firm British rule under British officers who, impartial in their outlook and attachment, would enforce respect for law and order.

3. The Civil Administration: 1920-1936.

30. The Military Administration witnessed during the last three months of its protracted existence the first outbreak, unhappily the precursor of several " disturbances ". Its successor, inheriting this legacy, was still handicapped by the general uncertainty as to the future of Palestine. It was not till two years later that the Palestine Order in Council, 1922, prescribed the composition and organization of the Government. Meanwhile the Mandate was being drafted, and the new administration decided to anticipate and adopt the principles which were later to be enunciated. A new framework of government had to be constructed; it was found necessary to introduce new laws and regulations, and, it was announced, " as the preliminary work is completed, and as Palestinians possessing the necessary qualities can be chosen and trained for administrative work, it is intended to reduce the number of British and to raise the number of Palestinian officials ". This process began with the introduction of the new regime. It was hoped that a training would be provided towards Palestinian self-government and that effective co-operation between the races would arise. In the latter respect it is now frankly admitted that this policy has failed. " It is so difficult for Arab to work under Jewish or Jew to work under Arab superiors."

31. The High Commissioner, assisted by an Executive Council, was given the power to promulgate Ordinances, after consultation with an Advisory Council, which was then composed of ten official and ten nominated members, the latter being four Moslems, three Christians and three Jews. There was a spate of legislation, no less than 38 Ordinances being produced in the first year. In anticipation of the provisions of the Mandate three official languages were recognized, and the drafts of all measures to be submitted to the Council were

circulated in advance in English, Arabic and Hebrew, the discussions being held through the medium of Arabic and Hebrew interpreters. In the following year during eight sessions of the Advisory Council twenty-six ordinances and six amending ordinances were passed. The Financial Commission under the Chairmanship of Sir Samuel O'Donnell reported in 1931 that

> " the condition of the law itself is little short of chaotic. It is contained partly in an enormous number of ordinances, and partly in Ottoman Codes which have been modified or superseded to an extent not always easy to determine by the ordinances."

32. In 1923, after the attempt to constitute a Legislative Council had failed, the Order in Council was amended to allow the High Commissioner to appoint such an advisory body as might be approved by the Secretary of State. At present it is an entirely official body, consisting of the Chief Secretary, the Attorney-General, the Treasurer, ten other heads of departments, the Irrigation Adviser and the three District Commissioners. Evidence we received shows that it is used rather for formal assent to legislation than for the purposes of consultation or discussion.

33. It took time, naturally, to develop the civil administration. The old titles of District and Assistant District Governors were in 1925 altered to those of District and Assistant District Commissioners. These posts have, quite rightly we think, though it was made the subject of criticism by Arabs, been reserved for British officers, the military element being gradually replaced by members of the Colonial Civil Service. The ten Districts were in 1920 reduced to seven, later on to four, and finally to three—Northern, Southern and Jerusalem. There are now three District Commissioners, twelve Assistant District Commissioners and thirty-seven District Officers. All of the last class are Palestinians. Similarly in the various departments, while the head and some senior officers are British, the subordinates, whether at headquarters or in the districts, are, with the exception of experts, mainly Palestinian.

34. We were much struck by the unanimity of evidence regarding these Palestinian officers. In normal times, we were told, they work well; in times of trouble they are unreliable.

> " Among both Arab and Jewish officials it is increasingly clear that racial loyalty is placed before loyalty to Government."

> " Because of the mutual distrust due to political and racial differences, it is essential that there should be a sufficient number of British Assistant District Commissioners really to see, know and guide what is going on throughout Palestine."

> " If an Arab or a Jewish officer is placed in charge of a mixed population a complete failure of liaison results between him and the community to which he does not belong."

> "It is not possible to obtain reliable information from Arabs in times of emergency, or from Jews when the information is contrary to their national interests. Above all, the supply of information tended to dry up at critical moments."
>
> "The Palestinian District Officers are moderately efficient and loyal up to their lights but racial feelings are always in the ascendancy."

Quotations to the same effect could be multiplied. We have elsewhere referred to the petitions signed by Arab officials.*

35. The development of the Palestine Administration since it came under the control of a civil High Commissioner in July, 1920, has unavoidably, in the circumstances, been to a considerable extent one of improvization carried out. until later years, without expert advice.

> "It is important," said a witness, "to remember how this Administration grew up in Palestine. It was started by complete amateurs, led by amateurs. There was practically nobody in the Administration who had ever worked in an administration. . . . It was the blind leading the blind, and that is what this country suffered from for years."

The British Administration, recruiting its personnel as best it could and having to improvise a body of officials, had the task of restoring the country to solvency and prosperity. This was a task which, in any event, called for a maximum of effort, but on it was superimposed the execution of the policy laid down in the Mandate, i.e. the development and establishment of a National Home for the Jews without detriment to the interests of the indigenous population. The Jews have continuously and insistently pressed for the early if not immediate execution of public works and the adoption of other measures to facilitate the development of their Home. This has necessitated much legislation and the preparation of many Ordinances which, by the light of experience, have had to be amended. Immigration has had to be controlled, land registration and settlement to be expedited and a variety of new industries fostered. Defence and police forces have had to be enlarged. During this period serious disturbances occurred at short intervals which tended to throw the country back and to exacerbate the feelings between Arabs and Jews, thereby still further increasing the difficulties of administration.

The government of the country has, in fact, from the very start been driven to work at high pressure and has never had an opportunity for calm reflection.

36. The principal administrative officer is the Chief Secretary, whose department controls the activities of the other departments. The Attorney-General is the Legal Adviser to Government. The Treasurer is in charge of financial and

* See page 99 and Appendix 2.

accounting operations. These three officers are members of the Executive Council. There was at first a Financial Secretary but this post was abolished later. With the expansion of other activities of Government and the creation of special departments the Secretariat has increased enormously, though still with only one officer at its head as the channel of communication with the High Commissioner. There are to-day an Assistant Chief Secretary, nine Assistant Secretaries—seven British, one Jew and one Arab—and an Establishment Officer.

37. As pointed out by the Financial Commission, it is clearly desirable that all Assistant Secretaries should have had District experience.

> "Without such experience a Secretariat tends to become a caste, out of touch with the realities of the Administration, and out of sympathy with the officers in the districts, whose difficulties it is unable to appreciate."

This defect still persists. "There is not a man" (we were told) "in the Secretariat who has been in the Districts within the memory of man." We received several complaints of over-centralization. Under existing conditions, against every order passed in a District there is an appeal or a protest to the High Commissioner. A small incident, even the enforcement of law against a trespasser, might provoke a riot. Hence there is a natural desire at Headquarters that they should be consulted before action is taken.

38. We received complaints about the delay that occurred in dealing with requests addressed to the Government for such matters as the completion of agreements, financial assistance in the construction of roads, decisions regarding the sale of land, extensions of the telephone service, and so forth. The present system under which one officer, the Chief Secretary, who may have had no previous experience of the country, is the only channel of approach to the High Commissioner appears to us to be unsatisfactory, whether from the point of view of the public or of the Heads of the various Departments or of the officers serving in the districts.

39. In Jerusalem, working under the Secretariat, but apart from it, there are a large number of Departments, such as Agriculture, Antiquities, Education, Customs and Excise, Health, Lands and Surveys, Forests, Co-operative Societies, Migration and Statistics, and Public Works. In succeeding chapters we deal with the activities of some of these Departments. It appears to us that the connection between these Departments and the District Administration is not as close as it should be. For example, no enquiries are made from the District Commissioners or through them from the District Officers as regards immigration possibilities, the number of unemployed, the extension of irrigation and the like. Some of

the Departments, such as Agriculture, Land Development and Co-operative Societies, have been established on the advice of Sir John Hope Simpson in pursuance of " an active policy of agricultural development, having as its object close settlement on the land and intensive cultivation by both Arabs and Jews ". They have been increased, it would appear, at the expense of the regular District Administration. In the words of a witness,

> " At present the whole trend of administration in Palestine seems to be towards departmental Government with a District Administration uneasily super-added. The Heads of Departments are inclined to act on their own initiative without reference to District Commissioners."

Another witness stated:

> " In my opinion this Administration is over-centralized and over-departmentalized. A reversion to a more primitive type of Government would be more effective, better understood and less expensive, The Secretariat has accumulated such a vast staff that every administrative official is anchored to his desk answering queries. Touring in the proper sense of getting to know the people and their troubles is discouraged by this continual demand for pace and paper."

There is

> " continual reference to the Central Government on trivial issues, continual intervention in what should be left to the local official to decide, and less and less initiative and willingness to take responsibility."

40. The staffs of the Secretariat and the Departments in Jerusalem appear unduly large. But the conditions under which the High Commissioner has to work are exceptional. Zionist leaders, Members of Parliament, the Permanent Mandates Commission, all take an active interest in the details of administration. At frequent intervals throughout the year actions have to be explained or policy defended. But, given confidence in the District staff, it should be possible to use the natural channels of the District Commissioners and their subordinates to a far greater extent than at present. Especially does this apply to all problems connected with the land, and to the Departments of Agriculture, Co-operative Societies and Land Registration.

41. The present link between the Government official and the peasantry is the *Mukhtar* or village headman, elected as under Turkish rule and giving his loyalty to the village rather than to Government. Though his pay has been doubled his work is far from satisfactory, whether in collecting taxes or giving information. He is usually illiterate, and "employs any chance literate person there may be in his village to assist him with his papers ". In any period of political tension he either ceases to function or is an active partisan. The report on the riots of 1921 contains the following passage.

> " We did, however, call the Mukhtars of those villages, against whom there was the least specific evidence, such as a statement that one of the villagers had been seen among the raiders. All of them in our opinion committed perjury with dignity and deliberation."

The difficulty of obtaining either information in advance or evidence subsequently is one of the gravest handicaps on the maintenance of order. If we recommend the replacement of this humble village officer, *a fortiori* there should be no hesitation in dispensing with the services of officers of higher rank whose loyalty or impartiality is uncertain.

42. The complaint was made by the Jews that several officers displayed pro-Arab sympathies; that, even if they did not dislike, they did not understand the Mandate and their obligations thereunder. This evidence received support from other quarters.

> " Information was very difficult to get, as the feeling of all Arab officials and many British officials was very strongly anti-Zionist and very sympathetic to the Arab cause, but I do not know of any case when information which should have been passed on was withheld by British officials. The Arab District Officers are an entirely different story. . . . . Many of them actually aided and warned many of the rebels."

We were told by a Jewish witness:—

> " The fact is that Government has suffered more from a conflict of loyalties. . . . A great many officials here have been put to the very severe test of carrying out a policy with which they disagree in terms, and it is asking a great deal from flesh and blood to do a thing like that."

And again:—

> " We had flagrant cases of people who were definitely hostile to the policy which they had come to administer."

The same witness very fairly added:—

> " We are not an easy people to deal with. First of all to a Jew who comes from the East of Europe, an official is a ' *Tchinovnik*.' He must be corrupt. He must be hostile. He is the enemy of the public. It takes many years to drum into their heads that the British official is, to begin with, the servant of the public, a friend."

He also said:—

> " There was a constant tug-of-war and the Government was accused by both sides of being either pro-Arab or pro-Jew, and it has developed into the feeling that if one is pro-Arab one must necessarily be anti-Jew, or *vice versa*, which is not necessary at all."

No one could tour in Palestine without realizing the extremely difficult position of the British official and, indeed, of the whole Administration.

43. The difficulty is prominent, but need not be permanent. We consider that officers intended for service in Palestine should—as in our view has been the case in recent years—be carefully selected, whether as cadets or from those already in the Colonial Administrative Service. The latter preferably should not be so senior in service as to find difficulty

in learning a new language. Cadets should undergo, like probationers for the Indian Civil Service and several branches of the Colonial Service, a preliminary course of instruction, which in their case would include the histories of Palestine and of the Jewish and Arab peoples, with their social and religious customs and traditions. Officers transferred from other Colonies might, where considered suitable, be given a similar, though shorter, course of preliminary instruction. It should not be, but it is, necessary to add that an intimate knowledge of the Mandate and all its implications should be expected of all officers appointed to the Palestine Service: it should, of course, form part of the syllabus for probationers. In order to qualify for advancement officers should be required to pass examinations in Arabic and Hebrew. Out of 270 British officers in the First Division of the Civil Service in Palestine 20 can speak both Arabic and Hebrew, 106 can speak Arabic (though not all of them fluently) and 6 Hebrew.

44. The cadre is too small to admit of a Civil Service only for Palestine. The Administration must continue to draw, as at present, on the Colonial Service. But we regard it as desirable that the ordinary period of service in Palestine should be not less than seven years. We suggest that steps should be taken to ensure that an officer retained for service in Palestine will not receive a salary less than the equivalent of that drawn by his contemporaries in other fields of the Colonial Service.

Lastly we would stress the need for appointment in the Secretariat of officers who have served in the Districts, and who know the people and their language.

45. Apart from Benches of Honorary Magistrates and certain administrative officers, whose powers are limited to the terms of their warrants, there are 29 Palestinian Magistrates, and four Chief Magistrates (British) for the large towns. British Magistrates have larger powers than Palestinian both in civil and criminal cases.

46. Above them are the four District Courts, which for appellate work in civil cases are composed of a President and one Judge, and in criminal cases of the President and two Judges. As well as their appellate jurisdiction the District Courts have unlimited civil jurisdiction except so far as there is jurisdiction in the Magistrates' Courts and the Land Courts. In Civil cases the Court consists of two Judges, where the amount is not over £500 two Palestinian Judges, and over that amount a British Judge and a Palestinian Judge. On appeal in civil cases the constitution of the Court is a British Judge and a Palestinian Judge. A complaint was made that it can happen that a case may be brought by a plaintiff and, although the British Judge may be in his favour, he will lose, because the

other Judge is against him: he may appeal and the same result may happen. Thus it is possible for a litigant to have two British Judges in his favour and still lose. We are glad to learn that approval has been given to a proposal, in which we concurred, that this position should be remedied by the appointment of an additional Puisne Judge, so that there can be an Appeal Court of three, giving a British majority, if either of the parties ask for it. At the present time the work of the Supreme Court is two years in arrear and it is not possible to allocate three Judges for a civil appeal.

The District Courts with three Judges also try all criminal cases unless they involve a capital sentence. Where the capital sentence is involved the Court of Assize consists of two British Judges and a Palestinian Judge and is presided over by a Judge of the Supreme Court.

47. The Arabs complained of departure from the principles of Ottoman law, and the reservation of the posts of President and Chief Magistrate for British lawyers. They objected to the reduction in the number of Arab Judges, and in the jurisdiction and powers of Arab Magistrates. They alleged that English was gradually replacing Arabic as the Court language, and that too many foreign lawyers were allowed to practise. The numbers at present are two English, 112 Arabs, and 264 Jews. This number of advocates seems to be in excess of the needs of the country for strictly professional work.

Lastly we were told that the application of English Law and Custom resulted

> " in a conflict of laws, disagreeable to the morals, custom and usage of the country. . . . Laws are connected with the scheme of establishing a Jewish National Home . . . . irrespective of the inhabitants' opinion, and the result is the domination of injustice over the law."

48. The Jews on the other hand complain of under-representation in the Judicial Service and would welcome more British Magistrates. In their view the scale of pay of Palestinian Magistrates is not sufficient to attract practising advocates. They stated that the majority of appointments to the magisterial bench had been made from clerks and interpreters. The present basic scale is from £300 by 19 increments to £550 and we think that this scale of pay should be increased and the prospects of the service improved.

The Jews condemned the dilatory procedure of the Courts especially in cases connected with the land*, and declared that there was " a complete failure of the machinery of crime prosecution ". They objected to the record of proceedings in some Courts being kept in Arabic, and considered that the use

* Chapter IX, paragraph 37.

of the Hebrew language was discouraged. As regards the records of the Courts it is to be noted that these have been kept in Arabic since the time of the occupation of Palestine, when it was decided that the records, which had previously been kept in Turkish, should be kept in Arabic as that was the predominant language of the country. On the balance of convenience it is far better that all records and registers, where possible, should be kept in English and we understand that steps are now being taken to that end in the District Courts and in the Supreme Court.

49. With regard to the Courts generally, we feel that it is impossible to reconcile these divergent claims, which reflect the distressful racial antagonism pervading the whole administration. Obviously, the difficulties of providing a judicial system suitable to the needs of the mixed peoples of Palestine are enhanced by three languages and by three days of rest in each week, Friday for the Moslems, Saturday for the Jews and Sunday for the Christians. There are three sets of official holidays, and three systems of law, the Turkish law, the Ordinances passed by the Mandatory Power, and English common law and equity incorporated by the Order in Council. The difficulties experienced were thus described by a witness:—

> "It may be necessary for the Court of Appeal to have judgments which have been delivered below in one language translated into the other two languages. The documents in the case . . . require translation and in criminal cases the depositions are translated. . . . Even in Court the oral evidence has to be translated."

As regards the holidays:—

> "The Court may consist of three individuals each of whom is entitled to a different day of rest, and the accused may be entitled to one of these three days. The prosecution, the police, the counsel defending and the witnesses all have their particular rights with regard to days of rest."

The complications, and inconvenience, and delay are directly due, in our opinion, to Articles 22 and 23 of the Mandate.

50. It was inevitable that the first appointments should go to Arabs. The large immigration of Jews would not justify their removal. In the case of new appointments due regard is paid to the needs of the Jewish population for Jewish Magistrates. But the fact remains that the distrust, whether of office staff, interpreters or Magistrates, is reciprocated.

51. Jewish suspicion with regard to the conduct of criminal prosecutions was particularly marked. Evidence was given as follows:—

> "The position is that the prosecution of crime in this country is almost wholly in Arab hands. . . . The Government Advocate is an Arab. His assistant at headquarters is an Arab. With the exception of one Jew all the Junior Government Advocates are Arabs. That one Jew is only doing office work. . . . We had 82 Jews killed in these disturbances. . . . There were no death sentences for killing a Jew. . . . Every week one reads reports of the results of cases where the Judge had to acquit a person because of negligence on the part of the prosecution."

52. On this last charge two specific cases were brought to our notice. In the first case a Sub-Inspector of Police gave evidence in the Committing Court, resulting in the conviction of a man and a sentence of twelve years' penal servitude in the District Court. He had been found near a cinema in possession of a bomb. Between the commitment and the trial in the District Court the Sub-Inspector was murdered, a notorious crime which attracted public attention. A police officer, who was not cross-examined, stated at the trial "Inspector Naif now dead, since a month, murdered". On this statement the Judges at the trial allowed the deposition of the murdered Sub-Inspector to be read. On appeal the conviction was quashed by the Supreme Court because "no evidence whatever of the cause of non-production of this witness, who, it is suggested, was dead, was brought before the Court of Trial as required by Section 34 of the Trial Upon Information Order". In the second case the evidence, recorded by the committing Magistrate, of soldiers who had subsequently left the country, was not accepted by the Court at the trial, on the ground that the evidence that they had left the country was not sufficient. On an examination of the circumstances we came to the conclusion that on these two cases the charge of negligence was not substantiated. The most that can be said, in our opinion, is that errors of judgment were made as to the kind of evidence required.

53. In a land where perjury is common, and evidence in many cases unobtainable, the Legal Department work under the greatest difficulties. As an example, a witness stated:—

> "We had a bomb thrown at Jaffa Gate one morning: in five minutes we had two accused, one sworn to by six Arabs and one sworn to by six Jews, and the investigating officer said he could not make up his mind."

54. On a consideration of the evidence as a whole we are led to the conclusion that the animosity between the two races, particularly in times of crisis, has shown its influence to the detriment of the work of the Legal Department in the conduct of prosecutions. We recommend that the prosecuting section of that Department should be strengthened by the appointment of a British Senior Government Advocate.

55. We pass now to an administrative difficulty which arose from the taxation of land. In a mainly agricultural country like Palestine a contented peasantry able to pay their taxes is eminently desirable. The Government of Palestine have been

singularly unfortunate, from circumstances beyond their control, in their efforts to adjust the inequitable system of land taxation which they inherited. The collection of 12½ per cent. or one-eighth of the gross produce, demanded by the Turks, was reduced in 1925 to 10 per cent. and from 1928 onwards was gradually replaced by a commutation of the Tithe, prices being fixed on the average of the past few years. Unhappily this beneficial reform coincided with a disastrous fall in the value of agricultural produce, and it was reported in 1929 that " the fixed redemption prices of the Tithe, calculated on the natural Tithes for the previous three years, exceed the present market prices of cereals, with the result that taxation is higher in relation to income than it was in the previous year." Visits of locusts and bad harvests were an additional complication and large remissions had to be made, as follows:—

	£
1930	113,670
1931	150,258
1932-33	111,542
1933-34	193,500
1934-35	130,731

Tithe has now been replaced (except in a few areas) by the Urban and Rural Property Taxes, on assessments made by official valuers. The Urban Property Tax produced £241,041 in 1935-6, and collections of Rural Property Tax in the same year amounted to £100,530. This assessment of the Rural Property Tax is approximately one-half that of the Tithe and the House and Land Taxes, which it replaces, in rural areas. It has meant a reduction of 70 per cent. on the average in the taxation payable by cultivators of cereals. This is not appreciated by the Arabs, who remember the demands made rather than the remissions granted or the subsequent final reduction in assessment.

4. Roads.

56. Since the Civil Government was established in 1920 considerable sums have been expended by it on the construction, improvement and maintenance of roads. In 1920 the total length of all-weather roads was about 280 miles, most of which were of every poor construction and suitable for light traffic only; now the length of all-weather roads is about 750 miles, most of which are asphalted and of a high standard of construction. Roads have been improved to make them safer and more suitable for modern traffic by widening, eliminating dangerous curves and steep gradients, realigning and constructing bridges.

57. From 1921 to the 31st March, 1937, £1,605,000 has been spent on the construction, and £1,265,000 on the maintenance of roads. The draft Estimates for 1936-7 included £327,491 for road construction and £154,000 for maintenance, but, mainly owing to the disturbances, much of the work could not be carried out.

58. Complaint has been made by the Jews that a road has not been constructed before now from Jaffa-Tel Aviv to Haifa, which in their opinion is urgently required to assist in dealing with the transport of the rapidly growing volume of citrus fruits. This road in March, 1936, had been completed as far as Tel Mond, 18½ miles north of Tel Aviv, and in the draft Estimates for 1936-7 provision was made for £61,000, being the first instalment of a four-year programme for the completion of the road at an estimated cost of £244,000. But, owing to the disturbances, for urgent reasons of public security it was decided to advance the first year's work much further than was originally intended, and a sum of £102,000 was authorized for the road to be carried 13½ miles from Tel Mond to Hedera. This section was finished by the end of April, 1937, leaving about 23½ miles still to be constructed before the road reaches Haifa, out of a total length from Jaffa of approximately 60 miles. We are of opinion that, in the interest of the country generally, this road should be completed as speedily as possible.

59. The Jews complained that there were not enough feeder roads in the citrus districts. It was pointed out by the Government that it is a well established policy in Palestine, in the absence of local taxation for roads, as understood in England, to require the construction of roads of purely local interest to be financed with the assistance (usually assessed at 50 per cent.) of the community concerned. In 1935-6 a sum of about £23,000 was allocated for the construction of rural roads and railway feeder roads in the citrus areas, but little progress was possible owing to the failure of the areas concerned to produce their contributions. In 1936-7, £20,000 was provided in the Estimates for feeder roads to the Railway, but owing to the " disturbances " no progress was possible either in the direction of settling a programme or of carrying out constructional work.

60. Needless to say, while the Jews, as noted above, demand greater expenditure on communications for their colonies, Arab witnesses attributed the neglect of Arab villages to the development of feeder roads in Jewish settlements. Here, as in many other cases, the removal of an Arab grievance creates a Jewish grievance and *vice versa*.

5. Railways.

61. It is one of the complaints of the Jewish Agency that " the rolling stock at the disposal of the Palestine Railways is insufficient for dealing with that part of the citrus crop which is shipped

via Haifa ". A memorandum submitted to us on behalf of the Jewish Citrus Growers suggested that it would be necessary to acquire, year after year, additional wagons suitable for the carrying of fruit, and additional engines; to extend existing loading sheds and build new sheds at railway stations; to construct additional passing places between stations in order to permit of the running of a larger number of trains daily.

62. The General Manager of the Jaffa Citrus Exchange paid a tribute to the efforts of the Palestine Railways in the last two years to acquire enough rolling stock and generally to deal with the problems of transport in connection with the citrus crop and stated that in the seasons 1934-5 and 1935-6 there had been no trouble. It is complained, however, that in estimating the requirements of future expansion too small a margin is allowed for unforeseen contingencies and it is suggested that a constructive programme should be framed for a number of years ahead and not merely for one year at a time.

63. The Palestine Railways have recently been the subject of three separate enquiries by experts from the United Kingdom as well as by the local Road and Rail Transportation Committee, and we did not consider it necessary to go into railway matters in any detail. The difficulties of providing for irregular peak traffic during a short season are sufficiently obvious. They will be considerably relieved when the road from Jaffa to Haifa is completed and, so far as violent fluctuations in shipments are due to factors within the control of growers and shippers themselves, they can be lessened by more effective co-operation within the industry. In view, however, both of the enormous expansion of exports expected in the next few years (see Chapter VIII, paragraph 18) and of the importance of reducing exporters' costs to a minimum, the matter is one which will require constant attention and forethought on the part of the Administration.

6. Ports.

64. Palestine possesses no good natural harbours, and extensive engineering works are therefore necessary in order to provide port facilities. Gaza, Acre, Caesarea were all used as ports in Roman times, but to-day the main harbour of the country is at Haifa. Its construction cost approximately £1,250,000 and it was officially opened on the 31st October, 1933. Haifa is also the seaward terminus of the 'Iraq Petroleum Company's pipeline, and the construction of an oil dock is well advanced. The following table illustrates the relative commercial positions of the

ports of Haifa and Jaffa, through which far the greater part of the country's trade is carried on:—

	JAFFA.		HAIFA.	
	Imports.	*Exports.*	*Imports.*	*Exports.*
	Tons.	*Tons.*	*Tons.*	*Tons.*
1932	221,113	106,824	273,411	54,164
1933	348,797	96,888	410,410	71,632
1934	486,974	120,967	589,203	99,756*
1935	402,524	171,819	787,307	138,427*
1936	163,134	117,156	756,722	164,028*

* Excluding export of crude oil.

65. Although its facilities are by no means on a level with those at Haifa, a considerable proportion of the export trade is conducted through Jaffa, owing to the latter's favourable situation at the focus of the citrus-producing hinterland. Since 1934, therefore, various improvements in the lighter accommodation at Jaffa have been undertaken and the Administration has been exploring the possibility and desirability of establishing there a second deep-water port. The outbreak of the disturbances last year introduced a fresh complication. Owing to the Arab strike, Jaffa port was virtually closed from April onwards, and the town became unsafe for Jews. The Jewish trading interests of Tel Aviv and the surrounding country feared that this stoppage might last over into the citrus-exporting season of 1936-7; and, in order to avoid the disastrous consequences which would ensue, they formed a " Harbour and Communications Council ", collected funds by private subscription, and set about the construction of a separate jetty and lighter basin on the Tel Aviv beach, about four miles north of Jaffa harbour, which would be in entirely Jewish hands and relieve that community of dependence on Jaffa. After some hesitation the Government gave its approval, on the understanding that no public (i.e. municipal) funds were to be used, and the work was undertaken in time for the basin to be used, as a private port, during the past winter.

66. The Mayor of Tel Aviv urged before us in evidence that, after the events of 1936, dependence on Jaffa was " unthinkable " to the Jews, and that both civic pride and reasons of security prescribed the development of a purely Jewish port. As remarked above, the Administration already had in mind the proposal for constructing a second deep-water port to serve Central and Southern Palestine, the necessity for which has been urged in many quarters. But further expert inquiry is needed before deciding whether such a port, though only about 60 miles distant from Haifa, could be justified on economic grounds.

67. If in the event such a port were to be made, the Jews would wish it to be constructed at Tel Aviv, in extension of their new lighter basin. This would undoubtedly be disastrous to the

prosperity of Jaffa, and, in justice to the Arabs, the Administration has been unable to consent to such a proposal. Nevertheless the Jewish argument against dependence on Jaffa remains. Obviously the best solution of the problem is the proposal, now under consideration, that the new deep-water port should be constructed, if at all, at the junction of Jaffa and Tel Aviv, equally accessible from each. The Mayor of Tel Aviv admitted to us that he would welcome such a compromise.

7. The Jewish Agency.

68. Article 4 of the Mandate for Palestine makes provision as follows for the recognition of a Jewish Agency:—

> "An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.
>
> The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home."

69. The Zionist Organisation, founded in Basle in 1897, is an international body divided into Federations, each of which, as a rule, is co-extensive with the boundaries of a State. There exist at present Zionist Federations in 45 countries in all parts of the world (except in Russia, Turkey and some Oriental countries in which Zionism is declared illegal). After ten years of protracted negotiations between Zionist and non-Zionist Jews, an agreement was reached between these two sections of the Jewish community and formally confirmed at the Zionist Congress in 1929. This agreement resulted in the creation of the enlarged Jewish Agency, which was officially recognized by the British Government in a letter dated the 6th August, 1930. The enlarged Jewish Agency for Palestine is a body composed as to one half of representatives of bodies of Jews in various countries not affiliated with the Zionist Organisation.

70. The supreme governing body of the Jewish Agency is the Council composed of 112 representatives of the Zionist Organisation elected by the Zionist Congress and 112 representatives of Jews in various countries, appointed in each country in a manner best suited to local conditions. Ordinary meetings of the council take place once in two years in close connection with and immediately after the sessions of the Zionist Congress.

71. There is an Administrative Committee of the Jewish Agency which meets in the interval between meetings of the Council to receive reports from the Executive, to decide during such interval questions of policy and to exercise general supervision over the activities of the Agency. It consists of 40 members, 20 of whom are appointed by the Zionist and 20 by the non-Zionist members of the Council, and it usually meets simultaneously with the Zionist General Council. The Executive of the Jewish Agency is appointed by the Council and consists at present of all the members of the Zionist Executive and three non-Zionist members. The office of the President of the Jewish Agency is vested in the President for the time being of the Zionist Organisation, and the executive offices of the Jewish Agency are situated in Jerusalem.

72. The expenditure of the Jewish Agency for colonizing and other activities in Palestine is covered by the proceeds of the Palestine Foundation Fund, the control of which was in 1929 transferred by the Zionist Organisation to the enlarged Jewish Agency. The annual expenditure from that Fund in 1935-6 was £330,000. The total expenditure for 1921-36 was £6,215,000 including £1,900,000 for agricultural colonization, £478,000 for urban colonization, £1,487,000 for education, £817,000 for immigration and £523,000 for public works, etc.

73. The Jewish Agency occupies an imposing building in Jerusalem. Is divided into a variety of Departments such as the Political, Colonization, Immigration, Education, Treasury, Economic and Trade and Industry Departments, as well as a Department for the Settlement of German Jews.

74. As stated in Chapter X of this Report, the Jewish Agency distributes through its Palestine Offices in Europe and other countries the labour certificates which it has received from the Migration Department of the Government. It may therefore be said to control the character of Jewish immigration into Palestine and to decide, according to their needs, the countries which are to furnish the largest proportions of immigrants.

75. The activities of the Jewish Agency are by no means confined to demands connected with the preparation of the half-yearly Labour Schedules and to immigration questions generally. It claims to be heard and to advise on a variety of other questions of an administrative or fiscal order.

76. The principal aim of the Jewish Agency has been and is to secure the admission into Palestine of as many Jews as the country can absorb from an economic point of view. Realizing that the settlement of Jews on the land is a comparatively slow and limited process, the Zionist leaders embarked on a policy of industrial and town development, which seemed to offer possibilities for the absorption of large numbers of Jews. In conjunction with the Jewish Manufacturers' Association, for

example, it interests itself in the question of tariff protection for nascent industries. It endeavours to secure the application of the proportional principle to the employment of Jews on Public Works and in the Public Service. Its field of action likewise extends to local and municipal administration. As regards social services, for instance, Government grants to Jewish hospitals, etc., are based on formulae agreed upon in the first instance with the Jewish Agency. In fact there is no branch of the Administration with which the Agency does not concern itself.

77. We do not think that the Agency is open to criticism on this ground. From the outset of the Mandatory system it was clearly the intention that the building of the National Home should be mainly the work of the Jews themselves; and the powers vested in the Jewish Agency were similar to, though not so wide as, those vested in the past in Chartered Companies charged with the task of colonization. The words of Article 4 entitle the Agency to advise the Government and co-operate with it in almost anything that may affect the interests of the Jewish population in Palestine.

78. Like so much else in the Mandate, Article 4 was doubtless expected to operate in a relatively peaceful atmosphere. If Arab antagonism to the National Home had been overcome, the Government and the Agency might have co-operated in comfort. But, in the actual circumstances, the privileged position of the Agency intensifies Arab antagonism. The Nationalist leaders have constantly protested against it; and it has not re-assured them to be told, as they were, for example, in 1922, that Article 4 does not entitle the Agency " to share in any degree in the Government of Palestine ". That is, of course, the truth. The Agency is obviously not a " governing " body: it can only advise and co-operate in a certain wide field. But, allied as it is with the *Va'ad Leumi*, and commanding the allegiance of the great majority of the Jews in Palestine, it unquestionably exercises, both in Jerusalem and in London, a considerable influence on the conduct of the Government.

79. Speaking generally, it may be said that the Jewish Agency has used to the fullest extent the position conferred on it by the Mandate. In the course of time it has created a complete administrative apparatus. This powerful and efficient organization amounts, in fact, to a Government existing side by side with the Mandatory Government.

8. The Supreme Moslem Council.

80. In March, 1921, an Order was issued providing for the constitution of a Supreme Moslem Council for the control and management of Moslem *Awqaf* and *Shari'a* affairs in Palestine. There was opposition from the public to the terms of this Order,

and in December, 1921, it was replaced by the Order which now regulates the activities of the Supreme Moslem Council.

81. The most important sections of the Order of December, 1921, are as follows:—

> 1. A Moslem body shall be constituted for the control and management of the Moslem Awqaf and Shari'a affairs in Palestine, to be known as the Supreme Moslem Shari'a Council, having its Headquarters in Jerusalem.
>
> 2. The Council shall consist of a President to be known as Rais el Ulema* and four members. Of the four members, two shall represent the Liwa† of Jerusalem, and the remaining two shall represent the Liwas of Nablus and Acre respectively.
>
> The Rais el Ulema shall be the permanent President of the Council. The members shall be elected for a period of four years.
>
> 4. The Rais el Ulema shall be elected by general election, the method of which shall be prescribed by the Council in a special law that shall also lay down his functions, status and precedence.
>
> 5.—(1) Each member of the Council shall be elected by the secondary electors elected by the inhabitants of the Liwa which the member is to represent in accordance with the Ottoman Law of Elections to the Chamber of Deputies.

82. The main duties of the Supreme Moslem Council as described in Section 8 of the Order are as follows:—

> (*a*) To administer and control Moslem *Awqaf* and to consider and approve the annual *Awqaf* Budget, and after approval to transmit the budget to the Government for information.
>
> (*b*) To nominate for the approval of the Government, and, after such approval, to appoint *Qadis* of the *Shari'a* Courts, the President and members of the *Shari'a* Court of Appeal, and the Inspectors of *Shari'a* Courts. If the Government withholds its approval, it shall signify to the Council within fifteen days the reasons therefor.
>
> (*c*) To appoint Muftis from among the three candidates to be elected by the special Electoral College in accordance with a special regulation to be passed by the Council; provided always that the election of Muftis in Beersheba District shall be made by the Sheikhs of the Tribes.

The Supreme Moslem Council also has the power to dismiss all *Awqaf* and *Shari'a* officials employed in any Moslem institutions maintained from *Waqf* funds. When any such official is dismissed notice thereof must be sent to the Government, with the reasons for dismissal.

83. It is advisable at this point to describe the origin of the Palestine Arab Executive Committee, with which the Government for a number of years kept in touch regarding certain

* Head of *Alem*. *Alem* is a specialist in religious knowledge. † District

matters affecting the Arab population. Before the British Occupation, Palestine was an integral part of the Ottoman Empire and did not exist as a separate entity. Although there were several Arab political parties in existence under the Ottoman regime, no special party dealing with Palestine affairs was formed until the British Occupation. The General Syrian Congress held at Damascus on the 8th of June, 1919, was attended by delegates from Palestine, and discussed Jewish immigration under the Balfour Declaration. It was considered by the Arabs of Palestine to be the first Palestine Congress. Six further Congresses were held between the 27th February, 1920, and the 20th June, 1928. The various Congresses elected Arab delegations which visited Egypt, Turkey and Lausanne, and paid four visits to London. The fourth Arab delegation, which proceeded to London on the 21st of March, 1930, comprised five members of the Arab Higher Committee which came into existence in April, 1936.

84. From the date of the British Occupation until December, 1934, the Arab political movement was controlled by a Committee elected by the various Congresses and entitled " The Arab Executive Committee ". From 1928 until 1934 the Executive Committee was itself represented by an Office called " The Office of the Arab Executive Committee ". When the Shaw Commission started its enquiry, it was felt necessary that an Arab body should represent the Arab case before the Commission, and Government recognized the Arab Executive Committee as representing the Arabs of Palestine for the purpose.

85. An Arab party, entitled the National Defence Party, was formed in December, 1934, and three more parties, namely, the Palestine Arab Party, the Arab Reform Party, and the National Bloc Party, were formed in the following year. Previous to this, the Istiqlal Party (Independence Party) as well as the Arab Young Men's Congress Executive had been formed in 1932. On the formation of these parties the Arab Executive Committee of Arab Congresses, which formerly represented all the parties, ceased to function.

86. Some account must be now be given of the system under which the Mufti of Jerusalem, who, in accordance with Turkish precedent, holds his office for life, is also apparently irremovable as President of the Supreme Moslem Council.

87. It is important to bear in mind that Arab internal affairs were largely dominated and influenced by the rivalry between the members of the Husseini and the Nashashibi factions, though both factions are united in uncompromising hostility to the policy of the National Home. The two most important posts in Palestine in the Arab world under the Turks were the

posts of the Mayor of Jerusalem and the Mufti, and both those posts had been held by the Husseini faction. The Mayor was Musa Kazem Pasha el Husseini and a cousin of his, Kamel Eff. El Husseini, C.M.G., who had earned the universal respect of the British Administration, was the Mufti. The Mayor had been dismissed by the Military authorities and Ragheb Bey Nashashibi had been installed as Mayor. There was therefore a Nashashibi as Mayor and a Husseini as Mufti. The Mufti died in March, 1921, and the problem of choosing his successor was very difficult.

88. The Administration had recourse to the Turkish system, which was to the effect that a certain number of *Ulema* and other Moslem leaders in different parts of the country chose a panel of three names, from which the Government selected one of the candidates. When the above-mentioned vacancy took place, there was a Husseini who had been trained for the post of Mufti, i.e. the present Mufti, Haj Amin, a half-brother of the late Mufti. Haj Amin had been on a pilgrimage and had also studied at the Azhar University in Cairo, where he had received a Moslem theological training with a view to representing the Husseini family in the post. We were informed by a competent witness that Haj Amin was the only man in Palestine at that time having the necessary qualifications for the post.

89. The election for the post of Mufti duly took place, but the opposition party secured the omission of Haj Amin's name from the panel of three candidates. He was, however, fourth. The three candidates were, in fact, nominees of Ragheb Bey Nashashibi, and we were told that the election of one of these three persons would have caused great dissatisfaction amongst the people of the country at large. Subsequently one of the three selected persons resigned in order to enable Haj Amin Eff. El Husseini to become the third candidate and to be included in the panel. Haj Amin was then appointed, but no letter informing him of his nomination as Mufti of Jerusalem was despatched to him, nor was his appointment ever gazetted.

90. Haj Amin Eff. El Husseini is an ex-officer of the Turkish Army. He served with the Emir Feisal in Damascus and with Hadad Pasha, a Political Officer on the staff of the Military Governor of Jerusalem. In 1918 he helped the British Authorities to get recruits for the Sherifian Army amongst the population of Palestine. His attitude subsequently changed—doubtless as a result of the Balfour Declaration—for he was sentenced to ten years' imprisonment *in absentia* for an inflammatory speech made by him at the time of the Jerusalem riots in 1920. He had fled in the meanwhile to Trans-Jordan but benefited by a complete amnesty granted by the High Commissioner.

He returned to Palestine under the amnesty and shortly afterwards was appointed Mufti. An election of the President and Members of the Supreme Moslem Council was held in 1922 in accordance with the Order of December, 1921, and it was at that election that the present holder of the office of President was elected.

91. It is important at this point to emphasize the fact that from the time of the 1922 election until the present time Haj Amin has combined in his person the offices of Mufti of Jerusalem and President of the Supreme Moslem Council. In the latter capacity he has the control of the *Awqaf* funds (which amounted to £67,000 a year in 1936) as well as of the *Shari'a* Courts. He also supervises the administration of orphan funds which are controlled by *Qadis*. These funds amount to £50,000 a year. He is, in fact, the most influential Arab in Palestine and had occupied that powerful position for seven years when the disturbances of 1929 took place.

92. The Shaw Commission duly enquired into the *rôle* of the Mufti immediately before and during those disturbances. They came to the conclusion that, while he had no intention of utilizing the religious campaign for the defence of the Moslem Holy Places, which he had fostered, as a means of incitement to disorder, yet, inasmuch as the movement, which he in part created, became through the force of circumstances a not unimportant factor in the events which led to the outbreak, the Mufti, like many others who directly or indirectly played upon public feeling in Palestine, must accept a share in the responsibility for the disturbances. One Member, in a note of reservations, took a more serious view than did his colleagues of the responsibility of the Moslem and Arab leaders and particularly of the Mufti.

93. During the period which elapsed between the disturbances of 1929 and those of 1936 the Mufti was able still further to consolidate his position. Following on the shooting in Jaffa on the 19th April, 1936, the five Arab Party leaders called a general strike of all Arab transport, labour and shops on the 22nd of April. At an all-party meeting held on the 25th of April, it was decided to establish a Supreme Arab Committee (subsequently styled the Arab Higher Committee) to control Arab national activities during the emergency. Haj Amin Eff., the Mufti, became President of the Committee.

94. We have described in Chapter IV the policy pursued by the Arab Higher Committee during the strike. At an early stage in its course the Mufti and the Members of the Committee were allowed to make a tour throughout Palestine. We were informed that one District had been fairly quiet until the Mufti was given this permission and held conferences at which neither police nor

officials were allowed to be present. From the date of the tour the strike had spread and stiffened. It is unquestionable that the Committee was to a large extent responsible for maintaining and protracting the strike. They constituted, in fact, the headquarters of the Arab nationalist movement. The Mufti, as President of the Committee, must bear his due share of responsibility.

95. When he appeared before us, the Mufti expressed the gravest anxieties as to the ultimate intentions of the Jews. When reminded of Articles 13 and 14 of the Mandate, containing an undertaking solemnly given by the Mandatory Power to the nations of the world, he replied that in many cases undertakings and pledges are not carried out.

96. To a question whether the power of the Jews would somehow impel the British Government to allow the desecration or removal of the Moslem sacred shrines he replied in the affirmative. Asked whether they would be able to remove the Mandatory Power, the Mufti replied that his experience up till now showed that

> " the Jews can do anything as far as Palestine is concerned ".

97. As regards the Mufti's activities in general during the strike, one important witness informed us that, at the beginning of the disorders, his influence had on the whole been a moderating one, in the sense that he had not raised the religious issue in the mosques. He had seen to it that the pronouncements in the mosques were restrained until two or three weeks after the disturbances had begun. But whatever may have been the apparent moderation of the Mufti's attitude at the commencement, the manifestoes issued by the Higher Arab Committee under his Chairmanship, endorsing the strike and then urging the Arabs to continue it until certain political aims had been achieved, were clearly prejudicial to law and order. Nor, as far as we are aware, did the Higher Arab Committee at any time condemn the acts of sabotage and terrorism which became more frequent as the strike continued, and the Mufti as Chairman must, in our view, bear his full share of responsibility for those disorders.

98. We must now recount the circumstances which have led to the Mufti having been able to retain so much power in his person. Although he claimed that, under Section 2 of the Order of 1921 constituting the Supreme Moslem Council, he, as having once been elected, was the permanent President of the Council, Section 4 of the same Order provides that—

> " the *Rais el Ulema* [i.e. the President of the Council] shall be elected by general election, the method of which shall be prescribed by the Council in a special law that shall also lay down his functions, status and precedence."

99. The present President of the Supreme Moslem Council has never been elected by general election but only by a mere remnant of the secondary electors of the electoral college of the last Ottoman Parliament. Nor has the law envisaged in Section 4 of the Order quoted above ever been prepared. One of the consequences has been that the functions, status and precedence of the existing President have not been defined and there has therefore been no legal limitation of his powers.

100. An election was held in 1926 for new members of the Supreme Moslem Council to replace those elected in 1922, whose terms of office had expired. This election was declared void and it became necessary to promulgate the Supreme Moslem Sharia Council Ordinance of 1926 to make provision for the filling of the Council pending the holding of fresh election. The Ordinance further provided for the appointment of a Committee of Moslems to prepare a revision of the Order of 1921.

101. This Committee in 1928 submitted a draft Organic Law for the constitution of the Supreme Moslem Council to replace the Order of the 20th December, 1921. In this draft the term of office of the President was prescribed as nine years and the principle of the permanency of the President was definitely abandoned. A body of Government officers duly examined the proposals submitted by the Committee, and in June, 1929, the Government made public the draft Ordinance containing them. Owing to the riots which took place in August, 1929, the Ordinance did not receive the careful and general study by the Moslem community which it required. Several comments and criticisms were, however, submitted to Government.

102. On the 18th June, 1929, the draft Ordinance submitted by the Committee, together with the report of the Government officers thereon, were sent to the Secretary of State, with an intimation that the High Commissioner would submit his recommendations on the proposals as soon as the comments and criticisms of Moslem opinion on these documents had been received and examined.

103. We think it unfortunate that since that date the Administration of Palestine should have taken no action to endeavour to regulate the whole question of elections for the Supreme Moslem Council and the position of the President of that body.

104. But it is true that the Administration is bound to a certain extent by the undertaking given to the Mufti in 1928 by Lord Plumer to the effect that—

> "legislative sanction would not be given to the proposed revision of the Regulation of 1921 [constituting the Supreme Moslem Council], except in so far as is necessary for the holding of elections, until it has been submitted to the elected Assembly. In that way Government would ensure that the reform of the administration of Moslem affairs would be effected not only on the advice of an authoritative Moslem Committee, but also with the concurrence of an Assembly duly elected by the representatives of the Moslem community."

This is tantamount to saying that nothing will or can be done to reform the Supreme Moslem Council if such reform would have the effect of diminishing the power and position of the Mufti. The Administration of Palestine is, in fact, in a vicious circle, which will have to be broken sooner rather than later.

105. The existence of the Supreme Moslem Council need not, in itself, have led to the development of an Arab *imperium in imperio*. But the functions which the Mufti has contrived to accumulate in his person and his use of them have had that effect. He is now such a power in the land that, supported by the National Committees in the different towns of Palestine, he may truthfully be described as the head of yet a third parallel Government.

9. The Suggestion of an enlarged Arab Agency.

106. The contrast is most striking between the Jewish Agency, with its carefully studied organization and departmental activities, with a personnel drawn not only from Palestine but from Jewish communities all over the world, and any machinery which the Arabs possess for presenting their case to the Government in Palestine or in England. The suggestion was made to us that it might be possible to construct an enlarged Arab Agency which would restore the balance and enable the Arabs to secure a full hearing, and give to the Arab population the assurance that their interests had not suffered through any lack of force or skill in the presentation of the case.

107. In 1923 an effort was made by the British Government to establish an Arab Agency. The Secretary of State of that day (the Duke of Devonshire), in paragraph 7 of his despatch to the High Commissioner of the 4th October, wrote as follows:—

> "His Majesty's Government are accordingly prepared to favour the establishment of an Arab Agency in Palestine, which will occupy a position exactly analogous to that accorded to the Jewish Agency under Article 4 of the Mandate, i.e., it will be recognised as a public body for the purpose of advising and co-operating with the administration in such economic, social and other matters as may affect the interests of the non-Jewish population, and, subject to the control of the administration, of assisting and taking part in the development of the country. As regards immigration (Article 6 of the Mandate) the Arab Agency will have the right to be consulted as to the means of 'ensuring that the rights and position of other (i.e., non-Jewish) sections of the population are not prejudiced'."

108. While the Government realized that in regard to the establishment of the Jewish Home they had in the Jewish Agency a representative body competent to advise and co-operate, they realized that they had no comparable Arab organization available for consultation on the other side of the Mandate—the well-being and interests of the existing inhabitants of the country. But the proposals of 1923 did not recognize the profound difference between the Jewish and the suggested Arab Agency. On the one side there was a body representing the Jews of the Diaspora—a people of over 16 millions, with wide financial and political influence and containing many men most competent and experienced in all branches of public affairs. On the other side there was to be an Arab Agency representing some 800,000 Arabs in Palestine—a poor and to a large extent an illiterate community, with many able leaders, but not comparable in resources or experience to the rival community. The discrepancy was too wide and the parties, if they were to reach agreement, must be more evenly constituted and have a better balance of bargaining power.

109. The suggestion is that an Arab Agency should be formed in London and Palestine, with the same duties and the same status as in the proposals of 1923, but including in addition to the Arabs of Palestine representatives of Trans-Jordan, 'Iraq, Saudi-Arabia, Syria and perhaps Egypt. The advantages of the proposal might be summarized as follows:—

(i) The disparity between the position of Jews and Arabs under the Mandate would be lessened.

(ii) Hitherto any suggestions for discussions or of holding Round Table Conferences have been roughly rejected by the Arabs. Reinforced by their cousins in Arabia the Arabs' leaders might be more willing to meet the Jews in conference. On the other side the Jews would find a body of responsible men with whom difficulties might be discussed and even possible compromises contemplated. Men of experience drawn from countries less exposed to local animosities might cool the atmosphere of debate.

110. There might too be some advantage if the first handling of inter-racial differences were entrusted to these Agencies. At a later stage the Government would come forward as a Court of Appeal to decide the issue. If proposals affecting one community or the other were brought forward the Government might decline to consider them until there had been discussion on the subject between the two Agencies. Even if this effort failed the Government would have the advantage of consulting with a more responsible body and keeping in touch with the wider expression of Arab opinion.

111. Let us examine the chief objections that would be raised to this proposal. It is felt that Your Majesty's Government might in this way give recognition to the idea that the Arab States have a right to interfere in the affairs of Palestine. But in fact the car, the plane and the railway have already brought these countries closer together. Constant communications and meetings between leading Arabs in these countries is an everyday incident. Might not this scheme conduct their existing interests into a more defined and limited channel and perhaps lessen the need for more secret and uncontrolled communications?

112. It is not suggested that the members of the Agency would have any diplomatic status or be treated as representatives of their respective Governments. They would in no way compete with the accredited Ministers who carry on the regular official business of Whitehall. They would have no more authority and exactly the same position as the members of the Jewish Agency already in London. They would not have any special right of access to the Colonial Office, but would be available for consultation and would no doubt be consulted when difficulties arose.

113. It may be asked how then would these representatives of Arabia be chosen? There is no machinery at present in existence for selection. They could hardly be appointed directly by their respective Governments, though the latter might nominate a panel from whom individuals could be drawn after consultation between the Government of Palestine and the Palestinian members of the Agency. They could not be paid by the Government of Great Britain or by their own Governments. They might, however, be supported by the Arab organization in Palestine. No contribution is made by the Government of Palestine to the Jewish Agency and the principle of discrimination as set out in the Mandate would forbid any different treatment of the Arab Agency.

114. Would these proposals, it may be asked, commend themselves to the Jews? To judge by their vigorous protests against the intervention by the Arab Kings they would at first object, even though direct appointment by the rulers were excluded. They might feel, however, that it was impolitic to offer an unyielding refusal in view of the inequalities of the present situation. They might reflect that a concession to other Arab countries might soften anti-Semitic feeling by showing an example of reasonable appreciation of Arab requirements.

115. The Arabs rejected out of hand the original offer of an Agency, on the ground that it would be a recognition of its Jewish counterpart; but the new plan might not provoke the same swift judgment and condemnation. The Istiqlal party might be attracted by a scheme which was not inconsistent with

the idea of Arab unity. Many of the moderate Arabs less interested in high politics would be glad to scrutinize and compare Government and Jewish figures of immigration; to test the estimates of economic absorptive capacity and to secure the opportunity of more effective criticism.

116. We are well aware that the proposal has its defects as well as its advantages. But, if the present Mandatory system continues, we feel that some such scheme will have to be considered. For, in the first place, if the Arab leaders were to claim that the inequality should be redressed between the powerful organization of the Jewish Agency, at once world-wide and concentrated on Jerusalem, and any such purely local organization as they can establish in Palestine, it would become increasingly difficult to resist the claim. Secondly, the inevitable reaction of events in Palestine on the Arab world outside it will call for some more regular and appropriate machinery than a series of " open letters " from the Arab Rulers for expressing Arab opinion in general on Palestinian affairs. At the same time we recognize that there is a substantial difference between a body like the Jewish Agency, which represents minority communities scattered over various parts of the world, and an enlarged Arab Agency drawn only from a compact body of neighbouring States.

CHAPTER VII.

PUBLIC SECURITY.

1. The British Garrison in Palestine in the year 1921-2 cost about £3,000,000. Its primary duty was the external defence of Palestine and Trans-Jordan against attack from Central Arabia. It had also the secondary function of supporting the Palestine and Trans-Jordan Governments in the maintenance of public security. The riots of May, 1921, in Jaffa,* resulting in 95 persons being killed and 219 seriously wounded, showed that it was still necessary to retain a considerable garrison. Yet considerations of economy demanded a reduction, since every fighting man retained in Palestine was reported to cost £500 a year. The aim of the Palestine Government was therefore to create and train an efficient force of Police to preserve internal order. Such a force, it was hoped, would be able to deal with any small incursions from outside which did not call for military intervention, though it was recognized that for some time to come this force would need the moral, and possibly also the material, support of the British Garrison. This chapter, therefore, deals mainly with the steps taken by the Administration to maintain law and order in Palestine.

2. When the Civil Administration took over charge the Police Force was far from satisfactory. Under the Military Administration local forces of Police had been recruited to replace the vanished Turkish Gendarmerie. These district units were described as being " susceptible to local influences, racial and religious ", and the personnel was hastily chosen. There was no uniformity of organization, no systematized training, no co-ordination of action between districts. The Courts and the Public Prosecutors were regarded as responsible for the investigation of crime, the Police being " to an undue extent used merely as process-servers, messengers, guards and tax collectors. . . . With an over-worked and harassed force, unreinforced by reserves, methodical reconstruction was impossible and, in consequence, military assistance had repeatedly to be invoked in dealing with civil disturbances ". Early in 1921, 60 per cent. of the Force resigned on the grounds of being underpaid and badly housed. The promulgation of the Police Ordinance of 1921 stabilized conditions of service and laid the foundations of an improved system of Police administration. A Palestine Gendarmerie 550 strong, mounted and foot, was raised, a similar formation being created in Trans-Jordan and known as " the Arab Legion ". The *Ghaffir* Force of village watchmen was reconstituted. The Municipal Police were included in the composition of the regular Police Force.

* Page 51.

3. In 1922 a battalion of British Gendarmerie was enlisted, with a strength of 38 officers and 724 other ranks, mostly from ex-members of the Royal Irish Constabulary. There appears to have been some uncertainty as to their status and duties, whether they were to be policemen with a small measure of military training, or soldiers who could perform certain police duties without detriment to their military efficiency. Though the cost was high there was dissatisfaction with the terms and conditions of service. Enquiries made in 1923 showed some of the special difficulties which the civil Police and Gendarmerie had to meet. Brigands and criminals from Sinai, Syria and Trans-Jordan found Palestine a " happy hunting ground ". Denied the adoption of " oriental methods " in obtaining evidence the Police got but little assistance from the public. They were regarded, according to the opinion expressed by an officer in 1923, as forcing on the majority of the country a policy which, as they understood it, they detested. Hence witnesses were threatened with " blood-feuds " and the influence of the local *sheikhs*, notables and *mukhtars* was against them. The cost of the British Section of the Gendarmerie was met from United Kingdom funds. There had been a continuous reduction in the cost of the garrison, which in the year 1923-4 had been diminished to £1,500,000.

4. Early in 1925 the mounted squadron and one company of the British Gendarmerie were disbanded. The Palestinian Section was maintained at full strength, the composition being 9 British Officers, 9 British Warrant Officers, and 475 other ranks—262 Arabs (35 being Christians), 97 Moslem Circassians, 10 Druzes, 100 Jews and 6 others.

5. During this first quinquennium expenditure on " Police and Prisons ", including Gendarmerie (but not the cost of the British Section during the years 1922-3 and 1923-4), was as follows*:—

1st July, 1920, to 31st March, 1921.	*1921–22.*	*1922–23.*	*1923–24.*	*1924–25.*
£	£	£	£	£
205,138	320,806	307,848	265,273	464,942

6. The following table shows the murders and highway robbery reported during this period:—

	1921.	*1922.*	*1923.*	*1924.*	*1925.*
Murder	128	142	121	95	98
Highway Robbery ...	135	180	177	93	71

7. By 1925 the garrison of Palestine had been reduced to one regiment of cavalry, one squadron of aeroplanes and one company of armoured cars, and cost the British taxpayer in 1925 only £640,000 instead of the £3,000,000 in 1921. The strength

* Figures taken from Annual Administration Reports.

of the Arab Legion was 42 officers and 972 men. Grants-in-aid from the British Government for this force and to cover the expenses of the British Representative and staff averaged over £100,000 a year. The Royal Air Force maintained at Amman a flight of aeroplanes and a section of four armoured cars. Two raids from the desert attempted in 1922 and 1924 by considerable forces of Wahabis from Nejd were repelled. The Civil Police Force in Palestine, as a result of the establishment of the Gendarmerie, had been reduced from 78 officers and 1,159 other ranks in 1922 to 73 officers and 966 other ranks in 1925. Sir Herbert Samuel, in his survey of the five years, referred to the " rapid pacification of the country " as being in part due to the formation of effective Police and Gendarmerie Forces.

> " The spirit of lawlessness has ceased; the atmosphere is no longer electric; there have been no more raids from Trans-Jordan; all the brigands have been hunted down and either shot, executed or imprisoned. . . . For some time past Palestine has been the most peaceful country of any in the Middle East."

8. During the second quinquennium, in compliance with a demand for economy, the Gendarmerie, British and Palestinian, was abolished in 1926, and a Trans-Jordan Frontier Force took the place of the Arab Legion.* Five officers and 212 other ranks were transferred from the British Section of the Gendarmerie and 290 mounted and 28 dismounted other ranks from the Palestinian Section to the Civil Police, the composition of which in 1926 was:—

	British.	*Moslems.*	*Non-British. Christians.*	*Jews.*
Officers	48	45	17	15
Non-commissioned officers	21	108	24	22
Constables	176	875	226	175
Total	245	1,028	267	212

There were therefore 125 officers and 1,627 other ranks.

9. The Trans-Jordan Frontier Force consisted of four Companies under the charge of British officers. The classification was:—

	British.	*Moslems.*	*Non-British Christians.*	*Jews.*
Officers	16	18	2	—
Warrant officers	13	—	—	—
Non-commissioned officers	2	30	4	8
Troopers	—	560	90	29
Total	31	611	96	37

* The name " Arab Legion " was retained for the Trans-Jordan Police Force.

The Force was organized for the protection of the common frontiers of Trans-Jordan and Palestine. A clear distinction as regards functions and organization was intended to be made between the forces to be employed on police duties, and those who might be required to engage in military operations. Palestine and Trans-Jordan were to be made as nearly as possible independent and self-contained as regards internal security. A Frontier Force Ordinance was passed in 1926. What exactly should be the duties of this Force is still a debated question to-day.

10. The following statement of expenditure may be contrasted with that given in paragraph 5 above.

Expenditure.

	1926–27.	*1927 9 months.*	*1928.*	*1929.*	*1930.*
Police and Prisons ...	305,943	251,131	342,795	376,060	475,851
Trans-Jordan Frontier Force.	166,113	127,538	193,245	149,178	232,080
Gendarmerie	19,172	742	360	—	—
Defence	—	—	53,500	37,070	109,675
Total	£491,228	379,411	589,900	562,308	817,606

The gradual growth in expenditure is noticeable. It was due chiefly to an increase in the strength of the British Section of the Police.

11. The new heading " Defence " relates to the contribution made by the Palestine Government towards the cost of the Army and Royal Air Force units. In 1930 there was also a payment of £101,135 on account of damage incurred in the riots in 1929, which brings the total expenditure on internal security in 1930 to £918,741.

12. The composition of the Police Force in the year 1930 was:—

	Officers.					*Other Ranks.*				
	Christians.		*Moslem.*	*Jews.*	*Others.*	*Christians.*		*Moslem.*	*Jews.*	*Others.*
	Brit.	*Palest.*				*Brit.*	*Palest.*			
District Officers.	42	20	43	17	1	—	221	891	205	3
British Police	9	—	—	—	—	631	—	—	—	—
Prisons ...	9	—	5	3	—	—	27	205	15	—
Municipal Police.	1	—	1	1	—	—	33	251	86	—
Total ...	61	20	49	21	1	631	281	1,347	306	3

There were thus 152 officers and 2,568 other ranks, as compared with 125 and 1,627 respectively in 1926.

13. The incidence of serious crime during this second quinquennium was:—

	1926.	*1927.*	*1928.*	*1929.*	*1930.*
Murder	95	81	118	178	126
Attempted Murder	56	82	90	232	179
Highway Robbery	94	95	70	34	28

14. In connection with the disturbances in August, 1929,* an Ordinance was passed vesting the powers of the District Court in a single British Judge, and the powers of the Court of Criminal Assize in two British Judges, while appeals from a British Magistrate were to be heard by a single British Judge. The Collective Punishments Ordinance, 1926, was applied to towns and villages whose inhabitants had taken part in concerted attacks on Jews, and fines to the amount of £17,840 were imposed. Nearly 1,300 persons were brought to trial, but in the higher Courts of Criminal Assize comparatively few persons were convicted.

15. The table below shows the result of action taken against the rioters of 1929 in the Courts.

	Arabs.	*Jews.*	*Total.*
(*a*) Tried Summarily by British Magistrates ...	891	74	965
(*b*) Sentenced by District Courts	241	30	271
(*c*) Sentenced by Court of Criminal Assize ...	56	3	59
(*d*) Capital sentences passed	27	2	29
(*e*) Capital sentences confirmed on appeal ...	26	1	27

Actually only three murderers suffered the extreme penalty. We have elsewhere alluded to the difficulties which attend a prosecution in Palestine, and to the conciliatory policy of the Government.† In 1936 convictions were even fewer. Yet the prompt and adequate punishment of crime is a vital factor in the maintenance of law and order. The following table shows the results of murder cases during the years 1929-36.

—	*1929.*	*1930.*	*1931.*	*1932.*	*1933.*	*1934.*	*1935.*	*1936.*	*Jan.-Mar. 1937.*
Cases reported	178	126	119	119	108	109	115	260	44
Convictions ...	107	157	72	75	69	58	71	67	3
Death sentence carried out.	7	7	6	6	2	11	6	0	0
Reprieves ...	7	13	3	8	5	8	4	2	0

On the 31st March, 1937, seventeen persons were still awaiting trial for alleged murders committed during 1936.

* Pages 67-68.
† Pages 140 and 167.

16. The Shaw Commission* in their report in 1930 arrived at the following main conclusions relating to internal security:—

(i) The policy of reducing the garrison in Palestine had been carried too far.

(ii) The conduct of the British Police deserved the highest commendation: the Palestinian Police were not to be relied upon for fighting at close quarters: the Frontier Force behaved with exemplary loyalty.

17. They recommended:—

(i) An enquiry into the most suitable form of garrison for Palestine.

(ii) An independent enquiry by an experienced officer from some other Dependency into the organization and future development of the Police Force.

(iii) The creation of an adequate Intelligence Service. "A system should be established whereby, so far as is possible, the Government is kept in touch with every form of subversive activity in Palestine."

(iv) The curtailment of the mischievous activities of the Press.

18. After discussion it was decided that two infantry battalions should be stationed in Palestine, ready to move to various posts as a precautionary measure if trouble was anticipated. The Royal Air Force would maintain in Palestine and Trans-Jordan one squadron (later increased by one flight) and one company of armoured cars. These with the Trans-Jordan Frontier Force would be the normal garrison, and should, it was thought, be sufficient to cope with any emergency. Three-quarters of the cost of this last Force and the cost of all capital works for the Force in Trans-Jordan are met by a grant-in-aid from the United Kingdom, the average annual contribution in recent years being about £140,000. The Palestine Government meet the excess cost (over their cost at their normal stations) of Army troops stationed in Palestine and one-half of the excess cost of Royal Air Force stationed in Palestine and Trans-Jordan, besides the capital cost of works services in Palestine and Trans-Jordan for both Forces. This expenditure is shown under the head "Defence".

19. Sir Herbert Dowbiggin, Inspector-General of Police in Ceylon, submitted in 1930 a valuable report after a detailed examination of the Police Force and its requirements. In it he stressed the need for allocating definite responsibility not only as between the various Civil officers, but as between them and the Military Authorities. He regarded "a good understanding between the different races" as essential for the maintenance of order. He pointed out that:—

"Almost every word of the résumé of the 1921 Commission Report applies to the disturbances of 1929. The lessons of 1921 had not been remembered. It is submitted that we cannot afford to forget again."

* See page 68.

20. Among his recommendations, apart from detailed suggestions for administrative action and improvements in conditions of service, were the following:—

(1) An increase of the British Section of the Police to 650, of whom 100 should be mounted.

(2) An increased number of sealed armouries for Jewish colonies, with one officer and 129 other ranks to be detailed for their protection in time of emergency. This would be an addition to the strength of the Police Force.

(3) The improvement of the Police Training School, and a generous system of language allowances.

(4) Barracks for men and married quarters.

(5) A new Criminal Investigation Department.

(6) The establishment of a permanent Special Constabulary reserve.

(7) The eventual separation of the Prisons Service from the Police.

(8) The appointment of three more British and two Palestinian Stipendiary Magistrates.

He found that, with one notable exception, information was not being collected and communicated. The C.I.D. was "the weakest spot in the Force".

21. The tables given below show the action taken by the Administration to improve the Security Services, in accordance with Sir Herbert Dowbiggin's advice, during the third quinquennium.

The strength and composition of the Police Force on the 31st December, 1931, was as follows:—

	Officers and Inspectors.						*Other Ranks.*					
	Christians.						*Christians.*					
	British.	*Palestinians.*	*Moslems.*	*Jews.*	*Others.*	*Total Officers.*	*British.*	*Palestinians.*	*Moslems.*	*Jews.*	*Others.*	*Total Other Ranks.*
District Police	47	19	42	20	1	129	—	224	917	248	3	1,392
British Police	3	—	—	—	—	3	645	—	—	—	—	645
Prisons and Jail Labour Companies.	8	1	5	2	—	16	—	42	178	16	—	236
Municipal Police.	—	—	1	1	—	2	—	29	224	89	—	342
Total ...	58	20	48	23	1	150	645	295	1,319	253	3	2,615

The Trans-Jordan Frontier Force was composed as follows:—

	British	Arabs. Moslems	Arabs. Christians	Jews	Circassians	Druzes	Sudanese	Total
Officers	23	8	6	2	8	1	–	48
Warrant officers	7	–	–	–	–	–	–	7
Staff sergeants	3	–	–	–	–	–	–	3
Non-commissioned officers and men.	–	437	162	32	163	15	38	847
Total	33	445	168	34	171	16	38	905
Reserve Non-commissioned officers and men.	–	91	20	1	13	9	–	134
Total	33	536	188	35	184	25	38	1,039

22. At the end of 1936 the composition of the Police Force was:—

	British.	Arabs.	Jews.	Total.
Superior police officers ...	45	10	4	59
Inspectors	27	68	30	125
Other ranks	858	1,824	450	3,132
Total	930	1,902	484	3,316

Thus comparative strengths in the years for which we have given detailed figures were as follows:—

	Officers and Inspectors.	Other Ranks.
1926	125	1,627
1930	152	2,568
1932	150	2,615
1936	184	3,132

23. Expenditure on public security mounted rapidly:—

	1931.	1932–33.	1933–34.	1934–35.	1935–36.	1936–37.*
	£	£	£	£	£	£
Police	469,516	475,042	486,605	506,712	527,467	744,455
Trans-Jordan Frontier Force.	182,893	174,835	185,393	191,757	189,664	189,168
Defence	121,681	105,922	110,125	144,118	145,289	1,297,000
Total ...	774,090	755,799	782,123	842,587	862,420	2,230,623

* Provisional figures.

24. The incidence of serious crime in the third quinquennium was classified as below. "Agrarian crime" relates chiefly to feuds between Arab villages originating in family differences or boundary disputes. It also includes mischief and destruction in Jewish settlements. It took the form of burning forests, destroying trees or wounding cattle.

	1931.	1932.	1933.	1934.	1935.
Murder	119	119	108	109	115
Attempted Murder ...	145	118	97	122	115
Highway Robbery ...	98	57	34	32	32
Agrarian Crime	1,043	1,403	829	425	443

25. In Chapter III we have described the disturbances which occurred in 1931 and 1933; and in Chapter IV the revolutionary outbreak of 1936. This last outbreak, like that of 1933, was directed against the Mandatory Government as well as against the Jews. A novel feature of it was the extensive use of firearms and explosives. The expenditure on Public Security, which had risen from £265,000 in 1923 to £774,000 in 1931 and to over £862,000 in 1935-6, was, it appears, still insufficient to ensure the maintenance of the public peace.

26. As in 1929, so in 1933 and 1936 the Press helped to fan the flames. A censorship was imposed by the Press Ordinance of 1933, under which no newspaper can be published or printing press kept without a permit. The High Commissioner was given powers to warn or suspend any newspaper publishing matter likely to endanger the public peace. A convicting Court could prohibit the publication of the newspaper for three years, and the proprietor or editor from taking part in any other publication. In 1934 two Hebrew newspapers were prosecuted (one twice), and four Arabic newspapers were suspended (one of them three times and another twice) for periods varying between one week and three months. In 1935 there were no prosecutions, but one Hebrew and three Arabic newspapers were suspended. In 1936 the Ordinance was amended, so as to provide also for suspension for publishing "false news or false rumour calculated, in the opinion of the High Commissioner-in-Council, to create alarm or despondency."

27. In our opinion the penalties provided by this Ordinance and the action taken under it are insufficient to cope with an aggravated evil like the Palestine Press. Several newspapers were suspended during our residence in Palestine, yet inflammatory articles which would not have been tolerated in most other countries continued to appear. One witness declared that suspension was really a source of profit to the publishers. It saved them expense; gave the newspaper wide advertisement; and when in due course it reappeared, ensured them an increased

circulation. We were told that if a newspaper were closed down it would reappear under another name, and it was not possible under the law to attach a defaulting press.

28. We would recommend the adoption of a Press Ordinance providing for a cash deposit which can be confiscated. We would include in the penalties imprisonment as well as fine and, in the case of a repetition of the offence, the forfeiture of the press and its material to Government. The risk of driving sedition underground or of allowing wild rumours to spread is, we consider, less in Palestine than the certainty of mischief caused by the daily output of intemperate incitement. " The trouble in the North, and in the Haifa area particularly ", we were told, " was on account of the fact that the Press was allowed so much rope . . . . The strike in Haifa would have stopped, or would never have started, if the Press had not been allowed to criticize Haifa's actions ".

29. As regards action taken under the Collective Punishments Ordinance, in 1933 206 villages in the Northern District were scheduled and thus rendered liable to a collective fine, should any village indulge in the destruction of property, tree-cutting, maiming of animals and the like. It was stated in the Annual Report for 1933 that " the results of the special action taken are already visible in a sensible diminution of the incidence of agrarian crime ".

30. It will be convenient here to record the results of this form of collective punishment. During the eight years 1929-36 inclusive, collective fines totalling £60,988 were imposed, £33,340 relating to the damage done during the riots of 1929, £21,272 in respect of 1936. Only £18,159 out of the total has been collected up to date, £8,520 in respect of the demand for 1929. In 1935 the High Commissioner remitted the whole outstanding amount of the collective fines imposed upon certain Arab villages and town-quarters in the Jerusalem, Gaza and Hebron Sub-Districts. " General satisfaction was shown by Arabs and Jews throughout the country at these acts of clemency ".* If collective fines are to have a deterrent effect, it would seem desirable to limit the fine to a sum that can be realized, and to quarter a body of punitive police on the town or village until it has been collected.

31. As from the year 1932 the Criminal Investigation Department was reorganized and strengthened. A Deputy Inspector-General with a Deputy District Superintendent was placed in charge, with three senior Police Officers. The British staff consisted of one Corporal and three Constables: the Palestinian personnel of three Inspectors, two Sergeants and six Constables.

* Annual Report for 1935, page 7.

The duties of the Department were defined as—

" to prevent and detect crime by the collection and communication of intelligence, information and evidence, and by investigation; to watch and report upon political movements, particularly communism, to repress seditious activities; to maintain criminal records and a Finger-print and Photographs Bureau; to examine the vernacular press and occasional pamphlets with a view to action in case of seditious, inflammatory or obscene articles; to prevent the smuggling of arms and drugs; to scrutinize applications for naturalization; to arrange deportations and extraditions; and to preserve liaison with the corresponding departments in Egypt, Syria, Trans-Jordan, India, 'Iraq and Europe. Censorship of newspapers from abroad is also undertaken by this Department."

32. The staff was further increased in 1934 to cope with illegal immigration. In 1935 the personnel (under the command of a Deputy Inspector-General) consisted of 5 Assistant Superintendents, 5 Inspectors, 3 Sergeants, 2 Corporals, 21 Detectives and 15 Clerks. In the following year a Superintendent of Police was added.

33. Yet even so the collection of intelligence, particularly as regards political matters, was far from satisfactory, the reason being that the Headquarters Staff must depend on the District Staff for early and reliable reports, which they could not or did not get when the strike had been declared in 1936. As one witness put it: " I think we can get very good information when there are no troubles, but in times of trouble, when there is so much national feeling throughout the country, many people do not arm themselves, but their tongues are tied." We were told that the civil officers in the Districts were not " in a position to give information, as they were really dependent for their information on the police . . . Having regard to the fact that every policeman is a potential intelligence agent, the information we obtained from the police in the country was very poor generally." Another witness said that information " in time of peace is fairly valuable: in time of emergency of no value at all."

34. We received a complaint from the Jews that the Arab members of the Criminal Investigation Department were untrustworthy, gave away information, and took no trouble to work up cases of a political nature. They asked that all responsible duties in the Criminal Investigation Department should be entrusted to British officers.

Enquiries we made do not justify this complaint. Apart from the fact that British officers would be of little use as detectives and must therefore be compelled to rely on Palestinian subordinates, the fact that one Inspector and three of the plain clothes detective staff, all Arabs, were assassinated in 1936 supports the contention that the majority of the Palestinian officers and the Inspectorate in the Criminal Investigation Department are thoroughly devoted and loyal. As regards the junior ranks,

intimidation and doubtless in some cases political sympathies place them in the same category as the majority of the District Police—useful in times of peace, unreliable in time of trouble.

35. Sir Herbert Dowbiggin's suggestion for a new Criminal Investigation Department has therefore been carried out. As a factor in preserving the public peace it does not play the part which he hoped it would. For it cannot function when the sources of information dry up. Its officers are thus placed in a dangerous and difficult position, only really to be appreciated by those who have served under such conditions. Such a situation can, in our opinion, only be remedied by the introduction of " martial law."

36. Similar considerations apply to the Police Force as a whole. The Training School, which we visited, is doing excellent work. The recruits obtained to-day are better educated than their predecessors, and receive much better training. What the Force lacks, and what we see no likelihood of its obtaining under present conditions, is the morale that is created by an *esprit de corps*. " The lack of this," said a witness " is the worst feature of the organization of the Palestinian Police to-day." Speaking of the relations between Jewish and Arab officials, another witness said: " In peace time they work quite well, but in times of disturbance they sit opposite each other and glare: neither trusts the other."

37. As regards the Arab rank and file in the Palestinian Mounted Police Force, we were told:—

> " On normal duties the mounted forces, particularly under normal conditions, perform their work magnificently against highway robbers and all that type of work, but when it comes to armed rebellion and they have to take action and fight, shall I say, against their own nationals, I am not going to say that they can be relied on.

As regards the Arab Police as a whole, another witness told us:—

> " You might find one or two of them who would even still remain loyal, but the vast majority was not loyal in the last disturbances."

38. Though no Arab Police Officer signed the manifesto, given as an appendix to this Report, there was at one time an apprehension of a strike in the lower ranks. Their families were subjected to intimidation; they found it difficult to obtain food; and their position was intolerable. On steps being taken to meet these difficulties there was no further open trouble. Another witness told us that—

> " for a short time after the outbreak of the recent disturbances the discipline and *esprit de corps* instilled by the Inspector-General of Police kept the Arab Police in hand, but after a while they began to crack beneath the strain, and at one time were a potential danger rather than a support. Jewish Police were not submitted to quite the same strain, but undoubtedly were more loyal to Jewry than to Government."

We would not, however, like it to be inferred from what we have said that all Arab officials and the entire Police Force are to be regarded as disloyal. Many instances were brought to our notice of good service under great difficulty. One witness was of the opinion that had martial law been applied at an earlier stage the morale of the police would have been preserved. " A more vigorous policy, directed against violence, from above . . . would have made them feel that they were really the custodians of law and order." From this and other evidence we have formed the opinion that it would be highly dangerous to expose the Arab Police of Palestine to another strain of the same kind as that which they endured last summer.

39. The position as regards the Jews in the security forces is unsatisfactory. In the Police Force it has been difficult to retain the services of those who are posted to rural areas. Of 439 Jewish constables enlisted during the years 1932 to 1936, 255 resigned or were discharged. In Tel Aviv the Municipal Council grants a local allowance, only Jews can be posted there with safety, and, so we were told, " their loyalty is to Tel Aviv and the Municipal Council and its Chairman, rather than to the Inspector-General and the Government." Originally all the Municipalities maintained their own Municipal Police. These were abolished, but Tel Aviv was allowed certain concessions, one of which is the retention of a local force members of which cannot be transferred. They get various allowances, including a service allowance for length of service whether their conduct is good or bad. We do not think this arrangement is conducive to discipline. Tel Aviv is admittedly, like Jaffa, expensive to live in: house rents are high. But quarters should be provided, or in lieu allowances should be paid by the Government, and the Jewish constable in Tel Aviv should like any other member of the Force be liable to transfer.

40. The Jewish Agency declared that Jewish representation in the Police Force had not been maintained at a proper level, and urged that the Palestinian Section of the Police should consist of Jews and non-Jews in equal numbers. " With us it is a cardinal point that there should be a definite proportion fixed." They also asked that the monthly salary should be raised from £6 to £7. This would entail a rise in pay for all the Palestinian members of the Force. We were informed that Government would welcome more Jewish recruits if they were willing to serve, as the Arabs are, in the country districts.

41. A second grievance was that the character of the Trans-Jordan Frontier Force precluded an adequate participation of Jews, who only numbered about 2 per cent. of the Force. The regulation requiring a knowledge of Arabic was held to be a discrimination against the Jews, and an infringement of Article 22 of the Mandate, which guarantees the equality of Hebrew and Arabic.

42. The principal duty of the Trans-Jordan Frontier Force is to preserve peace in that territory and to defend its Syrian, 'Iraqi and Saudi Arabian frontiers. Subsidiary duties are to watch the Palestine Frontier and endeavour to help the Palestine Police to stop smuggling of hashish or drugs, gun-running and illicit immigration. In our view the whole Frontier Force could not be used to control and police the Palestine Frontier except at the risk of neglecting the country—Trans-Jordan—from which they are mainly recruited. If this view of their functions is accepted, it is clear that the Jews cannot claim as of right recruitment in a Force towards which the Palestine Government contributes only one-fourth of the cost, and whose duties are primarily outside Palestine.

43. Though there is no permanent constabulary reserve as recommended by Sir Herbert Dowbiggin, we were told that in actual practice the whole of the British Police Force, when disturbances occur, stop performing normal civil police duties and in effect become a Gendarmerie themselves. On the other hand, we received evidence that the Police Force was not able to deal with widespread disorder which took the form of street rioting and urban demonstration. " When the Jaffa riots took place soldiers were brought in at once and acted as police." " When the troubles first began in 1929 they could have been stopped at the very outset: they were of no importance at all. But there was nobody to stop them except the Palestine Police, who were fairly good but not very disciplined." The view was expressed that there should be a general reserve at headquarters and local reserves in local areas, and that if necessary the Force should be augmented to provide for this, with a much higher percentage of British in the Police, since " there is no Jew or Arab in the country who is impartial where the dominant issue is concerned ".

44. Some witnesses, whose experience gives special value to their evidence, advocated the revival of the British Gendarmerie.

> " They had officers who understood the country. They had a Camel Corps. They had cavalry. They were practically all mounted and they were scattered in small numbers all over the country. They were in touch with the people of the country and were a most admirable force to back up the Police." . . . " It was a profound error ever to have disbanded the British Gendarmerie, and I think there is a great deal to be said for that force being reconstituted, and it would be a great economy, because regular troops are not the people really needed there."

The British Gendarmerie in 1924-5 cost approximately £200,000. The point at issue, therefore, is whether the retention of this force would have obviated the heavy expenditure on " Defence ", given in paragraph 23 above.

45. On the other hand we received evidence of reluctance to resuscitate the Gendarmerie and a preference for an increase

in the British mounted force of 240 troopers, the approximate cost of which would be £65,000. These men were to be employed in patrolling the country in the interests of public security throughout the year, armed as mounted infantry. In event of widespread disorder, or as in 1936, universal disorder,

> " they would form extraordinarily useful mounted detachments in these wild hill areas which are very difficult to control either from motor cars or on foot. These men getting to know the country, the language and customs of the people, able to talk to them in their own vernacular, would have a very large effect on rural revolt."

46. We regard it as established, first, that central and local reserves are necessary; secondly, that a large mobile mounted force is also essential, whether in the form of a Gendarmerie or by increasing the British Mounted Police. The difference between these alternatives appears to be one of degree rather than of principle. Such a reinforcement would probably, as was the case in 1922, allow of a reduction in the regular forces of the Garrison.

47. Revenue in 1936-37 was £4,639,953. The expenditure on Public Security was, as mentioned above, £2,230,623. We have also to face the fact that, despite the heavy increase in expenditure on the Police Force, the riots in 1936* were on a larger scale than previously. Yet the suggestions which we received designed to prevent a recurrence, like our recommendation in the preceding paragraph, would mean a considerable increase in the charges.

48. The first—since it repeats the suggestion made by Sir Herbert Dowbiggin—is for barracks in the larger towns, with adequate provision for the wives and families of the members of the Force, who would thus be protected against intimidation. Apparently Sir Herbert Dowbiggin assumed that both in the bachelors' barracks and in the married quarters Jews and Arabs should, as at the Training School, " live, feed, work and play together ". Gradually each Police Station throughout the country would have its own barrack and complement of married quarters. The difficulty of getting Jewish and Arab Police to intermingle was recognized. We were told of a plan for twelve flats, the four top flats being for Moslems, the middle block for Christians, and the lower floors for Jews. Actually, however, very few barracks or married quarters have been built. Though it was reported in 1921 that " barrack accommodation is being provided in the towns of Palestine as rapidly as funds will allow, with a view to the Police being no longer scattered in houses in the towns to which they belong," by 1930 nothing had been done in Jerusalem,

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* Chapter IV.

Haifa, Jaffa or Tel Aviv. Barracks and married quarters are in our opinion an urgent necessity in the last two towns. " We realize ", we were told by a witness, " that we must build married quarters but of course it is a very expensive business." Roughly each barrack will cost £100 per resident: each married quarter for Palestinian £180, for British Police £500.

49. A second suggestion is that, in view of the frequent cutting of telephone wires during the riots, an underground system should be provided. The cost of an underground cable from Jerusalem to Jaffa and thence through Tel Aviv and the Coastal Plain to Haifa would be £120,000. This would be only one of several required. We think it better to depend on wireless telegraphy.

50. A third suggestion was that the Jews should be armed. As a matter of fact, there is good reason to suspect that, like the Arabs, the Jews possess a large number of illicit arms. The shipment discovered by accident at Jaffa* in 1935 was probably the last of three or four similar shipments. Three hundred and fifty-nine drums contained 254 Mauser pistols with affixable butts, 90 revolvers, 500 bayonets, and 400,000 rounds of ammunition. Previously, in March, 1930, three ostensibly empty iron safes were consigned from Vienna to Haifa. On unscrewing the backs, the space which is normally packed with insulating material was found to contain 148 Mauser rifles, minus stocks and butts, 57,875 rounds of rifle and revolver ammunition and 2,250 cartridge clips. On this subject Sir Herbert Dowbiggin reported: " It is submitted that the best preventive for the illicit possession of arms and the formation of secret Defence Societies is for the Government to show and prove that it is determined to and can maintain order and provide for the necessary protection of persons and property."

51. Though it is only on rare occasions that any Jew has resorted to the use of unauthorized firearms, we were informed that, in round numbers the Jews could place in the field 10,000 combatants, trained and armed, with a second line of 40,000.

52. There are obvious objections to arming one section of the population to enable it to defend itself against another. The fact has been recorded above† that even the issue of a limited number of Greener shot guns to be held in sealed armouries provoked a riot in 1931. Yet the isolated position of many of the Jewish settlements demands more adequate protection than is afforded by sealed armouries, even though these can be readily opened in any emergency. Further, isolated armouries may themselves invite attack.

* Page 88.
† Page 80–81.

53. In the 1936 riots 3,000 Jews were trained as Supplementary Police to defend the colonies and to guard any railway running through their area, the cost of their equipment and salaries being borne half by Government and half by the Jewish Agency. A proposal was placed before us that these 3,000 men should be retained as an auxiliary force, to parade and drill with rifles and uniforms when required and strictly restricted to defence duties in their own areas only. The Jewish Agency strongly supported this proposal, but suggested that 1,000 rifles should always be in use by the watchmen in the settlements. They pointed out that the arming of these supernumerary policemen came " only after considerable delay and at the price of much avoidable damage and suffering. At the beginning we had a wave of arson in the country, mainly agricultural arson: the burning of crops, the uprooting or cutting of fruit trees. We had thousands and thousands of trees destroyed and hundreds of dunums of forest land burned down in these disturbances."

54. " The first of all conditions necessary for the welfare of any country is public security." So wrote the first High Commissioner of Palestine when reviewing his five years of office. To-day it is evident that the elementary duty of providing public security has not been discharged. If there is one grievance which the Jews have undoubted right to prefer it is the absence of security. Their complaints on this head were dignified and restrained.

55. Our review has shown that the steps taken at different intervals by the Palestine Administration to strengthen their security services, to enforce respect for law and order, to guarantee to the Jews " quiet enjoyment " of their National Home, have more than once proved ineffectual. And not unnaturally we heard grave doubts expressed as to the future. It is our duty to submit recommendations for the removal of any well-founded grievance, and for the prevention of its recurrence.

56. These riots, troubles, disturbances, or, as in 1936, rebellions, are symptoms of the disease. They are not the disease itself, the cause of which goes much deeper and, as pointed out in our earlier chapters, is affected by factors outside Palestine. But apart from this, the essential need is to inculcate among the population of Palestine, both Arab and Jew, in Nablus as well as Tel Aviv, a wholesome respect for the authority of the Mandatory Power. The country is at present divided into two armed camps, with the British Police Force and the Garrison between them in the difficult position of trying to maintain peace and order. Any small incident may be the spark that starts a large explosion.

57. Our chief recommendation is this. Should disorders break out again of such a nature as to require the intervention

of the military, there should be no hesitation in enforcing martial law throughout the country under undivided military control. We are under no illusion as to what this means. Innocent people may be sacrificed whilst the guilty escape. Those miscreants who ambushed convoys or laid road-mines frequently came from villages some distance away from the scene of occurrence. The imposition of martial law would undoubtedly increase the resentment against the Mandatory Power and, it is to be feared, leave a legacy of hatred in its wake. We have above (Chapter V, paragraph 45) referred to the unpleasant feature of terrorism. From the earliest days of Mandatory rule the difficulty of obtaining the evidence necessary to deal with terrorists without recourse to " drastic " methods was apparent. With the introduction of martial law extravagant denunciation of " military frightfulness " will be widespread. A Press which does not hesitate to state that British aeroplanes dropped poisoned sweetmeats would doubtless invent reports of the deliberate desecration of Holy Places. It is no wonder, therefore, that Your Majesty's Government and the High Commissioner prefer to press conciliation to its utmost limit before adopting methods of repression. We are, however, definitely of the opinion that if these conciliatory efforts fail to achieve their object, martial law must be introduced. When once it is recognized that the Civil Police and Magistracy cannot maintain order the military should, in our opinion, be called in, not to act as an additional police force, but under martial law, with all that it implies.

58. Should such steps have to be taken, we would advocate a serious attempt to disarm the population. It is right that the Arabs, if still the aggressors, should first be disarmed. It would be an extremely difficult task. " The prevention of gun-running over an open frontier some 250 miles long, bordering on countries in which all the inhabitants are allowed to carry arms is almost impossible ". " Arabia ", we were also told, " is an arsenal of arms: it has an enormous surplus of arms . . . . You have Syria and Baghdad, with its own arms factory turning out arms . . . . Disarmament without martial law and very drastic methods would be incomplete. It would not be effective ".

59. To stop gun-running would require a special police patrol force aided, it may be, along parts of the frontier by wire entanglements. It might be necessary to conclude an arrangement with the Trans-Jordan Government by which no man should be allowed to carry arms within five miles of the frontier. The River Jordan is fordable for most of the year and the people living on each side intermingle freely. A system of passes for ingress and egress would have to be evolved; possibly identity cards would have to be introduced.

60. The evidence we received on the question of disarmament was conflicting. " I can see no possible way of disarming ", said one witness, " except possibly by the use of terrorism, which I do not believe the British Government would ever allow. If we were to adopt Turkish methods in this country, yes, it could be done; but with the means which we are allowed to employ without intimidation and fear I do not think it is a feasible proposition ". And another:—" I would certainly urge that every effort be made to disarm the population, but I am not sanguine that it would be effective . . . . The Arabs keep their arms hidden in caves and in holes in the ground. The Jews, too, are heavily armed ".

61. After the riots in 1929 between the 23rd August, 1929, and the 20th February, 1930, 239 rifles (18 unserviceable), 204 revolvers (20 unserviceable), 35 shot-guns, 10,328 rounds of rifle ammunition, 1,969 rounds of revolver ammunition and 13 bombs were seized and confiscated. In subsequent years the confiscated weapons have been:—

	Rifles.	*Pistols and Revolvers.*	*Total.*
1930	384	442	826
1931	272	247	519
1932	282	365	647
1933	244	298	542
1934	373	324	697
1935	143	608*	781*
1936	318	316	634

* Includes 345 pistols and revolvers confiscated ex S.S. *Leopold.*

The number of licensed weapons in the country is as follows:—

	Jews.	*Arabs.*
Rifles	15	96
Revolvers and Pistols	217	132
Shot-guns	1,998	2,410

Licensed dealers have to keep their arms and ammunition in locked receptacles and are regularly inspected. But the control of explosives is not complete. Evidence was given that explosives are being made in certain parts of the country by private firms. Much ingenuity, as remarkable as it was mischievous, was displayed in laying road mines at the corners on hill roads.

62. While rewards for bringing in illicit weapons on a generous scale are reported to have had some effect, another witness was of opinion that this was " really starting a trade in not too efficient weapons, and giving owners of inefficient ones an opportunity of obtaining something towards better weapons." This witness advocated disarmament " strongly and absolutely." The suggestion was made that no reasonable person should be refused a licence if he has a weapon and can

be trusted. Concurrently with that, the penalties for having an arm which had not been declared should be increased. "The great thing, and obviously the first principle of government, is to control the weapons in the country, and as long as they are licensed, you can control them. It does not mean disarming the country absolutely, but you are getting control of all weapons."

63. In the event then of disorders recurring which require the introduction of martial law we recommend, first, that disarmament, however difficult, should be enforced and, secondly, that, to secure the permanence of disarmament, an effective frontier organization should be established for stopping smuggling, illegal immigration and gun-running, combined with a generous issue of licences to permanent residents, who might be called on in time of trouble to surrender their weapons temporarily. On the completion of Arab disarmament there should be no hesitation in disarming the Jews, if necessary under martial law, with equal thoroughness.

64. In the absence of disarmament the system of supernumerary voluntary police for the defence of the Jewish settlements should be continued, and regarded as part of the internal security arrangements. It should be a disciplined force. There should be regular parades and drills and probably range practice under British supervision. If there is any reason to apprehend attack on the settlements rifles should be served out to the guards in the different settlements. Effective disarmament would render these measures, undesirable because provocative, unnecessary.

65. We have recommended above that there should be a strong Press Ordinance and no hesitation in applying it. Lastly, it is obvious that there should be some more satisfactory means of liaison between the various officers in the Districts, civil and police, than the *Mukhtar*. At present Arab District Officers are sent to Arab Districts, Jewish District Officers to places where the Jewish population predominates. In mixed areas we would welcome the appointment of British District Officers who, living on the spot, should be able to arrange a satisfactory system of intelligence and thus anticipate some of the causes of racial outbreak.

66. If, however, we are asked whether we can with confidence recommend these measures as a solution of the problem of insecurity, truth compels us to say that, with all the difficulties that many of these measures entail and the unfortunate results attending their application, we could at best regard them, not as a permanent remedy, but only as temporary measures designed to prevent a recurrence of open rebellion and to give the Jews that protection which, under the Mandate, they have

a right to expect. They involve an efficient patrol force along the frontier, with probably heavy expenditure on wiring parts of it: a large increase in the British Police: the rapid construction of barracks and married quarters: an extension of wireless telegraphy: and the retention of a strong British garrison. The entire cost could not be met from the revenues of Palestine: grants-in-aid from Your Majesty's Government in the United Kingdom would have to be on a generous scale. The immediate effect would be to widen the gulf that separates the Arab from the Jew, with repercussions spreading far beyond the borders of Palestine.

CHAPTER VIII.

FINANCIAL AND FISCAL QUESTIONS.

1. Many of the Jewish witnesses complained that far more money should have been spent on national development and social services. They advocated a more dynamic policy in connexion with the settlement of the Jews on the land. In order to judge how far these alleged shortcomings were due to administrative apathy or limitation of resources, we give the figures of Government revenue from Customs and from all sources since the beginning of the Civil Administration:—

Years.	*Customs.*	*Total Revenue.*	*Total Expenditure.*
	£	£	£
1.7.20 to 31.3.21	279,589	1,136,951	1,259,587
1921/22	639,256	2,371,531	1,929,341
1922/23	609,623	1,809,831	1,884,280
1923/24	494,131	1,675,788	1,675,105
1924/25	642,068	2,154,946	1,852,985
1925/26	886,312	2,809,324	2,092,647
1926/27	803,665	2,451,365	2,123,568
1927 (Apr. to Dec.)	569,935	1,739,380	1,944,397
1928	892,278	2,584,317	3,381,993
1929	917,050	2,323,572	2,140,032
1930	991,688	2,389,546	2,536,504
1931	922,080	2,333,895	2,374,867
1.1.32 to 31.3.32	257,107	657,289	511,656
1932/33	1,286,945	3,015,917	2,516,394
1933/34	1,868,598	3,985,493	2,704,856
1934/35	2,600,370	5,452,633	3,230,010
1935/36	2,751,245	5,770,456	4,236,201
1936/37*	2,019,479	4,639,953	6,099,997

* Provisional figures.

These figures show that until recent years there was no great scope for development in the social services. The accumulation of a considerable surplus was a feature peculiar to the four years beginning in 1932 and there were grounds, as we shall show in paragraph 4 below, for a conservative attitude towards this development.

2. As regards debt, there is no burden on the country except the 1927 5 per cent. loan of £4,475,000 issued at 100½, with a sinking fund of £1 6s. 2d. per cent. and guaranteed by the United Kingdom Treasury. The effect of Treasury control has been to secure in a young country with a multitude of financial and economic problems a conservative and sometimes a restrictive policy. On the other hand, where there is no Legislative Council to criticize expenditure and complain of taxation, such control may not be unwelcome to harassed Treasurers.

3. It will be observed that in the last few years there has been a substantial surplus of revenue. On the 1st April, 1936, this surplus amounted to £6,267,000; but a deficit of £1,460,000* in the year 1936-37 has reduced it to £4,807,000. The accumulation of so large a surplus has been criticized on the familiar ground that a needless amount has been drawn from the taxpayers or, alternatively, that if raised it should already have been spent on public works or services.

4. The Government felt that the receipts in the years since 1932 were largely abnormal, or temporary, and that it would be unsafe to reduce taxation below a level which would endanger those receipts when boom conditions disappeared or to embark on developments involving recurrent expenditure in excess of "normal" revenue. There were many demands for essential capital expenditure which it would be better to meet from the proceeds of abnormal receipts rather than from loans. They were reluctant to burden the future with the interest or sinking fund of large sums until revenue receipts were more or less stabilized. The *prima facie* conclusion that the existence of a large apparent surplus balance reflects undue parsimony in recent years is, unfortunately, not borne out by a closer analysis. The entire surplus is found to be so heavily mortgaged that it is little more than a reasonable provision for existing commitments. For instance, if the £2,000,000 loan is not to be raised a sum of £1,942,000 must be deducted from surplus balances to meet payments actually made (£1,185,782 at the 31st March, 1937) and treated as advances from, and not charges to, Revenue Account, and to provide for the completion of approved Loan Works in progress and the execution of essential projected works for which the loan was to have been raised. The surplus is thus at once reduced to about £3,000,000. In actual fact almost the whole of this is already earmarked for various charges, including £917,000 of unavoidable expenditure on further works in progress or to which Government is committed, £516,000 for arrears of railway renewals and £500,000 for the necessary Treasury working balance. A proposal was under consideration for the creation of a Reserve Fund, of £3,000,000 in the first instance, to be utilized when the revenues of Palestine in any one year were insufficient to meet any of the following payments—

(*a*) any sums required for interest or sinking fund payments under any loan raised by the Administration of Palestine and guaranteed by Your Majesty's Government in the United Kingdom;

(*b*) any sums required for the payment of pensions or gratuities granted under the provisions of any Ordinance.

* Provisional figures.

It was also proposed that the fund should be utilized with the concurrence of the Secretary of State for the Colonies and the United Kingdom Treasury for—

(*a*) any sums to be appropriated to supplement the sinking fund payments under any loan raised by the Administration of Palestine and by Your Majesty's Government in the United Kingdom or to repay in whole or in part any such loan; or

(*b*) any sums required to meet capital expenditure by the Administration of Palestine.

But the proposal has not yet received the approval of the United Kingdom Treasury. It is now unlikely to materialize in the near future owing to the recent decline in revenue receipts, increased expenditure resulting from the 1936 " disturbances ", the great press of necessary works and the fact that the projected £2,000,000 loan has not been raised.

5. The figures quoted above show the very large contribution which Customs make to the general revenue. The great disproportion between direct and indirect taxation was disturbing and in 1934 the question of the introduction of an Income Tax was examined. To assist the inquiry an officer of the United Kingdom Inland Revenue Department came out to Palestine and was associated with a committee of local officials. It was originally thought by the Palestine Government that by the imposition of a low rate of tax the people would become familiar with its principles, and that an increase in the rate could be made if there was a falling off in Customs revenue. The evidence presented both to the committee and the United Kingdom official showed that the tax would meet with strenuous opposition from almost everyone except the Moslem Arabs. It also appeared certain that there would be widespread and systematic avoidance and that the cost of collection would be out of all proportion to the sum raised. For these reasons the United Kingdom official presented a report which was unfavourable to the proposal and ultimately the Government decided that no such tax should be imposed, at any rate for the present. Another proposal, that undeveloped land in urban areas should be taxed at a higher rate, was vehemently opposed by the Arabs, on the ground that more land would be forced into the market for the benefit of the Jews.

6. Palestine was mainly an agricultural country before the War, and those industries which existed were of an agricultural character. The manufacture of soap in a primitive way and wine were the only industries established on a large scale. A large number of traditional industries in which hand or animal power was used in the process of manufacture were also in

existence, and these included oil pressing, weaving of carpets, mats, Arab cloth and head-gear, textile dyeing, and glass making.

7. After the War, when Jewish immigrants brought into the country their industrial experience and capital, a number of small factories producing a variety of articles and a few large factories for the manufacture of cement, vegetable oils, flour, and stockings, were established.

8. In 1927 the policy of protecting local industry was initiated and the familiar phrase " infant industries " became part of the fiscal language of Palestine. Machinery and certain raw and semi-manufactured materials imported for use in production were freed from duty, while in certain cases the charges on the finished article were increased. Where it is not possible to exempt from import duty imported commodities used in local production and the local industry is producing for export, a system of drawbacks permits in approved cases a refund on exportation, representing a substantial part of the import duty collected on the imported commodities used in the locally produced article. The wide manufacturing field now covers extraction of mineral salts from the Dead Sea, food products, drinks, cigarettes, tobacco, building materials, metal-work, furniture, textiles, leather goods, artificial teeth, matches, wearing apparel, and chemical and allied products. Thus a useful outlet was provided for capital which might otherwise have been concentrated on the citrus industry. As a general rule the initiative in applying for protective duties is taken by the industry itself. An application is submitted to the Standing Committee for Commerce and Industry. It is then examined by the Director of Customs, Excise and Trade from the point of view of the effects on revenue. The quality of the local products, competition of similar imported products and the degree of protection is also considered. When these points have been established the question is referred back to the Standing Committee. In two cases in particular a different procedure was followed. Protection was considered and promised in advance of establishment for a rice mill at Haifa and a brewery at Rishon. The world prices, transport and freight charges and the cost of local production were considered, and in the case of the brewery the possible effect on the older wine industry. We are informed that so far few, if any, of the protected industries can at present compete with imported articles as regards price and quality, though a notable exception is the Nesher Cement Company. The difficulties of access to foreign markets, competition of foreign products (disposed of in some cases at uneconomic prices) and the comparatively small scale of production are among the contributory causes to this lack of success.

9. The Census of Industries taken by the Department of Customs, Excise and Trade in 1928 showed the annual value of industrial production at that time to be £3,886,149. The progress made since that date is illustrated by the figures compiled from official sources which are contained in the following table:—

Year.	*Reference.*	*Value of industrial production (millions of £).*
1928	Industrial Census, p. 26, Table 2 (*b*) ...	3·8
		(*Estimated.*)
1933	1934 Annual Report, p. 197, para. 17 ...	5·5
1934	1934 Annual Report, p. 15, para. 41 ...	6·5
1935	1935 Annual Report, p. 22, para. 58 ...	7·0

If the estimate for 1935 may be taken as roughly correct, it follows that in the seven years' period 1929-35 there was an increase of £3,200,000, or 84 per cent., in an industrial output which had itself been built up from almost nothing since the end of the War.

10. We were informed that, at present, there exist in Palestine probably about 6,000 enterprises, of which 4,500 are handicrafts and 1,500 are industrial establishments, the former being enterprises in which less than five persons, including the owners, are employed. The total capital invested is in excess of £10,000,000, and the number of workers employed probably exceeds 40,000. Of the above totals, the number of new Jewish enterprises established in the period from 1920 to 1934-35 whose date of establishment is known was 4,157, of which 1,246 are industrial establishments and 2,911 are handicrafts. The capital invested in these enterprises amounted over the same period to £8,116,000.

11. The Jewish Agency estimates that at the end of 1935 the number of Jewish industrial workers amounted to approximately 32,000, which would represent a population (inclusive of dependants) of at least 80,000. No considerable export trade of locally manufactured goods has as yet been built up. The figures for the past six years are as follows:—

	£
1931	364,000
1932	435,000
1933	406,000
1934	404,000
1935	478,000
1936	547,000

In order that the relation of exports of locally-manufactured goods to total exports may be clear, we append the latter in respect of the same years*:—

	£
1931	1,572,061
1932	2,381,491
1933	2,591,617
1934	3,217,562
1935	4,215,486
1936	3,625,233

12. In 1935 the value of dutiable imports was £10,724,000, on which the total duty collected was £2,870,000. Roughly speaking, 80 per cent. of the duties were on a specific basis and 20 per cent. on an *ad valorem*. In that year the total duty was about 27 per cent. of the value of the imported dutiable goods.† The fact that some of the duties are very high has provoked vigorous comment from the Arabs. We might give as examples the duty of 70 per cent. on cement, 350 per cent. on matches in boxes and 90 per cent. on galvanized iron buckets not exceeding 28 cms. in diameter. The above figures are the *ad valorem* equivalents of the specific duty for the most important competing imports in each case.

13. The figures for dutiable and non-dutiable goods for the year 1935 are as follows:—

Classification.	*Non-Dutiable.*	*Dutiable.*
	£	£
I.—Food, drinks and tobacco	1,311,000	2,336,000
II.—Raw materials and articles mainly unmanufactured	688,000	635,000
III.—Articles wholly or mainly manufactured	3,072,000	7,718,000
IV.—Miscellaneous and unclassified goods (excluding bullion and specie)	2,058,000	35,000
Total	£7,129,000	£10,724,000

14. Though the Arabs control a substantial number of factories, the bulk of new industries established in recent years are Jewish, as we have already indicated. There is a definite limit to the number of Jews that can be settled on the land, even when the utmost use has been made of the water resources of the country. Hence greater attention has been paid to industrial development, with its more elastic demand for workers and immigrants, than to the slower process of husbandry.

* These figures exclude exports in transit, exports from bond, re-exports of foreign goods and exports of specie.

† Corresponding 1936 figures are:—value of dutiable imports £7,010,000; duty collected £2,012,000 (*i.e.* 28·6 per cent. of total value); 84·4 per cent. of the duties were collected on a specific and 15·6 per cent. on an *ad valorem* basis.

15. The Jews indeed maintain that Palestine, though it is deficient in raw materials, has the advantage of easy access to the sea and is favourably placed for obtaining its requirements at a low cost. The Palestine Electric Corporation can supply the power, and the presence of the pipe-line may be of advantage in the future; labour is intelligent and adaptable and of a higher standard than is usually to be found in states emerging from an agricultural economy. Many of the German immigrants, in particular, are well skilled in different processes of manufacture and have been trained in a highly organized industrial state.

16. But the most singular feature in the economy of Palestine is the vast amount of capital which has been invested in the country, for which no remittances abroad for interest and sinking fund are required. This feature sharply differentiates the Jewish National Home from other communities which have been created by a process of colonization and are burdened by charges on the capital obtained from overseas for their development. The dangerous position of Jews in Europe and the enthusiasm for settlement in Palestine have brought a plentiful supply of capital, which has been invested in the country. Apart from the £63,000,000 invested by private enterprise, some £14,037,000 subscribed by Jews in their national funds has been devoted to the draining of swamps and the reclamation of land, the training of immigrants and industrial experiment. From the financial point of view, the position is so fortunate that the question is asked whether this state of things is stable or permanent. It may be argued that even a check to immigration, or the reduction of the number of newcomers with capital, or a slackening of interest in the Zionist movement, might only cause some readjustment in the economic equilibrium, and probably call out for capital investment some of the large deposits in the Palestine banks. The very large adverse trade balance would be reduced; and the yield of the import duties would diminish. The following figures supplied by the Jewish Agency show a very close relation between capital investment and adverse trade balance:—

JEWISH CAPITAL INVESTMENT IN PALESTINE AND THE EXCESS OF IMPORTS OVER EXPORTS.

Year.	*Capital Investment.*	*Adverse Trade Balance.*
	£	£
1932	3,000,000	5,387,429
1933	6,000,000	8,531,872
1934	10,000,000	11,935,219
1935	11,000,000	13,638,007

There is no reason why the removal of exceptional advantages should result in penury; though there might be some reduction

in the standard of living till the new economy was established. It will be noted that the Government have to some extent protected themselves against these economic fluctuations by establishing a distinction between "normal" and "abnormal" revenue. In the event, however, of a prolonged period of stagnant economic conditions in Palestine, particularly if accompanied by improvement in the position of Jews abroad, the danger of an exodus of capital cannot be altogether excluded. It is moreover a disquieting feature of the trade returns that *total* domestic exports in 1936 (£3,625,233) fell short of the amount required to pay for imports of food, drink and tobacco (£3,939,350).

17. The Arabs complain that, as most of the recently-protected industries are Jewish concerns and employ Jewish workmen, the increased cost of commodities must fall on the Arabs who form the mass of the rural population. To what extent there may be truth in this argument it is not possible in the absence of statistics to declare. The newly-formed department has not been able to supply us with figures of the incidence of taxation. We hope that these enquiries may soon take place and that new duties will be considered in relation to the whole burden of taxation, and not merely as affecting the particular industry. Whether the Arabs have suffered or gained from the Jewish immigration has been dealt with in Chapter V above.* If they have had to pay more for certain commodities, they have secured a better market for their agricultural produce. The Government has gained heavily by the Customs duties on imported Jewish goods, and been able to meet the cost of services which have improved the general health of the country. The rapid rise in the price of land has filled many Arabs' pockets, and enabled them to sell part of their holdings and improve the rest.

18. There remain certain aspects of the export trade to be examined. The large adverse balance of trade in Palestine can only be interpreted in the light of the other economic factors of the country. But there can be no question of the need of increasing the export trade of a country where the smallness of the market enhances the difficulty of economic production and where the citrus industry must find more purchasers for its ever-increasing output. In 1935, oranges, grapefruit and lemons constituted 84 per cent. of the total exports. We have received a paper from the Jewish citrus growers in Palestine, which but for the disturbances would, we are told, have been signed by the Arab growers. The following figures are based on this document. The total area of citrus groves has grown from 28,000 dunums in 1919 to about 300,000 dunums in 1936. The total export in the 1935-6 season was just under 6,000,000 boxes;

* Page 129.

in the 1936-37 season it was 10,750,000 boxes; the estimate for the 1937-38 season is between 10,000,000 and 12,500,000 boxes. It is estimated that in 1941, with an average output of 80 boxes per dunum, there will be an export crop of 22,240,000 boxes. As many as 50,000 persons are employed as labourers and packers in the industry and in connected occupations. No further illustration is required of the dominant part which this industry plays in the export trade as well as in the internal economy of the country, or of the extent of the problem of marketing which is thereby created.

19. Of the present estimated total world production of 170,000,000 cases of oranges, "winter oranges" represent about 100,000,000 cases: of these, some 55,000,000 cases are consumed locally in the countries of production, the remaining 45,000,000 cases are exported and find markets, mainly in the United Kingdom and on the continent of Europe. It is estimated that during the next ten years the world production of winter oranges will increase by about 30,000,000 cases—or about 67 per cent.—which will be provided by the following countries:—

	Cases.
Palestine	15,000,000
United States of America	7,000,000
Spain	5,000,000
Other countries (Cyprus, Egypt, Algiers, etc.)	3,000,000

20. The *per capita* consumption of oranges in the world at large may still be low and capable of expansion: but when Palestine tries to increase its export, it comes into contact, in most of its potential markets, with the great barriers of prohibitive duties, barter arrangements and currency restrictions which have been built up in many countries in recent years. Italy, Spain, the United States and other citrus-producing countries can make their bargains and commercial treaties, while Palestine alone is stretched on the rack of the non-discriminating injunction of the Mandate—bound by a rigid adherence to the policy of the open door.

21. The Jewish witnesses pressed strongly for the alteration or re-interpretation of Article 18 of the Mandate. This Article lays down the principle of the open door to the Palestine market for nationals of all countries that are members of the League of Nations. It cannot have been the policy of the authors of the Mandate to hamper the normal economic life of Palestine, and to force on Great Britain the problem of squaring the circle by insisting that, while the ports of Palestine must be kept open, no method existed of obtaining reciprocal advantage from the foreigners. Larger markets were essential if Palestine, with her limited internal purchasing power, were to become an industrial state.

22. First of all the good offices of Great Britain as a guardian and protector might be invoked. Why should not the advantages of Imperial Preference be extended to Palestine? Some years ago His Majesty's Government were advised that Palestine as an "A" Mandate must be regarded as a foreign state for these purposes, and that a preference given to her, e.g. in respect of citrus fruit, must be granted also to Spain or any other country entitled to most-favoured-nation treatment. Apart from this legal objection, members of the Empire might question the propriety of this extension to foreigners, whether it took the form of a preference, or a grant representing the amount of the duty. It might be more feasible to extend to the month of April the low duty rate (10 per cent. *ad valorem*) on oranges now charged in the United Kingdom during the months of December to March, and postpone the incidence of the high duty rate (3s. 6d. per cwt.) to the 1st of May. This change would scarcely affect South African trade, but an amendment to the Ottawa Agreement with that country would be necessary.

23. As an alternative, the citrus growers suggest that the Palestine tariff should contain maximum and minimum rates, the latter applying to countries which took a certain proportion of Palestine goods, the former to those whose purchases fell below this standard. The rate of reciprocity might be varied, subject to the control of the League of Nations. It might be contended that this scheme would comply with the formal interpretation of Article 18 but the point is by no means free from doubt. There are, however, grave objections to the plan. The maximum rate might be applied to countries from which raw materials or semi-manufactured articles of great importance to Palestine would normally be drawn, or again to Japan or India, which are important suppliers to Palestine of the very cheap class of goods which the poorest elements in her population require, but could not in any circumstances be important purchasers of her citrus fruit or other products. Thus the danger is very real that a negligible increase in exports would be secured at the cost of an increase in the price or a reduction in the quantity of very important classes of imports. The cost, for instance, of wood for packing cases, chiefly drawn from Roumania, would be enhanced. It is worth noting that in the year 1936 only the United Kingdom, Holland and Norway would have qualified for the lower tariff even if the qualification for the more favourable rate of duty had been put as low as the purchase of goods to the value of one half the value of the goods supplied. The whole scheme, in fact, is far too rigid to meet the constantly changing requirements of Palestine trade.

24. On occasion an advantage has been obtained for Palestine as an appendix to a trade agreement between Great Britain and another country which has a favourable balance of trade with the former. The foreigner may not want to purchase any more goods from Great Britain, but may be ready to grant a quota to a colony or a mandated territory as part of the bargain. This has actually happened in the case of Denmark and Poland.

25. Again it may be possible to make an arrangement, which though theoretically conferring an advantage on all the world, yet, in fact, confines the benefit to the country concerned, especially if the tariff definitions are carefully arranged. In the case of France, a quota for oranges was recently obtained by an adjustment of the tariff, which, though applicable to all countries, was of special advantage to French perfumery.

26. But these expedients are not by themselves sufficient to solve more than a very small part of the problem of the need for larger markets. Greater opportunity for the sale of its manufactures is essential for a country with an expanding population and a limited area of cultivation. The whole question was considered by the British Government on a petition addressed to the Permanent Mandates Commission of the League of Nations in April, 1936, by the Jewish Farmers' Federation of Palestine and the Jaffa Citrus Exchange.

27. The view of Your Majesty's Government was expressed as follows:—

> " His Majesty's Government in the United Kingdom find themselves fully in sympathy with the petitioners' complaints. They agree that it cannot have been anticipated by those who framed the Palestine Mandate that the provisions contained in it for non-discrimination in matters concerning commerce, etc., which were, presumably, designed primarily to prevent the Mandatory Government from making discriminatory arrangements for its own commercial advantage in the Mandated Territory, would mainly operate to deprive the Mandated Territory of almost all means of advancing its economic interests by tariff and other similar negotiations and to remove any possibility of retaliation against unfair commercial treatment by other countries."

And again, when summing up the question:—

> " His Majesty's Government do not propose to discuss in detail the particular proposals put forward at the end of the Memorandum, but they do not feel that they could support them in their present form because they are not satisfied that they would not infringe the non-discriminatory provisions of the Mandate. On the other hand, if they were so modified as to bring them within those provisions, they would not, in the opinion of His Majesty's Government, be of such a nature as to be likely to afford any net benefit to Palestine trade. His Majesty's Government have, in short, been unable to devise measures of economic defence for Palestine which are likely to be effective and at the same time compatible with the terms of the Mandate, and in the circumstances they are not able to offer any advice upon the petition."

28. We take the view that the provisions of Article 18 are out of date. Opinion may differ as to the value of economic nationalism: but its principles are wholly inconsistent with non-discrimination and the open door. The application of the principle of the open door to mandated territories was certainly never intended to have an injurious effect on their " well-being and development." We think it is clear that without an amendment of Article 18 Palestine must continue to suffer from the restrictions which hamper international trade and we recommend that negotiations should be opened without delay to put the Palestine trade upon a fairer basis.

CHAPTER IX.

THE LAND.

1.—The first problem: the dual obligation.

1. There are three main problems connected with the land in Palestine:—

(1) The fulfilment of the instructions in the Mandate regarding "close settlement by Jews on the land", combined with the obligation of safeguarding "the rights and position of other sections of the population."

(2) The area available for cultivation by residents or immigrants, due allowance being made not only for waste land, but for that required for afforestation or grazing and the means by which it may best be developed in the interests of both races.

(3) The extent to which extensive can be replaced by intensive cultivation and the water resources in Palestine can be developed.

In connection with these problems, we have also to consider certain grievances put forward by Arabs and Jews.

2. In examining all these questions we follow a well-beaten track. We have had the advantage of reading many earlier reports of various committees and experts. There have been no less than twelve such enquiries, apart from committees appointed to discuss agrarian legislation, which have dealt *inter alia* with the land, proprietary rights and tenancy, and also with irrigation. The series commenced in 1920, when a travelling Land Commission was appointed to advise on the registration, control, and the closer settlement of State Domains. Two other committees were appointed to discover and demarcate vacant and escheated lands.

3. They were hampered by the absence of any previous survey, or any record of boundaries. They were also regarded with suspicion by the Arabs. Thus in 1920 the Transfer of Land Ordinance was enacted, requiring the consent of Government to all dispositions of immovable property and forbidding alienation to others than residents in Palestine. This protective legislation, it was stated by the Commission of Enquiry which reported on the riots of 1921(*) was regarded by the Arabs as having been introduced to keep down the price of land, and to throw land which was in the market into the hands of Jews at a low price. Throughout all these investigations, and indeed throughout our present enquiry, the absence of final and reliable

* Page 51 above.

data, coupled with the deep-seated mistrust of the Arabs, has added to the difficulty of an already difficult problem. The striking fact to-day is that, after all these reports, covering a period of fifteen years, the Palestine Government are unable to state with any degree of accuracy how much land they hold either as State Domains or as waste land.

4. In 1923 a Commission was appointed by the High Commissioner to examine the system of ownership known as *masha'a*, under which the whole of the property in a village is held in common, the individual shares being revised and divided every two years, an obvious bar to any agricultural development. There can be no incentive to plant trees or even to manure the land when ownership is to be transferred at an early date. The endeavours to replace joint by individual ownership involve very lengthy negotiations, and are one of the causes of delay. In 1923, 56 per cent. of the villages were *masha'a*: in 1930, 46 per cent. It is believed that many villages are *masha'a* in name, but are actually cultivated as individual parcels. The system, however, can be invoked for purposes of delay or litigation. In 1930 it was reported that, though this Committee had "made certain radical proposals, including the recommendation that legislation should be introduced empowering the executive authorities to enforce partition, nothing had been done." We endorse this criticism. Since then, efforts, partially successful, have been made to effect amicable partition, but it appears evident that, in certain areas, the Arabs regard this system of tenancy, destructive as it is of all development, as a safeguard against alienation, and that the Administration have been reluctant for political reasons to abolish it by legislation. It is being broken up gradually by the partition of areas as the land comes under settlement operations after cadastral survey. Further, Government have a number of officers who are constantly touring the villages, placing expert assistance and guidance at the disposal of the cultivators as to the best method of breaking up *masha'a*.

Where it has been proved to be to the benefit of both Arabs and Jews that the land should be parcellated into individual ownership, we consider that the Land Expropriation Ordinance might be used with advantage.

5. In 1924 Sir Ernest Dowson, late Financial Adviser and Director-General of Surveys to the Government of Egypt, was engaged to report on the co-ordination of the Survey, Land and Finance Departments, and to prepare a scheme of land settlement operations with a view to obtaining an accurate record of rights. A programme for this was issued in 1926.

6. At the beginning of 1927 Lord Plumer appointed a Committee, under the Chairmanship of the Attorney-General and

with the Commissioner of Lands as one of its members, to consider (1) whether legislation for the protection of tenants from evictions would be effective and beneficial; (2) if such legislation is considered effective and beneficial, to report what form it should take. We discuss the resultant legislation later on. In 1928 experts were appointed by the Joint Palestine Survey Commision. They included Sir John Campbell, a retired Indian Civilian with special experience in land administration in India. Among other matters they discussed the financial condition of Jewish settlements.

7. In 1930 a Commission under the Chairmanship of Sir Walter Shaw, reporting on the disturbances of the previous year, dealt very fully with the land problem. As a result of their recommendations, Sir John Hope Simpson, visited Palestine and made a thorough investigation into all questions connected with land and its possible development.

At the same time the High Commissioner had appointed a committee to enquire into the economic condition of agriculturists and the fiscal measures of Government in relation thereto, whose findings were used by Sir John Hope Simpson. Another Commission, under Sir Samuel O'Donnell, reported on the revenue, expenditure and general organization of the Palestine Administration, and examined the procedure for land settlement and the registration of titles.

8. In 1932 Mr. Lewis French, of the Indian Civil Service, submitted two comprehensive reports on agricultural development and land settlement. Mr. C. F. Strickland also reported in 1931 and again in 1933 on the co-operative movement, designed to relieve the *fellah* of his heavy burden of debt. In 1933 Government voted £6,000 to enable a hydrographic survey to be undertaken.

9. Lastly, it has to be remembered that every year the Permanent Mandates Commission issued enquiries which usually contained references to the land policy of the Administration. Each annual report of the Administration contains full replies to these references.

10. To all these enquiries and reports we are much indebted. Some of the proposals made have not been carried out: others must take many years to bear fruit. The statistics and conclusions derived from them in some of the reports have been challenged as inaccurate and unreliable. Though in some cases the lapse of time has justified the criticism, the general principles enunciated have not in our opinion been materially impaired. They may be shortly stated as follows:—

(1) Unless there is a marked change in the methods of cultivation, the land in Palestine is unable to support a large increase in the population.

(2) Any such change must necessarily be a very slow process spread over many years, and depends largely on the extension of education in the Arab villages.

(3) The general indebtedness of the *fellaheen* is a serious hindrance to the desired progress.

(4) It is on the extension of irrigation, combined with the regularized control of the water resources of the country by Government, that reliance must mainly be placed for any marked increase in the productivity of the land.

(5) The accurate recording of all rights in every parcel of land after a field to field survey is essential.

(6) There is already congestion on the land in the hill districts.

11. The chief problem in connection with the land lies in what is known as the " dual obligation ".

Under Article 6 of the Mandate " the Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced . . . shall encourage, in co-operation with the Jewish agency . . . close settlement by Jews on the land, including State lands and waste lands not required for public purposes ".

Under Article 11, " the Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country . . . It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land ".

Article 17 (1) (*a*) of the Palestine Order in Council, as amended in 1923, contains the proviso that " No Ordinance shall be promulgated . . . which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion, or language ".

Article 2 of the Mandate also places on the Mandatory responsibility for " safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion ", while under Article 15 " no discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language ". Even if it is held that Article 15 refers only to matters connected with religion, freedom of conscience and education, Article 2, it is contended, prohibits any legislation which discriminates between persons of different races or religions.

12. Whatever may be the proper construction of these articles, it seems clear that under the Order in Council quoted above the High Commissioner cannot enact a law that in certain areas land

may not be sold to Jews. Nor could he reserve certain areas for Jewish settlements. Agrarian legislation, whether prohibitory or protective, must be of general and universal application, exceptions to which can be allowed by the Administration to meet racial requirements. This appears to us to be a subterfuge, and consequently an unsatisfactory arrangement .

As it stands at present, however, the Mandate in one article imposes a definite obligation as one of two main objects: yet another article is held to prevent the fulfilment of that obligation.

13. Here then, at the outset, we are faced by a fundamental difficulty. To quote the Shaw Commission:—

> "In view of the obligation placed upon the Mandatory by Article 6 of the Mandate to 'encourage close settlement by Jews on the land' on the one hand and on the other to ensure 'that the rights and position of other sections of the population are not prejudiced' the solution of the land problem is obviously a difficult and delicate task, but some solution is essential in the interests of the whole population irrespective of creed and, unless one be found to deal with the situation that we have described, the question will remain a constant source of present discontent and a potential cause of future disturbance."

If under the Mandate the Order in Council could be amended to empower the High Commissioner to prohibit the transfer of land in any particular area to Jews, a solution might be found. If this is not possible, we are of opinion that in this respect the Mandate should be amended. In any case such an amendment would be desirable to remove any doubts which may exist as to the power of the Mandatory in certain circumstances to carry out his main obligations.

14. As a result, presumably, of these restrictions, the Transfer of Land Ordinance, 1920, required that the consent of the Government should be obtained to *all* dispositions of immovable property; it prohibited the transfer of land to " others than residents in Palestine ".

The Land Transfer Ordinance of 1921, while repeating the necessity for the consent of Government to any disposition of immovable property, added, in Section 8 (1), a proviso that such consent should only be given after the Director of Lands was " satisfied that any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family ".

These Ordinances failed to achieve their purpose of safeguarding Arab tenants and cultivating owners. They proved in fact to be unworkable. Neither vendor nor purchaser applied for the consent of Government to the transaction. Owners and tenants took the money for purchase or compensation and departed. The change in ownership was not discovered till some months later.

15. These Ordinances were therefore replaced in 1929 by the Protection of Cultivators Ordinance, which provided for the payment of compensation, both for disturbance and for improvements effected by them, to tenants who received a valid notice to quit the holding of which they had been in occupation. It further provided for the constitution of Boards to decide disputes as to whether or not compensation for disturbance or improvement was payable, and as to the amount of any such compensation. The previous requirement, that a cultivator must retain a subsistence area elsewhere, found no place in the new Ordinance. It also made no provision for sub-tenants, and this fact furnished a loop-hole for evasion. Lastly, as pointed out by Sir John Hope Simpson in 1930, what was eminently required was not compensation for disturbance, but a provision against disturbance.

16. This led to the Protection of Cultivators (Amendment) Ordinance, No. 1 of 1932, in which a tenant was so defined as to include a sub-tenant, and in 1933 a new Ordinance, No. 37, was enacted under the same title in a further endeavour to check the process of displacement of Arab cultivators. This again had to be amended in 1934. Under this Ordinance the High Commissioner could appoint one or more Commissions to adjudicate on disputes as to whether a cultivator was or was not a " statutory tenant ", as to who was landlord, and whether any person had exercised continuously " any practice of grazing or watering animals or cutting wood or reeds or other beneficial occupation ". An amending Bill has recently been published extending the rights and liabilities of the principal Ordinance to any statutory tenant who cultivates a holding for one year or " for a period necessary to raise two successive crops ". A new clause provides for the restoration to their holdings of displaced statutory tenants, and empowers special Commissions in certain circumstances to dismiss the claims of any person to the rights of a statutory tenant, where they are satisfied that he already possesses or retains elsewhere sufficient land for his maintenance.

17. In addition to the Protection of Cultivators Ordinances, in 1932 and 1934 the Land Disputes (Possession) Ordinances were enacted. The intention was to empower the District Commissioner to hold a summary enquiry into any dispute regarding land, water or grazing rights etc. which was likely to cause a breach of the peace, and to decide which party should be entitled to possession, or to exercise certain rights.

All these " protective " Ordinances have been the subject of criticism and protest by the Jews, with which we shall deal later.

18. In 1920 an Ordinance enacted that illegal occupiers of land which had become vacant through death or abandonment of cultivation (known as *mahlul*) were to notify Government under penalty of fine. The same year a Survey Ordinance was passed to facilitate entry into properties, and in 1921 preliminary triangulation began as the first step towards the ultimate cadastral survey and settlement of ownership. The same year saw the enactment of three Ordinances, one constituting Land Courts to determine rights in land, settle land disputes and demarcate State Lands, another prohibiting an increase in rents, and the third to protect State Lands (*Mewat*) from encroachment. It was not, however, till 1926, after the appointment of Sir E. Dowson as Commissioner of Lands that land settlement operations began in earnest, and a programme for land survey and settlement was drawn up.

19. In 1926 the Correction of Land Registers Ordinance was enacted, introducing a unified system for the registration of land. In 1927 the tithes payable on holdings of land and collected in kind were commuted for a fixed money payment based upon averages and allotted by a village Assessment Committee.

20. In 1930, as a result of the recommendations of the Shaw Commission, Sir John Hope Simpson (to whose findings we have referred above in paragraphs 4 and 7) made a thorough investigation of the land problem in Palestine, arriving at conclusions as to the land available for the settlement of Jews, and submitted recommendations for development, including the acceleration of survey and land settlement, and the improvement of agriculture. While several of the statistics and conclusions based thereon have been challenged before us and some require modification, his Report still remains an excellent and comprehensive appreciation of the agrarian position in Palestine at the time of his inquiry. It is unfortunate that his proposal for a Development Commission on which both Arab and Jew would be represented was not accepted by either.

21. In 1933 the Co-operative Societies Ordinance was enacted to facilitate the formation of Rural Co-operative Credit Societies, while the Land Law (Amendment) Ordinance gave the High Commissioner power to declare land which had become vacant (*Mahlul*) to be public land and auction it to prospective cultivators.

22. In 1935 a Rural Property Tax Ordinance was introduced, substituting a single simplified tax in place of the Turkish Tithe and House and Land Tax (*Werko*). This effected a large reduction, in some cases up to 70 per cent., in the taxes payable by the peasantry, in the hope of so encouraging agricultural developments.

23. The above summary of legislative activity shows the efforts made by the Administration to fulfil their obligations under Article 11 in circumstances of singular difficulty, not rendered any easier by the unavoidable pressure of the Jews for land purchase and consequent land speculation, and sadly hampered by the political outbreaks and consequent lack of funds, since revenue which might have been available for large schemes of development was diverted to expenditure on public security. And, largely as a result, so it appears to us, of these difficulties, we have not now, after 15 years' administration of Palestine by the Mandatory Power, been presented with a really final and reliable statement either of the waste lands, the Government Domains, or of the cultivable area. Nor will this be possible until the survey and land settlement operations are concluded.

24. Whatever may be the cultivable area of Palestine, a matter we discuss later on, it is at least certain that it is limited and in a large measure already in use. The systems of cultivation may be improved. It may be possible in certain localities to replace extensive by intensive cultivation. An active policy of agricultural development having this as its object must, even allowing for the utmost activity on the part of Government, take many years before its fulfilment can provide land for close settlement for both Jews and Arabs. There appears at present to be little hope of responsive co-operation on the part of the Arabs. It is feared that during this long period the further displacement of Arabs from the land may intensify political discontent, as evidenced by the demand now made by the Arabs for a complete stoppage of the sale of land to the Jews.

It is, therefore, considered necessary by the Administration to protect the Arab against himself, not by prohibiting sales, but by making it a condition of every disposition of rural land, including sale, mortgage, gift, dedication of *waqf*, and lease for more than three years, that the person making the disposition should retain ownership of the minimum area necessary for his subsistence (*lot viable*). The size of the subsistence area would depend upon the nature of the cultivation, and might be varied from time to time as the land was improved or its irrigation became possible. No restriction would be placed on the number of transactions to be allowed to each purchaser, or on the number to be allowed to each vendor, provided that he retained the prescribed subsistence area. The High Commissioner would have the power to sanction the sale of a subsistence area in special cases. The following lands would be excluded from the operation of the legislation:—all urban and town planning areas, the whole of the Beersheba Sub-District and all land planted with citrus at the date of the enactment of the legislation. If the owner should desert his subsistence area, or otherwise fail to cultivate it, Government would have the right to

resume ownership after it had remained uncultivated for three years. It is proposed to introduce legislation to this effect.

25. We are doubtful whether any committee or any individual could satisfactorily prescribe at any given time a minimum subsistence area, even if based on the fertility of the soil as displayed in the various categories of the Rural Property Tax Ordinance. In support of this we may instance the case of the Beisan land.* Secondly, any such legislation would in practice be difficult to enforce. It relies on the present land registry system, which we consider unsatisfactory and over-centralized. Thirdly, it is not clear that it makes any allowance for the natural increase of population. Fourthly, it appears to be based on the assumption that the price received for the land sold, apart from the *lot viable* retained for the cultivator and his family, will not only free him from debt, but also enable him to adopt intensive cultivation, a process only possible, so far as is at present known, in the maritime and plain areas. Even there, the small cultivator would depend for the cultivation of his reduced plot of land on the sharing of a water supply with his neighbours. Lastly, it would result in the retention of a number of small Arab holdings in an area most of which would be held by Jews. It would thus provide a fruitful source of friction in the matter of water rights, access or grazing.

26. We recommend elsewhere that survey and settlement operations should be completed with the utmost despatch. Until this has been done and their completion has provided both vendor and purchaser with an accurate and reliable record of rights and there is suitable rural official machinery to maintain it, we would welcome the definite prohibition of the sale of isolated and comparatively small plots of rural land to Jews. We would prefer larger schemes for the rearrangement of proprietorship under Government supervision, both during their introduction and subsequent development, carrying with it the consolidation of holdings, recourse being had, if necessary, to the Land Expropriation Ordinance. The case of Caesarea sand dunes, dealt with below, is an illustration of the need for this procedure. In this way we believe it should be possible to ensure an equitable distribution to Arabs and Jews alike, such as is now in contemplation in the case of the Lake Huleh area, providing subsistence for a larger number of Arabs than were on the land before the sale.† We would not exclude the possibility of combining a number of small holdings in such a scheme as would result in an area of not less than 500 dunums being available for distribution with a view to close settlement. Nor would there appear to be any valid objection to the sale, with the prior

* Paragraphs 126–133 below. † See paragraphs 120–125 below.

approval of the Government, of small holdings for the purpose of rounding off an estate or to facilitate irrigation, and the High Commissioner should retain powers to permit alienation in special cases, as has been proposed by Government in their Bill dealing with the possible sale of a subsistence area.*

27. The criticism has been made that the provision of Article 11 of the Mandate for the introduction of "a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land" has not been implemented.

It is true that no new system has been introduced, no new land code has been enacted. The Ottoman Land Code has been retained, with all the difficulties involved in its various forms of ownership and tenure of land; several new laws have been passed to amend it, but it remains in essence the same complicated system, one which is not calculated to promote close settlement and intensive cultivation. Even with the amendments which it has been found possible to introduce, it cannot be deemed to be a satisfactory system in these respects, as will be seen from a perusal of this part of our Report. We may instance the difficulties with regard to *masha'a* and the Protection of Cultivators Ordinance.

To this extent the Jewish grievance appears to us to be justified.

28. We have above referred to the difficult conditions which the Mandatory Power had to face. The Land Registries had to be closed for a period, ownership was uncertain, the records incomplete and unreliable. The era of speculation which started when the Jews began to purchase land was a further complication. In 1932 there were 18,392 transactions in land, registration fees amounting to £97,876. In 1935 49,133 transactions were registered, at the cost of £455,146. Obviously the Department of Lands was fully occupied and had no time to devote to the codification of the land law.

29. The subject is one which seriously affects the proper development of the country. But the formulation of a land code which can absorb the existing system and adequately meet the needs of the Bedouin population on the one hand and an advanced urban and rural population on the other is an exceedingly difficult matter and one which the Attorney-General's Department has never had the necessary time to undertake. In our opinion, however, the time has now arrived at which the task should be undertaken. We recommend that a committee should be set up to deal with it, and should include, in addition to persons familiar with the present law and local

* See paragraph 24 above.

conditions, at least one person who is an expert in land law and has had experience in drafting agrarian legislation and of land administration elsewhere. We understand that this matter has more than once been the subject of consideration by the Palestine Government, which recognizes its importance and would probably welcome such action.

In the words used by Mr. Lewis French, we recommend that any such land code " should be framed on the broadcast and simplest lines possible, all minor details being left to rules and regulations ", which would presumably be published for criticism prior to adoption.

30. Before concluding this section, it is perhaps desirable to explain that " survey and settlement " are administrative operations distinct from, although essentially necessary to, the close settlement of Jews upon the land. The object of " survey and settlement " is the ascertainment of areas and boundaries, the preparation of maps to display them, and the compilation of a record of rights, which usually in the British Empire includes not merely a statement of the ownership of the land, but all the rights and easements connected with the use of the land, such as tenancies and sub-tenancies, grazing, fuel or irrigation rights. Often this record sets forth any fiscal obligations attaching to the land, whether revenue payable to the Government or rent payable to a landlord. In Palestine, however, there is at present no connection between rural property taxation and land settlement.

31. From any complete record of rights there should be compiled a register showing, village by village and plot by plot, the names of all owners and occupiers of land and their rights. The record should confer a presumptive title *contra mundum*, and if the land registers both locally and at headquarters are kept up to date, and mutations are systematically reported and recorded, it should be a simple matter for anyone to discover at once whether any person has or has not certain rights in any given plot in a village.

32. There are therefore two main branches in land settlement operations: first, the survey and mapping of land; secondly, the preparation of a record of rights, which may or may not include the fixing of rents as between proprietors and tenants, or the settlement of land revenue.

Before a land settlement survey can commence it is necessary to have a triangulated framework of fixed points, accurately determined and permanently marked. This was completed in Palestine, excluding Beersheba, in 1927. The next stage is a traverse survey by theodolite of a series of stations demarcated on the ground and the plotting of them on sheets, to serve as a framework on which the detailed or cadastral survey

may be made. Map No. 2 at the end of this Report shows the extent to which this has been accomplished in Palestine. The plans prepared for the settlement survey were on the scale of roughly 25 inches to the mile. It should be added that a fiscal survey was commenced in 1929 and completed in 1934, carried out by fairly rapid topographical methods on a smaller scale. All streams, roads, paths, and villages were surveyed, as well as the boundaries of the " localities " which were used as fiscal blocks. The large scale cadastral survey did not start till 1928. Towns and villages which came under the urban property tax had also to be surveyed, and every year fresh villages are added to the list. Triangulation survey has started in the Beersheba Sub-District.

33. The following statements show the progress made in survey and settlement. Survey commenced in 1927: settlement in 1928. There have been three breaks due to political disturbances, in 1929, 1933 and 1936.

COST OF SURVEY AND SETTLEMENT BUDGETARY PROVISION.

Year	*Survey*	*Settlement*	*Total*
	£	£	£
1927 (9 months)	32,453	—	32,453
1928	44,217	10,953	55,170
1929	43,494	23,410	66,904
1930	48,637	23,289	71,926
1931	49,410	24,893	74,303
1932 (3 months)	12,500	6,151	18,651
1932–33 ...	51,039	25,183	76,222
1933–34 ...	63,693	29,083	92,776
1934–35 ...	67,933	30,088	98,021
1935–36 ...	69,151	28,071	97,222
1936–37 ...	68,332	35,065	103,397
£	550,859	236,186	787,045

The following figures show the progress of survey and settlement since 1927:—

Year	*Area Surveyed*	*Area Settled*
	Dunums	*Dunums*
1927–1930	332,600	142,799
1931	149,485	138,387
1932	399,331	167,293
1933	424,600	334,139
1934	628,524	283,464
1935	360'660	298,549
1936	299,920	127,246
Total ...	2,595,120	1,491,877

The aggregate area of all land taxed under the Rural Property Tax Ordinance of 1935 is stated to be 13,592,306 dunums. Evidently, unless the operations can be expedited, completion of the settlement must take many years.

34. Land settlement in Palestine differs materially from that in the British Empire, notably in India. It has nothing to do with the settlement of land revenue, the fixation of rents, the fertility of the soil, or the recording of easements, but is restricted to judicial decisions, frequently in intricate cases demanding long judgments, of claims and title suits. The work is impeded by a large number of fictitious and frivolous claims, all of which have to be duly recorded, examined and decided. This procedure inevitably provokes and multiplies litigation, especially in a country where there has been a sudden and abnormal increase in land values. Whereas at first disputed claims were about 10 per cent. of the total submitted to Settlement Officers, there is now reported " a growing tendency to dispute every claim where there is a shadow of a case, and often where there is not ". Further delay is caused by the detachment of the staff to deal with special enquiries, like the water resources survey, or surveys of urban areas like Tel Aviv in connection with the urban property tax, or urgent cases where land disputes are, as at Beisan, likely to develop into riots on a large scale. We were informed that of 134 Surveyors not more than 80 or 90 were actually engaged on settlement work.

35. Two maps appended to this Report show the progress made with survey and land settlement to the end of 1936. Out of some 400 villages (outside Beersheba and the hill districts), the Land Settlement Ordinance has been applied to 160: the work has been finished in 107: in 31 villages disputes are under trial prior to completion of settlement: in 19, the final stage of investigation is in progress: in 3, preliminary field investigation has commenced. During the year 1936, owing to the disturbances, it was only found possible to settle 1,490 claims out of 9,333, leaving 7,843 disputes outstanding.

36. In the absence of a reliable record of rights for all the villages, instead of for one-quarter, it is evident that any statistics relating to the possession of land must be read as liable to considerable alteration when eventually settlement proceedings are completed. The need for their expedition is paramount. We recommend that steps should be taken to form three distinct settlement parties, one to deal with the southern and another with the northern area of the Maritime Plains, a third being available for special enquiries of the kind referred to above. It will probably take two years to train the staff, but once this has been accomplished, progress should

be rapid. We suggest for the consideration of the Palestine Government whether it might be possible to obtain the services of Settlement Officers and trained Surveyors with a knowledge of Arabic from India. In the meantime the necessary topographical survey can continue and large-scale maps can be prepared. It may be added that the work of the survey, as distinct from settlement, is excellent.

37. The present system of Land Courts appears to us to be contributory to delay. There are four District Courts, each composed of a British President and two Palestinian Judges. Jurisdiction is given to these Courts, composed of the President and one or more Judges of the District Court, to sit as a Land Court and to deal with questions of title to land. Such a Court also acts as Court of Appeal from the decisions of Magistrates in respect of recovery of land.

We should prefer two or, if necessary, three separate Land Courts, at any rate until the land survey and settlement operations have been completed. These Land Courts should deal with all possessory rights and easements as well as questions of title demarcation and should be able to issue mandatory injunctions or orders for specific performance. We are aware that in 1930 there were two special Land Courts, one at Jerusalem and one at Jaffa, and that the Financial Commission in 1931 recommended their abolition. That Commission held that " the distinction between Land Courts and the other Civil Courts rests admittedly on no principle and should be abolished. Land Courts were established because it was believed that cases relating to land were peculiarly difficult. It is now recognized that this is not so." Be that as it may, evidence was given before us to the effect that " the Land Courts are functioning very, very slowly, so that you are lucky if you get a case through in the Land Courts in two years." Further, we can discern no advantage in having two Judges to decide these cases. One Judge, a British officer with practical experience of Land Settlement, should be sufficient. There should be an appeal to the Supreme Court on a point of law.

38. Apart from the increase in the number of Settlement Officers and staff, advocated in paragraph 36 above, we consider that far more use should be made of the settlement procedure. It should not be limited as at present merely to ascertaining and settling disputes and claims. The aim should be the preparation of a reliable and accurate record of rights of the kind described in paragraph 30. With it should be combined a plot to plot inquiry as to the fertility of the soil and the classification thereof in the appropriate category under the Rural Property Tax. The Settlement and Assistant Settlement Officers should camp in the villages where operations are in progress and hear all the claims and objections on the spot.

39. Assuming that traverse survey has been completed, the first stage in settlement proceedings would be the cadastral survey on the spot, the preparation of the draft record for attestation being undertaken during the recess, when maps are checked and examined, areas of villages and various plots therein extracted and the lists of interested parties, their rights and areas of plots prepared. The second year should see attestation or the inquiry into the draft record and the settlement and decision of disputes. This also should take place in the presence of all parties interested. Slips would be distributed to all persons believed to have rights in the land, landlords and tenants, showing the areas of all plots. Draft entries in the village register would be explained personally on the spot by the Assistant Settlement Officer, who would finally correct and attest them, after deciding all disputes as to status, possessory rights or easements. When attestation is completed the record of rights would be checked, corrected and prepared for draft publication, when one month should be allowed during which the record would be open to inspection. Any objections filed then should, after due notice of date of hearing, be tried summarily on the spot.

40. On the completion of these steps, the record of rights would be corrected and finally published, necessary certified extracts being given to all owners and tenants. The final record should then be sent to the Land Registry, where necessary entries should be made as regards all the various holdings, village by village. It should be provided, if necessary by legislation, that every entry in the record is to be presumed to be correct until it is proved by evidence to be incorrect. There should then be no difficulty in allowing the police to decide whether any given individual has any rights in the land or is a trespasser. The maintenance of the record by registering sanctioned mutations, i.e. transfers or dispositions of property registered by the Lands Department, may be difficult under existing circumstances in Palestine, where the village tax collector or *Mukhtar* does not always possess sufficient education. The remedy would seem to lie in the appointment, where necessary, of village Registrars, as advocated by Mr. Lewis French in 1931.

41. If exception is taken to these proposals on the grounds of expense, the reply must be that a contented tenantry and peasantry will in the end be much cheaper to govern, and that the absence of disputes regarding land, the prevention of trespass and the security of title conferred by these operations should conduce to the general prosperity and development of the country. Uncertainty regarding the land and rights therein creates disputes, encourages trespassers and promotes a feeling of insecurity, which in turn demands an ever larger police force

and results in increased litigation. In this matter of land settlement, i.e., the preparation for all the villages in the country of a reliable record of rights, the Administration, we consider, have not yet discharged their obligations under the Mandate.

2. The second problem: Cultivable area.

42. Remembering, then, that the settlement operations in five-sixths of the country may materially alter the present estimates as to ownership of land, it is now necessary to discuss the much debated problem as to how much of the land in Palestine is cultivable, and how production can be increased.

With the Sub-District of Beersheba we deal later. That is a separate problem depending, first, on the discovery of water and, secondly, on some arrangement which may induce the nomad Bedouins to adopt settled cultivation.

43. The following is an account by a Jewish eyewitness of the condition of the Maritime Plain in 1913. It was, we believe, at the time when it was written, a truthful and disinterested description.

> The road leading from Gaza to the north was only a summer track suitable for transport by camels and carts. This track was dry and open for travel in the summer months only. In the rainy season it was impassable.
>
> In the villages on both sides of the track and as far as the hills to the east no orange groves, orchards or vineyards were to be seen until one reached Yabna Village. Trees generally were a rare sight in these villages. . . . Nor were there any vegetable gardens to be seen in any of these villages except at Jora on the sea (Asqalan). In the Hawakir around the villages—small plots fenced around by cactus hedge—one could find in the winter green onions and in the summer cucumbers and water melons.
>
> In all the villages dotting the plain between Gaza and Jaffa there was only one well in a village and in the smaller villages there were no wells at all. . . . Not in a single village in all this area was water used for irrigation. Water was scantily used for drinking purposes by man and beast.
>
> Houses were all of mud. No windows were anywhere to be seen. The roofs were of caked mud. Every house was divided in two parts—one part slightly elevated above the other. The family lived in the elevated part while in the lower part the cattle were housed. The cattle were small and poor. So were the chickens.
>
> The fields were sown with wheat, barley, kursena and lentils in the winter—and with dura and sesame in the summer. Fields used for summer crops one year were sown with winter crops the next year, and so in rotation. The ploughs used were of wood. European ploughs were not known in the whole area. Not a village could boast of a cart. Sowing was done by hand; harvesting by the scythe and threshing by animals. Fields were never manured.
>
> The lands were all held in *masha'a* ownership. Every second year the fields were measured by stick and rope and distributed among the cultivators. Division of land always led to strife and bloodshed.
>
> The yields were very poor. Wheat yield never exceeded 60 kgms. per dunum and barley about 100 kgms. per dunum. The wheat yield went to Government in payment of tithe and to the *effendi* in payment of interest on loans. The *fellah* himself made his bread from dura.

The sanitary conditions in the villages were horrible. Schools did not exist and the younger generation rolled about in the mud of the streets. The rate of infant mortality was very high. There was no medical service in any of the villages distant from a Jewish settlement. In passing a village one noticed a large number of blind, or half-blind persons. Malaria was rampant.

Starting from Yabna one could see in some villages several wells, some orange groves and vegetable fields under irrigation. In the neighbourhood of Wadi Rubin considerable quantities of vegetables, especially tomatoes, were grown. But the standing water in that *wadi* devastated the whole area, being a breeding place of malaria. At Wadi Hunein there were several orange groves belonging to *effendis*. Most of them were in a very neglected state. They were planted in irregular formation and irrigated in a very primitive manner. At Ramleh and Lydda old olive plantations and orchards of apricots and mulberries existed. At Beit Dajan, Yazur and Jaffa considerable areas were planted with orange trees. The quality of these groves was not superior to those of Wadi Hunein.

The entire area of orange groves owned by Arabs before the War was 20,000 dunums while the Jews owned 10,000 dunums. The export of oranges was as follows:—

	Cases.
1907	489,992
1908	418,835
1909	490,317
1910	628,013
1911	624,198
1912	803,620
1913	910,548

The area north of Jaffa as far as Hedera and Zichron Jacob, known as the Sharon, consisted of two distinctive parts divided by a line from south to north. The eastern part in the direction of the hills resembled in culture that of the Gaza-Jaffa area. There one could find many well populated villages with the little town of Tulkarm as their centre. The western part towards the sea was almost a desert. Sandy soil with numerous swampy stretches such as the Auja, Sidna Ali, Ramadan, Kabani and Hedera swamps and many other smaller swamps. The villages in this area were few and thinly populated. Many ruins of villages were scattered over the area as owing to the prevalence of malaria many villages were deserted by their inhabitants who migrated to the hills. The few patches in the western section which under cultivation produced Turmos in the winter and water melons in the summer. The rest was all covered by halfa and thorns.

44. The following figures as regards land areas were given us by the Palestine Government as their latest estimate, based on their definition of " cultivable land." This is held to cover land " which is actually under cultivation, or which can be brought under cultivation by the application of the labour and resources of the average Palestinian cultivator ".

The total area of Palestine is approximately 10,400 square miles or 27,009,000 dunums.

Excluding Beersheba, which has not been surveyed, but the area of which is estimated at 12,577,000 dunums, the *land area* of the remainder of Palestine is 13,742,000 dunums. This omits

the Dead Sea and the Sea of Galilee (690,000 dunums), but it includes the Lake of Huleh. The Administration regard 6,622,000 dunums as uncultivable, as being forest land, waste land, urban or village areas. They thus arrive at a total of 7,120,000 dunums as the " cultivable area ".

45. In their evidence before us the Jewish Agency did not give any definite figures as regards the total area and estimated cultivability. It is stated, however, in Mr. Granovsky's book *The Land Issue in Palestine* that " figures arrived at by the Jewish Agency experts show that the cultivable area of Palestine comprises, exclusive of the Beersheba Sub-District, 9,197,000 dunums, divided as follows: in the plains, 3,876,650 dunums; in the hill and mountain districts, 5,320,350 dunums ". Hence, taking the total land area of Palestine, excluding Beersheba, to be 13,742,000 dunums, " the uncultivable areas extend over 4,545,440 dunums ". These figures presumably include, as cultivable, forest areas, which are estimated by the Government at 695,000 dunums and are in their estimate excluded from the cultivable land, so that the net difference between the Government estimate of cultivable land and the Jewish figures is 1,382,000 dunums. We think that in arriving at these figures it is not improbable that the Jews have envisaged the expenditure, in making land cultivable, of an amount of capital which could not be justified on economic grounds.

Dr. Hexter said: " I cannot give an estimate, because I am convinced an estimate of mine might err in other directions, but my point is simply that in any development possibilities in this country one must go from one place to another literally to see what can be done ".

46. We ourselves do not consider it possible at any given date to estimate with any accuracy how much land can be classed as " cultivable ". This must depend, as is generally recognized, on irrigation and the improved use of available water supplies, on the draining of marshy areas, and on the adoption of new methods of agriculture, more especially in the hills. These last in turn depend on the amount of capital available. The Arab peasant has at present neither the capital nor the education necessary for intensive cultivation. The Jew has. But the lack of these two essential requisites does not justify the expropriation of the Arab to make room for the richer and more enterprising colonist, even though the Arab's conservative methods, and in some cases his system of land tenure, may delay development. At a later stage we discuss the possibility of large scale development schemes.

47. All the estimates of cultivable land are challenged by the Jewish Agency mainly on two grounds. First, the definition adopted by the Palestine Government of " cultivable " land would exclude much land already brought under cultivation,

as well as land which can by appropriate methods of agriculture be cultivated. Secondly, sufficient allowance is not made for intensive cultivation, i.e. close settlement upon the land. This presupposes adequate irrigation, without which, except in a few specially favoured areas, intensive cultivation is impossible.

48. Dr. Maurice Hexter condemned the Palestine Government's definition of " cultivable land " because the figures, based on a fiscal survey, were necessarily falsified by the natural desire to evade the tax. They were compiled, he said, by surveyors unable to classify cultivability, and limited to recording areas actually under cultivation, omitting fallow lands.

The estimate of Government, he said:—

> " excludes all or nearly all land not under cultivation; secondly, it excludes all or nearly all land requiring considerable capital outlay; thirdly, it excludes all land under water, such as Huleh; fourthly, it does not distinguish between quality and productivity of the soil; fifthly, the figures are still estimates; sixthly, their present basis seems to us no more final than the estimates which they displace; and, lastly, the definition is unrelated to realities, because it omits, as it shows by its very contents, technology, capital, education, skill and markets,"

We notice, however, that the Jewish Agency, when complaining of the small amount of State lands placed at their disposal, included, amongst other deductions from the total, 22 per cent. as " uncultivable ". This was the average percentage arrived at by the Government on approximate figures obtained from Rural Property Tax records, and was based on their definition, now impugned, and on the enquiries of their surveyors, now discredited.

49. In criticism of the Government estimates of cultivable land, it was pointed out that the total area of land under cultivation is shown as much greater than the total area of cultivable land—on the face of it an obvious error and tending to show a serious underestimate of cultivable land. We have ascertained however, that this discrepancy is accounted for by the fact that the estimate of cultivated land is increased because the same areas of land may appear twice in the figures owing to their having two crops upon them, e.g., cereals planted between olives.

50. Dr. Hexter claimed that the definition underestimated the future possibilities of rural development in Palestine, and that the cultivable area could only be ascertained by a " detailed spot analysis ". He regarded this matter as of primary importance, since on the estimate of the land available for cultivation depended the admission of Jewish settlers, and because Sir John Hope Simpson's conclusion, based on this definition, was that there was " no margin of land available for agricultural settlement by new immigrants, with the

exception of such undeveloped land as the various Jewish Agencies hold in reserve ".

51. Dr. Hexter's own definition was as follows:—

> " The word ' cultivable ' does not describe an inherent or absolute attribute of land which determines the use to which it can be put. ' Cultivability ' is not the independent determining factor, but is itself determined by the inter-action of the physical properties of the land (including availability of irrigation waters), and the economic factors of production which are applied to it and modify it. To what extent factors of production can be applied depends on the economic progress of the country as a whole, including possibilities of special products, and can only be forecasted from time to time. Land will be taken into cultivation or subjected to a more intensive or different form of cultivation as and when the supply of capital, labour, skill, and available markets warrant it. . . . For the purpose of determining whether particular land is cultivable or whether, if cultivated, it is capable of more intensive cultivation, it is necessary to have an analysis of each particular project in relation to the particular area in question."

52. He realized that the determination of areas under his definition was " an extremely complicated process and a time-consuming process ", though he had already impressed on the Commission the fact that " we in our search for land have not time: we cannot wait ". Or as Dr. Ruppin put it:—

> " It may be that we are impatient, but we are being pressed very much by the Jews who would like to settle here and who cannot settle here if the development activities are not carried out in rather quick tempo ".

And again:

> " Generally what is important is the question of tempo, and the point of view from which you look at it. I have to look at it from the point of view of our desire to give as many Jews as possible the possibility of settling in agriculture. In the last 50 years we were concerned with the scarcity of land, and we understood that this scarcity could be overcome only by development, by intensification. My people are impatient. We have to be."

53. We are disposed to agree that no really satisfactory definition in advance can be found on which it would be safe to base an estimate as to the cultivable area. This must, we consider, and we hold this view also as regards the *lot viable* of the cultivator,* be discovered by experience, by a system of " trial and error " in the different parts of the country. But we consider that, until the contrary is proved by experience and practical experiment, the Administration will be wise in adhering to their own definition in so far as it relates to an increase of immigrants on the land. Until it has been *proved* that any particular area is capable of supporting further settlement, owing either to the discovery of irrigation facilities or to the application of new scientific methods, the present

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* See paragraph 25.

position is such that, in the words of the Shaw Commission Report, " taking Palestine as a whole, the country cannot support a larger agricultural population than it at present carries, unless methods of farming undergo a radical change ". In other words, the economic absorptive capacity of the country appears to us to depend, so far as the land is concerned, not on the mere hope of extending cultivation by irrigation, but on the definitely ascertained existence of the various factors contained in the definition put forward by the Jewish Agency.

54. Before we discuss how best this object may be achieved, it is desirable to examine the complaint made by the Arabs that the Jews had already received too much land, thus creating a class of landless Arabs, and increasing " land-hunger ". Secondly, they complain that the Jews now hold nearly as much of the best land as the Arabs do, that classed in category 1 for the Rural Property Tax, although the rural population of the Jews at the census of 1931 was below 50,000, while the Arab rural population was about 590,000.

55. In the matter of land purchased by the Jews there was again a dispute as to the accuracy of the figures, since the statement prepared by the Administration included land acquired by Jews in pre-war days, and lands made over to companies, like the Palestine Potash Company, which are not entirely Jewish. In the matter of State Domains, for example, while the Government figures show a total of 175,545 dunums, the Jewish Agency claim that the amount which they have received for definitely Jewish ownership, since the Mandate, is only 82,605 dunums. The point does not appear to us to be one of primary importance, and depends chiefly on the method of calculation. While, for example, the Palestine Potash Company is not entirely Jewish, it is mainly Jewish and was, in fact, quoted as an instance of Jewish industrial enterprise. Similarly, whether land was obtained from the Turkish Government before the War or afterwards in fulfilment of an agreement made with that Government appears to us to be of less importance than the fact that such land is actually to-day in Jewish possession. For our present purpose we are prepared to accept the figures submitted by the Palestine Government showing each year since October, 1920, the land purchased by Jews. These total 682,865 dunums, of which some 36,971 dunums are in Beersheba, while pre-War holdings amounted to some 650,000, or a total of 1,332,865.

56. According to approximate figures prepared from the Rural Property Tax categories, Arabs hold 12,160,000 dunums, of which 6,037,000 are classed as cultivable, and Jews 1,208,000, with 939,000 dunums of cultivable land. In category 1 (Citrus), with a tax rate of 825 mils (16s. 6d.) per dunum, or £3 6s. per acre, Arabs hold 106,400 and Jews 102,000 dunums respectively.

57. The point at issue is whether, as a result of these purchases, the " rights and position " of the Arabs have or have not been prejudiced, or in other words, whether a considerable number of Arabs have been displaced by Jews and become landless. The Shaw Commission considered that this was likely to occur in the future. They reported:—

> " Any complete survey of the whole country must take a very considerable time. In the meantime the Palestine Government are confronted with the prospect of repetitions of the situation now existing at Wadi el Hawareth and of further calls upon the police to carry out evictions of large bodies of cultivators with no alternative land to which they can be moved or upon which they can settle. In the past, persons dispossessed have in many cases been absorbed in the neighbouring villages; we were, however, told that this process, though it may have been possible four or five years ago, is no longer possible to-day; the point of absorption has been reached. The plain facts of the case are, so we are advised, that there is no further land available which can be occupied by new immigrants without displacing the present population."

Sir John Hope Simpson recorded his opinion as follows:—

> " It is clear, however, that of the land which remains with the Government at the present time the area is exceedingly small, with the exception of tracts which, until developed, are required in their entirety for the maintenance of the Arabs already in occupation. It cannot be argued that Arabs should be dispossessed in order that the land should be made available for Jewish settlement. That would amount to a distinct breach of the provisions of Article 6 of the Mandate."

58. In the Statement of Policy issued by His Majesty's Government in 1930 it was stated:—

> " It appears that of the 86,980 rural Arab families in the villages, 29·4 per cent. are landless. It is not known how many of these are families who previously cultivated and have since lost their land. This is one point, among others, upon which, at present, it is not possible to speak with greater precision, but which will, it is hoped, be ascertained in the course of the Census which is to be taken next year."

Unfortunately, in the Census of 1931 this inquiry was never made. The proposal to hold a Census in 1936 was abandoned owing to the disturbances.

59. In 1931 Mr. Lewis French was appointed Director of Development, and one of his first duties was to prepare a register of " landless " Arabs and to draw up a scheme for resettling them.

In the inquiry which was the outcome of this instruction, the applications of Arabs, though in fact landless, were excluded if they came within any of the following categories:—

(1) Persons who owned land other than that sold which they cultivated as tenants.

(2) Persons who had found land other than that from which they were displaced and were now cultivating it as tenants.

(3) Persons who, subsequent to the sale of the land from which they were displaced, obtained other land but, on account of poverty or other reasons, had since ceased to cultivate it.

(4) Persons who, at the time of sale, were not cultivators, such as labourers and ploughmen.

(5) Persons who had themselves sold their land to Jews.

(6) Persons who, although landless, had obtained equally satisfactory occupation.

Some of the grounds of exclusion appear to us to be unduly restrictive: for example, sales by Arabs to Arab money-lenders with vacant possession and subsequent sales to Jews were not recorded, as coming within exception (5) above. We regret further that the inquiry should have been based on the registration only of those Arabs who had lost their land as tenants and cultivators and not also of those who had lost their occupation on it as hired labourers. The official total of " landless " Arabs is often misunderstood by those who are unaware of the limited definition of the term. It should be clear that this total can be regarded as representing only a portion of the displacement of Arab population resulting from Jewish land purchases.

60. Although 3,271 applications for resettlement were received from landless Arabs up to the 1st January, 1936, only 664 were admitted to the Register, 2,607 being disallowed. Government purchased lands at a cost of £72,240 for the resettlement of these proved displaced Arab cultivators, and at the time of our inquiry more than half of the 664 families had been provided with land. Some of the remainder declined the land offered them on the grounds that they were accustomed neither to the climate of the new area nor to irrigated cultivation.

61. The Jews also submitted evidence that they had made a careful enquiry into the matter of landless Arabs and they had discovered only 688 tenants who had been displaced by the land being sold over their heads; and that of these some 400 had found other land. This enquiry related to the period 1920 to 1930.

62. It has further to be remembered that the Jews, in their policy of creating an agricultural Jewish population, have restricted the employment of Arab labour on lands held by them. In February, 1935, an enquiry showed that in the Jewish-owned orange groves 40 per cent. of the labour was Jewish and 60 per cent. Arab. The position is now reversed and 60 per cent. of the labour is Jewish and 40 per cent. Arab. This is a subject of keen discussion between the Federation

of Jewish Labour and the Farmers' Federation. There has in fact been a movement to intimidate those Jewish farmers who employ Arab labour. Picketing in the post-war settlements in the Sharon was on such a scale as to require legislation—the Prevention of Intimidation Ordinance of 1927 (amended in 1936).

Though this policy has not increased the number of landless Arabs, it has reduced the field of employment for labourers and the means of livelihood of those cultivators who depend on work outside their holdings to obtain an adequate income.

63. The evidence we received from Government officers established the fact that up to 1930 or 1931 there was land available for displaced tenants, but that from 1932 onwards it has been extremely difficult for such people to find land. It is only right to say that the Jewish Agency disclaim any intention of displacing Arab cultivators. Thus Dr. Ruppin told us:—

> " There is no tendency on our part to oust Arab farmers from their holdings. The few cases where Arab tenants were displaced, which I mentioned yesterday, by Jewish purchases are negligible in comparison with the much bigger number of Arab farmers who have become landless by foreclosure of their holdings owing to debts to Arab creditors. Our aim is to improve agricultural methods, especially by irrigation, and to create new possibilities for settlement of Jews without prejudicing in any way the livelihood of the previous Arab cultivators. I am also of opinion that the Arab farmer will have a better income . . . from an irrigated and intensive farm of 20 dunums, than from 100 dunums of unirrigated land as it is in its present form. We accept, and have accepted since the time of Sir John Hope Simpson, the formula that in all cases of purchases of land by Jews the Arab cultivators should remain on the land and that their economic situation should not be worse, and I hope it will be better, than it was before. We agree to measures of control by the Government in respect of the fulfilment of these conditions, but in order to carry out a programme which will create new possibilities for Jewish settlement without doing harm to the Arabs, a much more active participation of the Government in the development activities is indispensable."

64. We welcome this statement of policy. As will be seen when we deal with the Huleh project, it has in fact suggested a practical proposal. We also are of opinion that up till now the Arab cultivator has benefited on the whole both from the work of British administration and from the presence of Jews in the country. Wages have gone up: the standard of living has improved: work on roads and buildings has been plentiful. In the Maritime Plains some Arabs have adopted improved methods of cultivation. But we are definitely of opinion that the greatest care must now be exercised to see that in the event of further sales of land by Arabs to Jews, the rights of any Arab tenant or cultivator in the land should be preserved. Further, we are of opinion that this alienation of

land should only be allowed where it is possible to replace extensive by intensive cultivation, which really means in the plains and not, at any rate at present, in the hills.

65. In the pre-war days conscription and malaria kept the Arab population low. It is now increasing rapidly. The Jewish Agency in their memorandum state: " Apart from more general considerations of a moral order, it is essential in the interests of the Jewish National Home that the *fellaheen* should be raised to a higher standard of life. On a long view, the Jewish village cannot prosper unless the Arab village prospers with it." We would endorse this statement, and add that in our opinion " a long view " means considering the interests of the next generation, or the effect of agrarian development 30 years hence, by which time the Moslem population will have more than doubled, if the present rate of increase is maintained. The shortage of land is, we consider, due less to the amount of land acquired by Jews than to the increase in the Arab population, as a result of the causes to which we have referred.

66. The Arab charge that the Jews have obtained too large a proportion of good land cannot be maintained. Much of the land now carrying orange groves was sand dunes or swamp and uncultivated when it was purchased. Though to-day, in the light of experience gained by Jewish energy and enterprise, the Arabs may denounce the vendors and regret the alienation of the land, there was at the time at least of the earlier sales little evidence that the owners possessed either the resources or training needed to develop the land. So far as the plains are concerned, we consider that, with due precautions, land may still be sold to Jews.

67. We have above referred to certain precautions which should be taken, by which we mean measures to protect the Arab cultivator. The legislation already enacted has been given above, where we noted that the Jews, who recognize the need for protective legislation, criticize the present Ordinances as failing to achieve their object, and as being actively harmful in promoting litigation and causing insecurity of tenure. We regard it as proved that recent alterations in the law relating to the protection of cultivators, and the machinery set up under the law, have led to grave abuse and to blackmailing claims by persons not entitled to protection under that law.

68. The Jews also complain of the difficulty in obtaining a proper title to land purchased. Even after it has been registered in their name they are not able to enforce their possessory rights. An instance will be found in the case of the land at Caesarea given below in Section 4 of this Chapter. To deal with

the complaints under this head in detail would necessitate setting them out *in extenso*, the consideration of the evidence involved, a discussion on the various interpretations put on the Ordinances by the Government, the Jews and the Courts and on the various powers which the latter could and should exercise, and by which of the Courts they could or should be exercised. In our opinion the expenditure of the time so required would be out of all proportion to the value of any detailed recommendations which we might make and which, moreover, would not, we feel, be made with such a full appreciation of the local conditions and of the land laws in Palestine as would be essential.

In addition, they are all matters which would form part of the subject which would be dealt with by the Committee on Land Legislation which we have recommended in paragraph 29 above.

69. As an example, we may mention the Protection of Cultivators Ordinance.

No objection is taken by the Jews to the general principles of the Ordinance, but they urge that as it stands, with its amendments, and with the methods under which is is administered, it affords too great an opportunity for bogus claims and puts a premium on trespassing, with the result that endless delays and great expense are incurred in resisting and buying off these claims before a clear title and undisputed possession of land can be obtained.

We are satisfied that serious delays do occur, but the question of whether the present difficulties in the way of a purchaser can be reduced while at the same time ensuring proper protection of the cultivator is a matter which will necessitate investigation and consideration by the Committee recommended by us, and also reorganization of the Courts and their procedure with a view to the speedier trial of land cases and to ensuring to a purchaser the possibility of establishing his title and of entering into possession with the minimum of delay.

Land settlement also enters into this question and where settlement has taken place on the land in issue, if our recommendations in Section 1 of this Chapter are accepted, and during land settlement operations officers record all easements affecting the land, the problem of dealing with trespassers will be simplified.

70. Other grievances advanced by the Jewish Agency appear to us to contain less just cause for complaint. The first relates to the " vanishing millions of dunums " owing, so it was alleged by the Jewish Agency, to the laxity or incompetence of the officers entrusted with the task of maintaining the Government's rights in the land. Dr. Bernard Joseph, a member of the Palestine Bar, who gave evidence on behalf of the Jewish Agency, referred us to the Government's Annual Report for 1920-1, in

which the figures of 942,000 dunums of State land and two to three million dunums of waste land " much of which is capable of improvement and productivity " are given.

71. At the present time the Government puts the approximate extent of State Domain at 1,036,000 dunums, to which, it is thought, might reasonably be added 227,600 dunums of sand dunes which are being claimed at Land Settlement. As regards *mewat,* or waste lands, the area throughout the country is unknown, but it may amount to something considerable in the aggregate, made up of uncultivated land, sand dunes and scattered rocky patches, over which it may be found, however, that villagers have established grazing or other rights. Owing to the size and scattered nature of the lands adjudicated to Government, much of the area, it is believed, will be of little or no value for development purposes.

72. At the time of the British Occupation the only areas which were known to be Government property were those which were registered as such. Waste lands were not registered or recorded in any way; their location and boundaries were unknown. Since the occupation, endeavours have been made to register unrecorded *mahlul* (vacant) and waste land in the name of the High Commissioner as *miri* land available for disposal.

73. Land Settlement, as we have pointed out in Section 1, is the only satisfactory process for the definition of the boundaries of State lands, and until it is carried out the position must remain unsatisfactory. Except for three villages in the hills, Settlement operations have so far been confined to the plains. If, however, the Land Settlement Department had dealt with State claims to public lands before undertaking the settlement of land held by private title, it would have postponed the latter for two or three years, and would have justified the criticism that Government, in their own interests ,had delayed the development of the more fertile area of the country, and close settlement upon the land.

74. Dr. Joseph declared that the shrinkage in the total area of State and waste lands was due to inadequate steps taken by Government to preserve its property, especially in earlier years. He stated that, in accordance with the Ottoman law, a man who had cultivated State land for ten years can come to the State and demand a title-deed to that property. He alleged the practice to be that a man came to the Land Registry, bringing with him a certificate signed by the *Mukhtar* of his village and two notables, to the effect that he had been working a piece of land contained within certain boundaries for the last ten years or more, that no notice of such claim was given to the Government, and that on the strength of this certificate the claimant was granted a title.

75. We made careful inquiries into this complaint and are satisfied that all such claims are subjected in the Land Registry to a most critical scrutiny, a survey being first made, including a report on the state of cultivation. The Registrar visits the property, and taxation records are searched to ascertain whether tithe or tax has been paid. The Inspector of Agriculture is then asked for a report, and if this report is not clear it is referred to the Chief Agricultural Officer for his views as to the period and state of cultivation. The allegation that such claims were readily granted in the earlier years is refuted by the number of actions instituted against Government to establish title refused by the Land Registry. In 1924, for example, 106 such cases were entered against Government.

76. We ascertained that the total area in respect of which titles have been granted by the Land Registry from the 1st October, 1920, to the 30th November, 1936, is 248,118 dunums. This figure includes claims by occupants against private property registered in the names of individuals and, although figures as to this are not available, it is considered probable that one-third of the above figure related to privately-owned land. It would seem, therefore, that not more than approximately 165,000 dunums of unregistered State land has been affected by claims of this nature, genuine or otherwise. A large area in Beersheba is included in this amount, as in that district there was no pre-war registration, although the same families had been in possession of land there for centuries. While admittedly the ascertainment and registration of Government ownership in land has been dilatory and even unsatisfactory, no useful purpose is served by exaggeration.

77. An equally groundless complaint was made that Government was not usually represented by competent lawyers in proceedings regarding the title of what might be State land. Actually we find that, though originally the Assistant Director of Lands personally represented Government in title suits, later on it was decided that this work should be done by the Attorney-General's Department, who employ officers who, though not admitted to practise as advocates, are fully qualified for the work, which is carefully watched by the Attorney-General and has been well reported on by the Judges before whom they appear. Since these cases have been transferred to the Government Advocate's branch, thirty-six cases have been decided: twenty-two cases have been won for the Government, two withdrawn at the request of the Director of Land Registration, one settled in Court by agreement and eleven lost. Such cases often turn on questions of fact as to occupation of land in the past, and Government is naturally at a disadvantage in such matters.

In view of these facts we consider that there is no substance in this complaint.

78. A third general charge brought against the Mandatory Power by the Jewish Agency is that Government has failed adequately to implement its obligations under Article 6 of the Mandate to make State and waste lands available for close settlement by Jews. The limited areas of State land leased to Jews were, it is said, for the most part either sand dunes or swamps which could only be put to use by a large expenditure on reclamation.

79. The general position with regard to State and waste lands has already been examined and stated. The bulk of the area claimed by Government as State Domain is, where cultivable, already occupied by Arab tenants. Expert advisers consider that there is already a scarcity of land in certain areas, notably the hill districts, for the indigenous population.

80. In this connection it has to be remembered that land placed by Government at the disposal of the Jewish National Fund becomes inalienable, in the same way as land acquired for a *Waqf* by the Supreme Moslem Council. Obviously in either case caution on the part of Government in dealing with such land is desirable. It is true that Government now only lease and do not sell State lands. But for practical purposes a long lease to the Jewish National Fund or to a *Waqf* estate may well be regarded as permanent alienation to one race, even though the terms on which the land may be held might many years later be altered.

81. We are of the opinion that, pending survey and land settlement, the Administration wisely refrained from handing over land which, in the light of fuller knowledge, they might find was essential for non-Jewish cultivators.

82. The Jews have, we think, a legitimate grievance in the failure of the Administration to arrange for the consolidation of holdings for the concentration of Arabs in one block. As stated above, we consider that recourse should be had, if necessary, to the Land Expropriation Ordinance and that scattered individual Arab holdings should not be allowed to interfere with the development of a scheme which has been proved to the satisfaction of Government beneficial to Jews and Arabs alike. The arguments for and against this procedure are given below in paragraphs 86-88.

83. The remaining grievances relate, first, to the inadequate steps taken to ascertain the resources of the country and the failure to establish irrigation schemes, a subject dealt with below in Section 3; secondly, to the dilatory proceedings of the Land Settlement Department. The second complaint, in our opinion, is justified. We have suggested the remedy in paragraphs 36-41

of this chapter. Lastly, the request is made that the Government should facilitate the settlement of the Beersheba area by placing a large tract of land at the disposal of Jewish colonizing bodies, so that an organized effort might be made to discover water for irrigation purposes. With this object, it is suggested, Government should commence land settlement operations in the *Negeb* area.

84. It is obvious that at present Government cannot spare the staff for settlement operations in Beersheba. Far more urgent work in the Maritime Plains fully occupies their time. Further, the Beersheba question is a very difficult problem, which has not been fully examined and in regard to which we would, in view of the experience of the land settlement of the comparatively small area of Beisan, strongly deprecate haste. It appears to us that the first steps to be taken are to ascertain the attitude and desires of the Sheikhs of the various tribes, the rights enjoyed by the tribes, and their attitude towards changing a nomad life for one of settled cultivation. Haste has been a potent factor in creating the troubles in Palestine, and no useful purpose would be served by introducing Jewish immigrants into the Beersheba area until the Government were assured that they would be amicably received. In the meantime, we can see no objection to the Government or to the Jewish Agency exploring the possibilities of a fresh water supply in any part of that country. Any such action should be undertaken under the careful control of Government.

85. In view of the admitted fact that intensive cultivation of the soil is only possible if sufficient water is available at low cost, we referred to the Administration for consideration a proposal placed before us for the creation of special Public Utility Companies, rather on the lines of that suggested for Huleh (Section 4 below). Under this proposal comprehensive schemes of development in the interests of both the Arab and the Jewish communities could be undertaken under the close supervision of, and in active co-operation with, the Government. There would in such Companies be a Government director or directors, though not necessarily Government participation in the finance. The Company would undertake the discovery of sub-surface water resources, promote drainage, and rationalize the distribution of water. They would place their proposals, including their financial resources, before the Government, who would carefully examine both, obtain a report from their local officers as well as their experts on the condition of the land, its present occupants and the area which should be reserved for them. Government would also acquire the land, where the price had not been fixed by negotiation, under the Land Expropriation Ordinance, and take such steps as might be necessary to consolidate holdings. The Company, in return for its expenditure on the development

of the area, would be given a lease for such area as they might obtain, after the reasonable needs of present occupiers had been met, free of rent for 99 years, though the Rural Property Tax would still be payable and should be an increasing source of income to Government. Arabs would get their leases direct from Government: Jews from the Company. Government would, we suggest, retain control of the water rights, its distribution and price.

86. It is claimed that such a scheme would improve the lot of the Arab in the rationalization of his farm, and its crop rotation. By the consolidation of Arab holdings in the area, possibly in three or four blocks, chances of friction would be diminished, and irrigation more easily introduced. It should help to avert land speculation, and both Arab and Jew would benefit from the development of roads and, it is hoped in time, from co-operative marketing methods.

87. The Palestine Government, while recognizing that such a scheme would provide a place for additional Jewish settlers, doubt whether in the aggregate the position of present Arab owners and occupiers of the land would be improved. They foresee difficulties arising from various causes.

First, there is the deeply-rooted aversion which all Arab peasants have shown in the past to leaving the lands which they have cultivated for many generations. They would, it is believed, strongly object to a compulsory transfer, even from one part to another of the comparatively limited area envisaged in a scheme of this kind.

Secondly, the Arab cultivator finds it extremely difficult to change his methods of agriculture: to adapt himself to cultivation by irrigation. Even with the scientific example of his Jewish neighbours he would be unable to bring the land to its full productivity within many years. The change from dry farming and limited animal husbandry to intensive irrigation entails a complete change of the cultivator's habits, chief among which stands the fact that he would have to work all the year round, and that his farm would require daily attention instead of the leisurely annual disposal of cereal crops from dry farming.

Thirdly, the Palestine Government would have to assume, through its representative on the Board of Directors, direct responsibility for the welfare of each cultivator affected, in allocating to him a fixed area, a *lot viable,* sufficient for the maintenance of himself and his family, and impossible of enlargement if he fails to win a subsistence therefrom. Experience elsewhere, as at Beisan and also in Egypt, shows that in spite of continual help and supervision by Government only 60 per cent. of the tenants are even now beginning to appreciate the necessity for unremitting attention to their cultivation. Hence Government anticipate many calls for relief by way of remission

of rent or taxation, and " at times by way of grants of seed and possibly of food or money ". It would induce a habit of dependence on Government.

Fourthly, they lay stress on the difficulty of determining the minimum area required by each existing owner or occupier, which once fixed could not be increased. If found to be definitely inadequate, it would be necessary to find land elsewhere, thus involving a second compulsory transfer of the cultivator concerned.

88. Apart from these practical difficulties, they regard the political considerations, in the present circumstances of Palestine, as of still greater importance. So far, it is urged, from meeting Arab demands to prevent the improvident landowner from selling his land to the Jews, this proposal contemplates the compulsory acquisition of Arab lands, in exchange for other lands on lease, the remainder to be handed over to Jewish organizations. Any such proposal would place in the hands of Arab agitators a weapon against which logical arguments as to the advantages of the scheme would be an ineffective defence.

89. We have already placed on record our conviction that the Arab's lack of capital and education does not justify his being deprived of land. We have also stated that we should welcome the definite prohibition of the sale of isolated and comparatively small plots of land to Jews. We assume that, in a scheme of the kind under consideration, there would, as is doubtless contemplated in the Government's proposals for the protection of small owners, be very careful and detailed enquiries before any land was acquired, any cultivator removed from his holding, or any *lot viable* determined.

90. The Protection of Cultivators Ordinance defines subsistence area as such land as will enable the statutory tenant to maintain his customary means of livelihood in an occupation with which he is familiar: the land must, as nearly as circumstances permit, be in the vicinity of the holding from which the tenant is ejected. " It is believed that the Ordinance will prevent the creation of further landless Arabs by the eviction of agricultural tenants without provision on the land for their subsistence, while at the same time it places no obstacle in the way of the buying and selling of land where the transfer of ownership will not adversely affect the tenant."

91. The acceptance of the first two arguments advanced by the Palestine Government against the proposal, namely the aversion of the peasant to change of location or method of agriculture, combined with his dislike of continuous work, means a sheer negation of progress, and would render it impossible for the Mandatory Power to fulfil its difficult obligation

to encourage close settlement on the land. We consider that the responsibility of Government for the displaced, and perhaps discontented, cultivator should be held to have been discharged if and when they are satisfied that he has been given land sufficient for his maintenance. We can discern no difficulties in this direction that might not arise under the proposals of the Palestine Government for the protection of small owners by the reservation of subsistence areas.

92. Nor should such a scheme, adequately supervised, increase the already existing tendency to the pauperization of the indigenous peasantry. Loans and remission of taxation have always been freely granted, as the following figures show.

In 1933, out of a demand in respect of a winter payment of tithe of £157,405, it was found that remissions amounting to £105,150 were inevitable.

In 1934 the total remissions amounted to £129,726, out of a total aggregate tithe assessment of £245,000, or 53 per cent.

In 1935 the following figures give the amount of Rural Property Tax due on the 1st April, 1935, the amount collected during the year 1935-6, and the amount outstanding:—

	£
Gross assessment at 1st April, 1935 ...	222,276
Exemption granted under Section 6 of the Ordinance	53,650
Remissions granted during the year ...	14,058
Collected during the year	100,671
Outstanding on the 1st April, 1936 ...	53,897

In 1935-6 repayments of agricultural loans totalled £7,259 and new loans for £6,562 were issued, leaving £168,943 outstanding.

In view of these figures before them, it is not surprising that the Palestine Government view with dismay anything likely to result in further claims upon their generosity.

93. The political difficulties form part of the general picture of the administration of the country, and we do not underrate them. But we cannot blind ourselves to the fact that, if the Mandate is to continue and the Mandatory Power is to discharge its obligation, the pace of progress must not be determined by factious agitators. Where, then, the following conditions are fulfilled,

(*a*) there is land available, and a general willingness to sell,

(*b*) it has been proved suitable for intensive cultivation, and

(*c*) satisfactory financial arrangements can be devised,

we do not think that such a scheme under Government supervision and control should be held up by calculated obstruction.

94. It is necessary, however, in order to prevent undue optimism, to state that in our opinion, *at present*, such areas are few, and, so far as we can see, are only to be found in the plains and not in the hill districts. In the north of the Huleh area, for example, the number of Arab cultivators is so large that it may not be possible to obtain spare land, especially if, as already noticed by us, account is taken of the natural increase in the population. But this should not preclude careful and detailed examination of any scheme, towards the preparation of which Government might help. Nor, if the necessary financial resources are provided by a Company, should Government hesitate to give every assistance even for a scheme which may not appear at the outset to be from the point of view of its promoters an economic proposition. We have dealt with this proposal at some length as illustrating the grave difficulties that attend any attempt to extend the cultivable area or productivity of the land in Palestine.

95. Such, we think, is the best policy that can be framed for dealing with the Land problem under the Mandate, or under a slightly amended form of it. But we wish to state definitely that in our opinion such a policy, though in the circumstances we consider it does justice to both Arabs and Jews, would not be accepted as just by either race nor remove the grievances they respectively entertain. The attitude of the Jews to the restrictions on land-purchase already proposed by the Palestine Government makes it more than probable that they would oppose the greater measure of restriction which our policy involves. The Arabs, for their part, have told us that no more land at all must be purchased by Jews. On neither side, therefore, would the adoption of our policy remove existing grievances.

3. The Third Problem: Irrigation.

96. This problem involves the proper conservation, control, development and utilization of all the water resources of the country. In Palestine there are four sources of irrigation to be considered—irrigation from rivers, from springs, from wells, and from reservoirs.

Irrigation from rivers.

97. There are only two rivers worthy of consideration in this connection, the Jordan and the Auja. The latter is no more than a small river from which irrigation can only be effected by pumping. A concession for this purpose has been granted to Mr. Rutenberg, the Managing Director of the Palestine Electric Corporation, who at present irrigates from it about 5,000 dunums of land and proposes to irrigate another 700 dunums. It seems probable that the surplus of water remaining will be required for the water supply of Tel Aviv, as there is no other adequate source available.

98. The Jordan is therefore the only potential source of river irrigation. It presents two possibilities—the Huleh scheme, which is considered in paragraphs 120 to 125 below, and the possibility of a canal from lower down the river. Down the river from Huleh, until a point some five miles below the Sea of Galilee is reached, any project of this nature is prevented by the Palestine Electric Corporation's concession, under which it would seem that nothing can be done in the way of drawing off water above these works which would diminish the supply to them. The canal would therefore have to take off at a point where the Jordan runs in a deep trough and would have to run through some 30 miles of cutting before the water could be brought on a level with the ground. The alternatives would be a very high dam, which would be very expensive and probably impracticable owing to the geological formation, and pumping, which would be ruled out by the expense: even when the water was brought on to the ground, further grave difficulties would arise owing to the configuration of the country, which would necessitate drains every 1,000 yards or so apart being constructed either under or above the canal to carry off flood water from the Judaean hills. The construction of such a canal therefore appears impracticable. The only other possibility of irrigation from the Jordan would be by pumping water at the points where it is required. It is very doubtful whether this would pay owing to the very great height the water would have to be pumped.

Thus the prospects of irrigation from the Jordan in existing conditions appear to be exceedingly doubtful, as the situation above described applies to the whole valley down to the Dead Sea.

Irrigation from springs.

99. There are a large number of springs in Palestine, especially in the Beisan plain, the Jordan valley, the Samarian and Judaean hills; but, apart from two small schemes in Beisan and Jericho which are fed from springs, nothing can be done by the Government in irrigating land by this means under the existing Ottoman law, under which the water in springs is the property of individuals, who can sell it as they please, with the consequence that nothing in the way of preventing waste is possible.

100. We consider that legislation vesting the surface water of the country in the High Commissioner is essential and we recommend that the amendment of the Palestine Order in Council which is necessary to enable this to be effected should be made without waiting for other amendments which may be desirable. Legislation of this nature has proved necessary in all countries where irrigation is of importance—in Australia, Canada, India

and the drier States of America. It should enable the Government to ensure in a large measure the economical use of spring water; but the additional area of land which can be irrigated in this way will be comparatively small.

Irrigation from wells.

101. Irrigation from wells is, and likely always to remain, the chief source of irrigation in Palestine. Wells are frequently being deepened and new wells sunk. In consequence the necessity of protecting existing well irrigation has been realized.

102. A complete survey of the coastal plain and the Plain of Esdraelon has been made and the water level in thousands of wells has been measured. At the present moment there is no reason to believe that there is any real diminution of the supply or any falling off in the level of the sub-soil water-table. But these dangers may arise at any time. It is therefore proposed to legislate, in the first place, in order to obviate the necessity for periodical surveys, by prescribing that well-owners must report at stated intervals the depth of the water in their wells and, secondly, if the water-table should in any case be found to be falling, to permit the Government to control the sinking of new, or the deepening of existing, wells, within prescribed areas.

Irrigation from reservoirs.

103. Investigation by the Government into the possibilities of irrigation of this nature has only recently been started; up to date the results have been most disappointing. A search for satisfactory sites for reservoirs is being made, so far without success. Further investigations, which are proceeding, may lead to better results, but the outlook is not hopeful.

104. A gauging station was constructed near Jerusalem across the Wadi Suraa, which drains a large basin, and measurements of the amount of water running off the brim were taken. It was found that owing to the enormously absorptive character of the soil—a condition which applies to the whole country—99·5 per cent. of the rainfall was absorbed in the land as it fell, so that only $\frac{1}{2}$ of 1 per cent. ran down the Wadi.

105. In Beersheba a dam and reservoir were built. Only about 7 per cent. of the water falling in the large catchment area behind them passed into the reservoir formed by the dam, and at the end of the rains there remained in the reservoir only $\frac{1}{2}$ of 1 per cent. of the water which had fallen in the catchment area, the balance of the 7 per cent. having percolated away into the reservoir bed, which is simply the natural ground, the area being too large for anything in the nature of water-proofing to be effected.

106. From what has been written above it may be seen that the main sources of water for irrigation in Palestine are wells, which are increasing in number and size in the areas in which water is known to exist. The problem of close settlement of the land depends in the main on the discovery and development of water supplies for irrigation. As stated by Dr. Hexter, on behalf of the Jewish Agency, " The intensification of agriculture depends upon irrigation." Later in his evidence he endorsed a statement made by the Palestine Economic Corporation—" Intensive cultivation of the soil is only possible if sufficient water is available at low cost ". If water could be discovered in the Beersheba Sub-District enormous possibilities of development would be opened up, provided that such water could be brought into service at a reasonable cost. The Sub-District constitutes nearly half the total area of Palestine.

107. As Sir John Hope Simpson stated in his Report, " Given the possibility of irrigation there is practically an inexhaustible supply of cultivable land in the Beersheba area. Without irrigation, the country cannot be developed. Up to the present time there has been no organized attempt to ascertain whether there is or is not an artesian supply of water ".

108. Since the date of his Report it appears that very little has been done by Government to discover water in Palestine. In 1931 the Government obtained a boring plant for experimental purposes, another small plant was purchased in 1933, and in 1934 and 1935 another plant was bought in each year. These plants have been used to a certain extent for exploration purposes. In all, five purely exploratory boreholes have been completed, two of them in the Beersheba district, where work is proceeding on yet another. The plants have also been used for villages which had no water supply, in Jewish settlements where there was a drought, and for town water supplies.

109. The exploratory boreholes which have been made do not afford sufficient data upon which an opinion can be reached as to possible sources of water supply: much more work will have to be carried out before useful knowledge as regards the Beersheba district will be available. The problem is complicated by the existence of saline and fresh water in different parts of the district and it is not known which of the two is going to be found. In both the finished boreholes the water was salt.

110. The boring plants cost from £1,000 to £1,500 each according to the depth for which they are designed and the cost of running a plant varies between £2,000 and £2,500 per annum. The first borehole in Beersheba cost £1,994, being 1,170 ft. deep; the second cost £300, the depth being 375 ft.

111. We have received a considerable amount of evidence upon the subject of irrigation, both written and oral. The

Jewish experts have furnished calculations of the total amount of water available in Palestine and of the areas which could be irrigated. In their opinion the water resources in the country would be sufficient for the irrigation of at least 1,500,000 dunums of land, as compared with the 350,000 dunums at present irrigated, without taking into consideration the hill districts, in which irrigation is admittedly much more difficult, or the Beersheba area. One estimate for Palestine, excluding Beersheba and the south, puts the figure of irrigable land at 3,500,000 dunums, after allowing water for the civil and industrial needs of a population of 2,500,000 people.

112. We are not in a position to pronounce upon these estimates nor do we consider it in any way necessary for us to attempt to do so. Much work remains to be done before any reliable estimate can be made of the approximate quantity of water available and still more to ascertain how much can be brought into use as an economic proposition. There are large districts, including most of the hill country, in which irrigation would be so difficult, even in the improbable event of water being available, that these districts should, in our opinion, be omitted in any calculation of irrigable area.

113. The main difficulty in any comprehensive extension of irrigation in Palestine is not so much the inadequacy of the supply of water as the cost of making it available for use. If the expense is high the question arises as to what crops can be raised which will justify the expenditure. We are in no way suggesting that all possible steps should not be taken to increase the irrigated area of the country, a matter of vital importance to its development and to the realization of close settlement; but the difficulty remains of making any estimate of the area of land which can be irrigated on an economic basis.

114. Our recommendations (besides that in paragraph 100) are

(*a*) The transfer of those of the boring plants which are to be used for exploratory purposes from the Public Works Department to the Department of Development, in order that the control of all matters connected with irrigation may be in the hands of one Department.

(*b*) The purchase of further boring plant for exploratory work.

(*c*) The engagement of adequate staff—

(i) to secure the reasonably rapid development of the surface water of the country, and

(ii) to administer the Ordinance now in draft relating to wells, to maintain a continuous survey of sub-soil water conditions and to sink further bores for exploratory purposes.

4. Four Examples of Land Problems.

115. We give in some detail action taken by the Administration in four cases of settlement of land. These illustrate in the case of Birkat Ramadan successful co-operation; in that of Huleh a large project beneficial to both Jews and Arabs, which we were asked to examine and recommend: that of Beisan was instanced by the Jewish Agency as mistaken policy; while the case of Caesarea lands was quoted as showing the difficulties experienced by the Jews in obtaining possession of land, delivery of which was due under an agreement.

A.—Birkat Ramadan.

116. In the Tulkarm Sub-District there were several Jewish settlements, Nathanya, Hertzelia, Tel Mond, Even Yehuda, Kadenia, as well as two Arab villages, Mesha and Umkhalid. All these were malaria-ridden owing to the marsh or swamp areas known as Birkat Ramadan and Bass um el Alaq. Much of the land originally acquired by Jewish bodies in rural areas was, according to Palestine standards, well-watered, and suitable, therefore, for close settlement with irrigation facilities, but at the same time malarious. In 1922 an Antimalarial Ordinance was enacted, placing on the owner or occupier the onus of carrying out any measures which might be prescribed by the Department of Public Health to prevent the breeding of mosquitoes and to provide such drainage as might be deemed necessary. The area which we are now considering was in fact offered to some of the Arabs displaced by Jewish purchasers but was declined by them. None of the registered " landless Arabs " were willing to settle in that locality.

117. Plans for the drainage of the swamps were drawn up in 1929, when it was discovered, as is not unusual in Palestine, that ownership was disputed, and it was decided to await the settlement operations, as a result of which, six years later in 1935, the lands were declared to be part of the *waqf* (dedicated land) of Khalil el Rahman, and should therefore be registered in the name of the Supreme Moslem Council as administrators of the *waqf*.

118. Action was not taken under the Antimalarial Ordinance of 1922, but negotiations were started by Government, and the Development Officer approached the Nathanya Seashore Development Company, who agreed to contribute £6,000 towards the cost of drainage. The Supreme Moslem Council, as administrators of the estate, agreed to pay £4,500, while the Government paid £7,500, making a total of £18,000. The work, which included the use of dynamite in cutting drainage canals, was visited by us and we were able to appreciate the marked improvement. A scheme for the economic exploitation of the water resources of this area has been drawn up by

the Irrigation Officer, to be administered by a Committee composed of the Development Officer, the Assistant District Commissioner and the *Mamour Awqaf*. Owing to the disturbances unhappily the Committee has been unable to function.

119. Thus an area of some 4,500 dunums, previously a source of malaria, has been turned into cultivable land which is also irrigable, at a cost of about £16 an acre. While the Jewish settlements benefit both in health and in the immediate capital appreciation of the value of their land, it appears to us that it is the proprietors, the Supreme Moslem Council, who derive the greatest benefit. And this land, it may be pointed out, is *waqf* property, and therefore inalienable. This is one of the few instances of that co-operation which in every enquiry has been reported to be so essential for future progress. It also illustrates the advisability of Government taking powers to control and regulate water-supplies to which we refer elsewhere.

B.—The Huleh Scheme.

120. Immediately below the Syrian border lies the Huleh basin, which, including a number of Arab villages and a large papyrus swamp draining south into Lake Huleh, is a triangular strip of land some 44 square miles in area. Just before the War, the Ottoman Government granted to two Beirut merchants a concession of the lower portion for the drainage of the lake and adjacent marshes, the project entailing the deepening of the River Jordan. In 1918 this concession was transferred to the Syro-Ottoman Agricultural Company, but very little work was done, and eventually in 1934 the Palestine Land Development Company, a Jewish Corporation, purchased the concession for £192,000. To the north of the concession area are the Arab villages referred to above. It is estimated that some four to five thousand Arabs are now living on this land as tenants of absentee landlords. This tract is intersected by the rivers and springs which form the head waters of the Jordan and is irrigated in a very haphazard manner by a network of small primitive canals. It is, owing to over-irrigation, now the most malarious tract in all Palestine. It might become one of the most fertile.

121. Sir John Hope Simpson reported in 1930:—

> " The Huleh area is all irrigable. The property might be a very valuable one and it is regrettable that the area owned by the Government therein has passed almost in its entirety out of the hands of the Government into the hands of a concessionaire . . . . The concession was originally made by the Turkish Government before the War, but was renewed by the Government of Palestine."
>
> " If the concession falls in, as is possible, it seems essential that the Government should retain the proprietary right in the area, for development purposes. . . . . If the Huleh area should revert to the Government, a technical study should be made in order to ascertain the actual cost of the suggested drainage."

This enquiry was held, and negotiations with the new Concessionaires have now been completed. The consent of the Palestine Government was necessary to the transfer of the concession, and one of the conditions attached to it was the reservation within the concession area of 15,772 dunums for the Arab cultivators. Under the original concession 10,000 dunums were to be reserved.

122. When Messrs. Rendel, Palmer and Tritton were asked to prepare the scheme, they pointed out that it was necessary to examine the whole area of the Huleh basin, and not merely the concession area. Government agreed to extend the terms of reference to the Consulting Engineers, whose report estimates the approximate cost of the scheme at £933,000, allocating £222,600 of this to Government and £710,400 to the Concessionaires. The concession area comprises 18,568 dunums of cultivable land, 21,453 dunums of marshes, and 16,919 dunums of lake, or a total of 56,939 dunums. Apart from this, the land to the north of the concession, between the head works and the concession area, will be brought under controlled irrigation and drainage, while further north again there is the large area which, unless drained and controlled, will remain a source of malaria. If this can be included in the scheme, as appears to us to be essential, it is estimated that in all some 100,000 dunums of land will be benefited, of which two-thirds will be in Arab and one-third in Jewish ownership. The position now is that the Palestine Government have submitted the scheme to Your Majesty's Government in the hope of obtaining sanction to their share of the expenditure.

123. It appears to us that it is in large schemes of reclamation of this kind that the Mandatory Power can best fulfil its obligation of encouraging, " in co-operation with the Jewish Agency, ... close settlement by Jews on the land ". The sum proposed would be, we consider, a justifiable charge on public revenues for a scheme which eliminated malaria from an extensive tract, irrigated 60,000 dunums outside the concession and, inside it, after reserving 15,772 dunums to Arabs, provided 36,000 dunums for Jewish colonists. It was pointed out to us in evidence that, from the Jewish point of view, this was not " a money-making proposition ", and that the most that the various Jewish companies which may combine as a consortium to finance this large undertaking can hope for will be a repayment of the capital invested over a long period. We agree that it indicates what can be done in special districts to provide new areas for Jewish colonists, while at the same time benefiting and increasing the number of Arab cultivators. It is, however, right to point out that it commits the Palestine Government not only to heavy capital expenditure but to their share of the recurring charges necessary for maintenance of the irrigation system, and

further, unless the whole region to the north of the Huleh marsh is brought under anti-malarial operations and effective drainage, the scheme will be deprived of much of its value.

124. The net result, if the scheme comes to fruition, will be that land reserved for Arabs will cost Government some £13 an acre as against £110 per acre charged against the consortium. This means that to establish a Jewish family as colonists in this area, with buildings and the land prepared, will cost not less than £1,000. Expenditure on this scale is only possible in the exceptional circumstances which provide funds for the purpose. It is obvious that philanthropy and enthusiasm overrule the desire for profit usual in an ordinary commercial undertaking. We have no hesitation in commending the enterprise, even though the disregard of economic considerations does not diminish the difficulty experienced by the Administration in estimating " the purely economic " absorptive capacity of the country. It emphasizes the need for calculating the number of immigrants to be admitted for work on the land on the basis of ascertained facts, rather than on hopes, which may, or may not, be realized.

125. Should the scheme materialize, it is important that a careful record of rights should be prepared for all parties who have any interest in the land. In addition, it will be necessary for Government to control the irrigation, and limit in the initial settlement the rights to water to be exercised by any individual. The introduction of modern scientific means of collection and distribution of water should result in the irrigation of a considerably larger area of land, and also remove the malaria caused by water-logging. We have already referred to the necessity for legislation in this direction.

C.—Beisan.

126. One of the legacies of the Ottoman Government was the Beisan area—the Bethshan referred to in the First Book of Samuel—dating back to 1870, when the Turkish Government appointed a Commission to enquire into the reasons why a large amount of arrears of crops and land taxes had accumulated. As a result, it was ordered that, with the exception of the land belonging to two Arab tribes, the whole area should be sold by public auction. Certain villages were purchased by Sultan Abdul Hamid: others were registered in his name. He subsequently also purchased the lands of the two excepted Arab tribes. When the British took over they found the tracts (we quote from the Report of Mr. Lewis French)

> " inhabited by fellahin who lived in mud hovels, suffered severely from the prevalent malaria and were of too low intelligence to be receptive of any suggestions for improvement of their housing, water supply or education. Large areas of their lands were uncultivated

and covered with weeds. There were no trees, no vegetables. The fellahin, if not themselves cattle thieves, were always ready to harbour these and other criminals. The individual plots of cultivation, such as it was, changed hands annually. There was little public security, and the fellahin's lot was an alternation of pillage and blackmail by their neighbours the Beduin . . . The Beduin, wild and lawless by nature, were constantly at feud with their neighbours on both sides of the Jordan, and raids and highway robberies formed their staple industry: while such cultivation as the Beduin were capable of filled in the intervals of more exciting occupation."

The lands were nominally *Jiftlik* or State Domains.

127. The Commission appointed in 1921 to examine the question of State Domains recommended that the tenants of Government *Jiftlik* areas should be given long-term leases, but these the cultivators in Beisan declined, partly fearing this might involve conscription for military service, partly because they refused to admit the legality of the ex-Sultan's despoliation. They organized a hostile demonstration. The land had never been surveyed: there had been no census, and the registry of lands gave no details as to the occupants. Computation of numbers and areas necessarily was guess-work. The Government decided that confirmation in the occupancy of these lands in this wild and unsettled locality should placate the semi-nomad Arabs who were at the time cultivating them. An agreement known as the Ghor-Mudawara (State Lands) Agreement was signed on the 19th November, 1921.

128. This agreement made a permanent settlement of the respective rights between the Government of Palestine and the cultivators of the land. Each applicant was allowed the area to which enquiries, made on such evidence as could be produced, showed him to be entitled on the ground that the family had exercised for 10 years or more cultivation rights. Where this was less than 150 dunums the allotment was increased to that area. If a family consisted of more than five individuals 30 additional dunums were to be transferred for each additional member. Under the agreement the transfer price to be paid to Government was 150 Egyptian piastres (£1 10s.) per dunum of irrigable land and 125 piastres (£1 5s.) per dunum of non-irrigable land, to be paid with the tithes, taken at 12½ per cent. of the produce, in 15 equal annual instalments. Interest was payable at the rate of 6½ per cent. per annum at the end of the fifth year on the instalments payable during the last 10 years. No disposition of the land except by mortgage to Government was to be made till the whole transfer price had been paid. The Supreme Court, however, in 1932 held that land in Beisan could be sold in execution of a decree obtained by a creditor. A Commission was appointed to demarcate the areas to be transferred and the land to be leased

for grazing, consisting of a representative of the Lands Department, a representative of the District Commissioner and two representatives of the transferees. In case of disagreement the members of the Commission were to appoint a fifth member.

129. The Commission started work in 1921 and took no less than 10 years to complete their task. In 1934 the terms had to be revised in accordance with the advice of another Committee in the light of experience gained. The price was reduced, and the period of payment was extended to a maximum of 30 years. The transferee was allowed on certain conditions to dispose of a portion of his holding to persons approved by Government, who had as their object intensive cultivation.

130. The lands as finally settled by the earlier Commission covered an area of over 90,000 acres. The irrigable area amounted to 112,552 dunums, non-irrigable to 129,696; 2,048 dunums were classed as common land, and 137,910 as unallotted waste. There were 2,614 transferees, some of whom were family groups or tribes. Some were resident in Trans-Jordan. The rights of absentee landlords were recognised. The enquiries of the second Committee showed that land speculation had begun and that 28,430 dunums of irrigable and 17,711 of non-irrigable land had been paid for and resold to outside interests.

131. Beisan is one of the few areas where irrigation from springs is possible. Under the present system of distribution and topography the water available will, it is estimated, irrigate only some 35 per cent. of the irrigable area at one time. Large tracts of land lie fallow under present methods of cultivation. Naturally the agreement has been subjected to severe criticism by the Jews, who considered that a unique opportunity of discharging the obligations under Article 6 of the Mandate was missed. They point out that Government had to pay £72,240 for the purchase of 17,868 dunums in the Beisan and Jenin Sub-Districts to be used for the settlement of displaced cultivators. Land, therefore, which Government had sold at £1 10s. or £1 5s. a dunum was resold to them at £4 and upwards. They have themselves purchased approximately 24,000 dunums, at an average price of over £4 10s.

132. Sir John Hope Simpson, while recognizing that " it was probably politically desirable that the lands covered by this Agreement should be settled with the Arab tenants who had undoubtedly enjoyed the use of the tract in the time of the Ottoman Government," at the same time pointed out that the agreement as modified in 1928 has

" taken from the Government the control of a large area of fertile land, eminently suitable to development and for which there is ample water available for irrigation . . . The whole of the Beisan lands have been distributed, and large areas have already

been sold. Further large areas are in the market. The grant of the lands has led to land speculation on a considerable scale. The custom is that the vendor transfers to the vendee the liability for the price of the land still owing to the Government and in addition takes from him a sum varying from three to four pounds a dunum for land in the Jordan Valley. These proceedings invalidate the argument which was used to support the original agreement. It was made in order to provide the Arabs with a holding sufficient to maintain a decent standard of life, not to provide them with areas of land with which to speculate."

We associate ourselves with Sir John Hope Simpson's criticisms.

133. This case has been explained at some length as it shows, in our opinion, an error of judgment on the part of the Administration. The original agreement in 1921 was hastily made without sufficient examination. There was a disregard of possible development and unduly generous terms were given to Arabs, who were not in a position to take advantage of them, without sufficient safeguards against abuse. Dealt with on the lines of the Huleh scheme, the position to-day would be very different. Even now, at this late stage, it appears essential that Government should take over and regulate the water rights in this area, where close settlement is possible.

D.—Caesarea.

134. There are three tracts of land near the seashore halfway between Tel Aviv and Haifa, known as Atlit, Kabbara and Caesarea. The Palestine Jewish Colonisation Association (commonly known as the P.I.C.A.) were promised a concession in 1914 of the marshes known as Kabbara and this concession, together with the sand-dunes of Caesarea, covered an area of 25,510 dunums or roughly 6,400 acres. The concession was confirmed by the Palestine Government by an agreement dated the 8th November, 1921. The Company was, however, unable to obtain possession of the Caesarea area as it was claimed jointly by Arabs in the vicinity, who maintained that they were proprietors of parts of the land and also had rights of grazing.

135. The Arabs refused to institute any action, and in 1928 (the seven years' interval was probably occupied by fruitless negotiations) Government filed a case in the Land Court claiming the land as waste or unreclaimed land (*mewat*). It was not till three years later that judgment was given. The two Judges of the Land Court differed and the case was referred to a third Judge. The upshot of the three judgments appears to be that the Arabs were declared entitled to 2,655 dunums and Government to 6,470 dunums of waste land. It is not possible from the judgments to discover the exact area affected by the judgments. One Judge dealt with an area of 9,000 dunums. Another referred to a claim of 32,000 dunums, and no decision was given as to grazing rights.

136. This case was brought to our notice by the Jewish Agency, not only as an instance of the law's delay and the difficulty of obtaining possession of land purchased, but as demonstrating the need for compulsory parcellation. It appears to us evident that the various plots assigned to the Arabs should, if necessary, be acquired by Government. The Arabs should be offered in exchange a consolidated plot of 2,655 dunums in order that the development of this large area near the sea may not be held up indefinitely.

137. This is one of the many cases in which the Administration patiently await land settlement proceedings. It is reported that, as regards the Kabbara area, land settlement has been completed, while the Atlit and Caesarea areas are being surveyed. The land settlement staff are fully occupied elsewhere in the regular settlement proceedings. This case therefore shows the need for a special staff, a peripatetic settlement party available for special inquiries. We are of opinion that in this case the Jews have legitimate cause for complaint.

5. Land in the Hill Districts.

138. It will be seen that the instances we have given (Birkat Ramadan, Huleh, Beisan, and Caesarea) relate to areas either in the plains or irrigable. As regards land in the hill districts, there is, unfortunately, very little chance of irrigation. Thus Dr. Ruppin, who suggested that another million and a-half dunums of land might be brought under irrigation, confined the area to the Maritime Plain, the Jordan Valley, the Vale of Esdraelon, and Galilee. When it was pointed out that this left out the hill districts, he stated that for them he had not yet any data.

139. Previous enquiries both by Sir John Hope Simpson and later by Mr. Lewis French have shown that there is considerable congestion of Arabs in the hills, and that the land is insufficient to meet all their requirements under their present system of agriculture. Even so, it is to be feared that the *fellaheen,* under their crushing load of debt, will offer lands for sale. Mr. French reported

> "the absorption, gradual but inevitable, of the Arab peasant proprietor by the Arab *effendi* or capitalist landlord"

and

> "the advance of the Jews, without such noticeable progress and development as in the coastal plains, but with similar results in reinforcing the claims of landless Arabs. Both facts need to be faced. Some form of protection for the small owner appears vital in order to ensure that the concentration of numerous smallholdings into the hands of large proprietors does not lead to the same evil as is anticipated from excessive expropriation by the Jews. In one Sub-District in the hilly tracts it is reported that in a decade no less than 30 per cent. of the land has passed from Arab peasants to Arab capitalists."

140. Sir John Hope Simpson held out the hope that it might be possible "to improve the method of cultivation of the Arab fellah in the dry tracts, and also to extend irrigation wherever that is possible, so that the fellah will be able to gain a reasonable livelihood from a smaller area of land than that which has been essential hitherto". He further added that any scheme of development should provide for the settlement *both of Jews and of Arabs* on the developed area and should take into consideration the plans of colonisation of the Jewish agencies, in order that development by those agencies and by the Commission might be co-ordinated. It might well prove possible to combine two schemes of development in certain areas with mutual advantage and with considerable economy.

141. Dr. Ruppin in his evidence agreed that development was "the main thing necessary for Palestine", and he went on to show how this development might best take place. As regards the plain areas it depended on irrigation, but in dealing with the hills he could only hold out hopes of more intensive cultivation in the shape of mixed farming and the planting of fruit-trees.

142. The agricultural population in the hill districts is roughly Jewish 4,100, Arabs 355,000. There are some 25 Jewish settlements in the hills and the amount of land held by the Jews at present in the hills is 315,000 dunums. The hill districts were taken by Sir John Hope Simpson to be 6,124,000 dunums in area, of which 2,450,000 dunums might be cultivable. Quite apart from any question as to the reliability of these figures or the actual size of the cultivable area, the problem in the hills as regards the land is simply this. Is close settlement practicable? Can it be introduced to the mutual benefit of Arabs and Jews?

143. We visited two Jewish settlements in the hills, which were mentioned to us by several witnesses as being among their successful enterprises. The first was Atarot, some seven miles from Jerusalem, on which 24 agricultural families coming from Poland, Russia and Germany had been settled. The total area of this hilly land, certainly land which the ordinary observer would regard as unfertile if not uncultivable, was 1,700 dunums, of which some 750 dunums have up to date been brought under cultivation. Each settler has 15 dunums, slightly less than four acres. It is hoped eventually to accommodate 50 more families or a total of 74, which, allowing 15 dunums for each family, would absorb 1,110 dunums, apart from roads, forest, and absolutely uncultivable rock-land.

144. £4,200 was spent by the Jewish National Fund in purchasing land for this little colony before the War. Immigrants are expected to pay 2 per cent. on advances made to them. Apart from the cost of land it was estimated that nearly £600 was

necessary to provide the settler with a house, two cows, cow-shed, chicken-run, fowls, implements, working capital, etc. £10,260 were advanced for 18 settlers. Others came and invested their own money. Thanks to the kind offices of Mr. Joshua Gordon, we were given a detailed inspection of the accounts and of the settlement. It appears that it was not till 1936 that a start was made in repaying the capital, but it was contended before us in evidence that this provided a refutation of the following criticism by Sir John Hope Simpson on the "uneconomic colony". In the case of the Zionist settlements he had reported that the system was

> "immensely costly. It demands very little from the settler himself. Indeed, however hard a settler may work and however desirous he may be to pay back sums that the fund expended on him, by no possibility can he arrive at that result. The debt which he owes cannot be repaid by any effort on his part. . . ."

And again,

> "It is undesirable from the point of view of ordinary morality that colonists should be allowed to benefit by the large expenditure which has been made for their settlement and yet to escape payment of the amount spent upon them. . . . If a strong, healthy and self-respecting peasantry is desired in the Jewish colonies in Palestine, it should be made quite clear to the settlers that they are under the obligation to repay the outlay which has been made on their behalf."

145. It will be seen that in the case of Atarot the total advances, including the cost of land, were £14,460. The Co-operative Society has also paid £2,600 for laying on water from the Jerusalem supply, on which the settlers pay a water-rate checked by meters. The mixed farming in the settlement depends chiefly on cows (fed on fodder purchased from the plains); these are Frisian, at an average cost of between £60 and £70, on which 11 per cent. is paid annually, 10 per cent. for insurance, 1 per cent. for treatment. It is calculated that each cow gives a profit of £2 per month. The farm also includes poultry and fruit trees. Poultry yield a small profit. The fruit trees are still in the experimental stage. On spare land vegetables are grown for the family. There is also a kindergarten school in which there are 42 children, the teachers being supplied by the Labour Federation. Medical attendance is supplied from the sick fund, to which the average payment is 3s. a month. Accident insurance costs 17s. a year and a special insurance fund of £1 14s. per year per family was created against the risk of being shot by Arabs. We regret to have to report that in this settlement there was one such claim.

146. The second settlement we visited was Kiriyat Anavim, which is some nine miles outside Jerusalem on the Jaffa road, with which it is connected by a track of about half a mile. The Jewish National Fund paid £11,406 for the land, totalling 4,151

dunums. 3,700 dunums were acquired during the years 1920-7 at an average of £2 5s. per dunum. For the land purchased in 1935 the price had risen to nearly £7. As regards the situation and soil, this settlement was more favourably placed than Atarot. The settlement is run on the communal principle. It was founded in 1920 with 40 members—men and women from Southern Russia and Galicia. In 1933, 40 immigrants from Poland joined the settlement and 20 from Germany in 1935. In 1936, 28 boys and girls from Germany were admitted for purposes of education and agricultural training. Of the 40 original members 32 have remained in the settlement to the present. There are now in the settlement 192 persons. Water is obtained from a well south of the main road which is pumped and stored in a reservoir in the centre of the settlement. There are also reservoirs for storing rain water. Some three years ago negotiations were concluded for buying water from one of the neighbouring Arab villages, a mile away; but owing to the disturbances this water could not be obtained, and an arrangement was made with Government for the supply to the settlement of water from the Jerusalem water system at 40 mils per cubic metre for drinking water, which is double the cost of water from local supplies.

147. The Palestine Foundation Fund (*Keren Hayesod*) invested in this settlement £20,593. This was subsequently revalued by a committee of experts and the debt of the settlement was reduced to £10,744, which is to be repaid by the settlement in the course of 40 years with interest at 2 per cent. Here again repayment of advances commenced only in 1936, 16 years after the start of the settlement.

148. The dairy-farming is extremely well managed. The settlement has a dairy containing a cooling room and a small laboratory for analysing the milk. Poultry farming, bee-hives and plantations of fruit-trees also contribute to the income. Food for cattle and poultry has to be bought, and the cost of water is an expensive item, but we were told that the net profit during the last five years was:—

	£
1930-31	444
1931-32	520
1932-33	528
1933-34	386
1934-35	361

The vines and fruit-trees which were first planted over 300 dunums of terrace lands failed, and by 1926 only 50 dunums of the vines and 10 dunums of the fruit-trees had survived. A new experimental orchard covering an area of 60 dunums was then planted with some 700 fruit-trees of 185 different varieties. It is supervised by the Agricultural Experimental Station of the

Jewish Agency. Here, as at Atarot, we noticed that even under skilled advice fruit-trees are still in the experimental stage. It has to be remembered that experience of fruit cultivation on a commercial scale is extremely limited, especially as regards deciduous fruits. The cows are imported from Holland, the poultry from America, queen bees from Italy. There are at present 103 Dutch and five Swiss cows. As at Atarot, there is no grazing and not even an exercise ground. Fear of disease prevents the farmers allowing the cows outside the farmyard.

149. Our impression, after seeing these two settlements, was that they were in every way a remarkable testimony to the enthusiastic energy not only of the immigrants but of those who financed and advised them. Land which under ordinary methods of cultivation would have given a precarious crop of cereals has been turned over to mixed farming; and, although these farms cannot be judged on any ordinary economic basis, they are a valuable feature in the Jewish colonization as affording a livelihood for settlers and training centres for young immigrants. It is obvious, however, that any development on these lines is quite beyond the financial resources of any Arab small proprietor.

150. Turning to Dr. Hexter's definition of cultivable land, success cannot be ascribed to the " interaction of the physical properties of the land, including availability of irrigation." It is true, however, that in these cases land was " subjected to a more intensive or different form of cultivation as and when the supply of capital, labour, skill and available markets warranted." It appears to us that many decades must pass before there will be the necessary supply of capital, labour and skill on the part of the Arabs.

151. The " active policy of development " advocated by the Jewish Agency contemplated generous loans to cultivators. Dr. Ruppin, for example, advocated planting the mountainous area with deciduous fruit-frees, and desired that Government should make loans to the farmers in the hills which they could start repaying after 15 years. In a subsequent letter he explained that what he suggested was " a mixed farm in which, in addition to cereal growing, poultry and bee-keeping, from 3 to 10 dunums should be planted with various fruit-trees and grapes . . . . Most of the farmers are so poor and so inactive that a powerful incentive is required to induce them to action. There are two such incentives: the first is to enable those who have a surplus of land to sell that surplus, or part of it, and to use the means so obtained for the planting of trees; and, second, to grant to those who have no surplus of land a loan equal to half the amount required for the planting and cultivation of trees until they reach the fruit-bearing stage." This would mean

adopting the financial system which we saw at work in these two settlements. Government would have to lend a very large sum of money either free of interest or at an extremely low rate on a speculative enterprise. It is admitted that both fruit-trees and cattle need constant scientific supervision, accompanied by a system of insurance in the case of the latter. On the plantation there would be no repayment of the money advanced for 15 years. Any proposal of this kind would, we feel sure, be heartily condemned by those Jewish witnesses who protested that revenues derived from Jewish sources were being spent on Arabs.

152. A further difficulty is that in the hill districts a large amount of land is held in village ownership under the *masha'a* system, and Dr. Ruppin himself noted that " under existing conditions of land tenure in the hill villages it is practically impossible for the farmer to sell part of his surplus land, since that land is either communal property or divided into tiny plots for which purchasers can either not be found at all or only at a very low price." He realized that it was essential to have these villages surveyed and settled as soon as possible. As we have already seen, many years must pass before this can take place.

153. Having regard to all the foregoing considerations and to the necessity of providing land for cultivators who may be dispossessed in order to meet the requirements of any adequate policy of afforestation, a subject with which we deal in a later Section, we are satisfied that there can be no expectation of finding accommodation for any large increase in the rural Arab population in the hills. We therefore have no hesitation in saying that at present, and indeed for many years to come, the Mandatory Power should not attempt to facilitate the close settlement of Jews in the hilly districts generally, though in the immediate neighbourhood of Jerusalem dairy and fruit farms might eventually prove self-supporting.

We have reached this conclusion quite independently of a consideration of the inadvisability on the grounds of security of scattered settlements of Jews in the midst of a hostile Arab population.

6. Agriculture.

154. The development of the Department of Agriculture has been remarkable. The expenditure in the year 1924-25 was £35,691; ten years later it was £147,286. The object was an active policy of agricultural development in the hope of facilitating the close settlement of Jews upon the land without prejudicing the position of the Arab. It was hoped that intensive would replace extensive cultivation, and that where an Arab

held fifty acres, thirty at any rate would be available for the Jewish immigrant. It is obvious that any such policy involves a radical change in the methods of cultivation by the *fellah*.

We were told by an official witness:—

> " The view that the Arabs sell part of their land and spend the money in developing the other part of their land I do not think is consistent with the facts. Some years ago an enquiry was made into twelve villages which had sold a large portion of their land to the Jews and I think only in one or two villages was any improvement made."

155. We received evidence that the Jews themselves would welcome " a much more active participation by Government " in the attempt to improve the standard of the Arab farmers.

> " More than half the soil of Palestine is in the hill country, in which I think there are big possibilities, not yet exploited, but the Government must assist the farmers by cheap loans. The farmer has no capital to invest for the cost of plantations: he must get help in the form of a long term cheap loan."

This witness also considered that the Agricultural Mortgage Bank could not meet indigenous requirements. The peasant who started a vineyard or an orchard would not be able to begin repayment of the capital expenditure till after fifteen years.

156. This statement was confirmed by an Arab witness who told us that while it was true that in the citrus-growing area many Arabs had adopted the improved method of cultivation introduced by Jews, several of them, owing to lack of capital, had become heavily embarrassed.

> " The actual planting has all been done by borrowing. I know one village, Yebna; a few years ago I used to say ' Look at it—a model of prosperity ', but they are about £120,000 in debt. I think thirty or forty, perhaps more, orange-groves are now being put up for sale at public auction."

157. It is frequently contended that the Arab has only to follow the example of the Jew to become prosperous. This is doubtless true of the relatively wealthy and enlightened Arab landowners who have developed citrus plantations in the Maritime Plain. But the case of the Arab cultivator is very different. Unless he can be provided with the same resources, in the shape of capital, continuous help and advice, he cannot possibly compete with the Jew. It is also clear that with the heavy expenditure on internal security, to which we refer elsewhere, it is impossible for Government to undertake the financial responsibility involved.

158. Meanwhile the Agricultural Department, with its six branches, Veterinary (animal husbandry), Agricultural (field and vegetable crops), Horticultural (fruit, etc.), Entomological, Fisheries, and Education and Research, is doing excellent work. It is aided by a General Agricultural Council consisting of six

Arabs, six Jews, three others and three Government officials. In the various Committees there was more sign of co-operation between Jew and Arab than in any other Department. It is unnecessary for us to give a detailed account of the departmental activities as displayed in the different agricultural stations, the improvement of cattle, seed selection, and village demonstration plots. In research it shares in the results obtained in the Jewish laboratories, a valuable privilege given in return for comparatively small grants-in-aid from Government.

159. Some results of the Department's enterprise are already apparent. Many Arabs now grow vegetables for the town markets; others find a new source of revenue in chicken farming and in apiaries. Inspectors distribute fruit trees and American vines and give advice on their cultivation. Veterinary Inspectors give instruction in animal husbandry and combat cattle disease. There are fifteen British experts in this Department, compared with a total District Administrative British staff of twelve. We were told that the Departmental officers were welcomed in the villages and that they were able to tour freely throughout the 1936 disturbances.

160. It is in no way a reflection on their efforts when we emphasize the need for time to show any results on a large scale. On one day we visited a village, Barriye, in the Ramleh Sub-District, towards the improvement of which Government had made a grant of £500. There were 80 families in this village, the population being some 400, who lived entirely on agriculture. The land cultivated by the village was 740 acres. Usually the villagers needed all the crops they grew, cereals, for their own sustenance and little was left for sale. In one respect this village had a unique advantage. It was one of the first villages to start bee-keeping and is now able to dispose of spare hives to other villages. The sale of bees and honey brings in an annual income of £1,000. At certain times of the year the bees have to be transported to other places, as, for example, orange-groves; hence a road connecting this village with the main road was necessary. The villagers gave their labour free, and a bridge over a stream, which filled during the rainy season, was being built from the Government grant of £500. The surplus will be devoted to an attempt to provide the village with drains, which were obviously needed, and to afforest a portion of the land. There was no school, though the villagers had subscribed £75 towards getting one: there was no room for the children in the neighbouring village school. Their methods of cultivation were primitive, the camel and the donkey being yoked together for purposes of ploughing. Farmyard manure was being collected in order that it might be stored for fuel. Irrigation was impossible, and the village was dependent on a capricious rainfall. Water was obtained in the summer from a

neighbouring village half-a-mile away. We were told that the villagers were short of land and that the surplus population had to go to the towns for work. Previously they had held land in an adjoining village which had been sold to Jews. The general impression we gained was that of congested poverty and ignorance, combined with an almost sub-conscious desire for village uplift.

161. The same afternoon we visited the remarkable laboratories at Rehovot developed under the personal supervision of Dr. Weizmann. Here we saw the latest developments in experimental research on strictly practical lines designed to improve the productive capacity of the soil, raise the standard of the products, and discover, if possible, marketable uses for by-products. Thus in plant-breeding experiments are being made to produce a tobacco free from nicotine. A new method is being applied to the problem of obtaining concentrated fruit juices without injuring the flavour or destroying the vitamin-content. The utilization of whey is being studied, and fermentative methods applied to the whey have given valuable results in the production of lactic acid. The conversion of technical proteins into a product which could serve as an easily digestible foodstuff is another experiment. In the pharmaceutical laboratory substances were in preparation which are expected to prove effective against the most serious of Near Eastern cattle diseases, namely, theileria. Soil analysis is being conducted by spectrographic methods.

162. We have referred in paragraph 7 of Chapter III to " the separation, almost, it might seem, by centuries ", of the Arab from the Jew. These two visits to the Arab village and the Jewish laboratory illustrate its meaning. Yet when the villager is sufficiently educated to appreciate the value of the discoveries of the laboratory the hoped-for assimilation of the races may begin. The idea still prevails in some quarters that Palestine is a fertile country, " a land of milk and honey ", whereas, for ten months out of the twelve it is in fact for the most part dry and barren. Crops can only be obtained by hard toil. Modern science may promote fertility. Whether in relieving the Arab peasant of his indebtedness by Co-operative Societies and Agricultural Banks, or in persuading him to irrigate his lands or to plant fruit-trees, several decades must pass before any marked change will be apparent.

7. Forests.

163. The fact has to be faced that there are to-day no real forests in Palestine and that if there is one country in the world in which afforestation is desirable that country is Palestine. A normal percentage of forest land compared with the total area of a country is said to be 15 per cent. In Palestine there are

only 76 square miles of scrub forest and plantations, out of some 6,250 square miles, which is the Government estimate of the land fit for cultivation or afforestation, of the total of 10,400 square miles of land area of Palestine, including Beersheba. In addition to this 76 square miles, there are a further 450 square miles which retain some forest characteristics, but they have been ruined by overgrazing, overcutting, and other misuse.

164. In ancient times the hills of Palestine were protected by forests, which in the course of centuries have been cleared by man in his search for agricultural land. As the population increased forests were cut down and the slopes cultivated without terraces. As soon as one area had been denuded of soil, it was abandoned and another plot cleared, cultivated and ultimately ruined. Finally, during the War large quantities of trees were felled, including olives, which were one of the main sources of revenue.

165. The result is that the hills are largely barren and rocky, and the soil which remains is being washed away by rainstorms. Overgrazing prevents the growth of any vegetation which might arrest the process of denudation. In the plains the country is also suffering seriously from the absence of trees and vegetation, which allows the sand-dunes along the coast to advance inland and cover areas which have hitherto been cultivable.

166. After the War the Administration began to take action in connection with forestry and the position in this connection was described in 1925 in Sir Herbert Samuel's Report on the Administration of Palestine, 1920-5, as follows:—

> "With respect to afforestation, the work of the Department has been severely restricted by the inadequacy of its budget, but it has demarcated certain uncultivated State lands as protected forest areas; it has fostered regrowth from the stumps still existing in the destroyed forests, has planted about a million trees, and, through the nurseries it maintains, has facilitated plantation by others. Altogether four to five million timber and fruit trees have been planted in these years in Palestine. The Department has conducted successful experiments also in the planting of grasses and trees on sand dunes—a matter of great importance, for the line of dunes along the coast is slowly advancing inland; it has already overwhelmed a considerable area of cultivated land, and, unless stopped by planting, will certainly prove fatal to the adjoining cultivation."

167. In 1920 the Forestry Section of the Department of Agriculture was established with one qualified Forest Officer, who was also Deputy Director of the Department and in that capacity was overwhelmed with agricultural administration until 1929. Moreover his staff had received no training in the technical side

* The figures and areas given in this section of the Report are approximate estimates.

of their duties. In the early years the main function of the Forestry Section was the protection of valuable trees on private property, which were liable to be prematurely felled for fuel.

168. It was soon however realized that the protection of the remaining forest land was of even greater importance, owing to the increased demand for agricultural land due to the fact that large areas of steeply sloping ground had been rendered useless by erosion. This demand resulted in the destruction of forest vegetation. Consequently in 1926 an Ordinance was passed authorizing the establishment of forest reserves to include uncultivated land which was not clearly private property. It was intended that investigation by Land Settlement Officers should, within a few years, clear up all questions of title, whereafter such land as was proved to be private property was to be excluded from the reserves and the remainder was to be declared State Forest and brought under proper management.

169. Up till the present time, although some 280 square miles have been notified as Forest Reserve, owing to the slowness of land settlement only a few square miles have been finally adjudicated as State Domain, and of these it has been found possible to gazette only 4,000 acres as "closed Forest Areas" in which no grazing or felling is allowed. Without closure and effective supervision by forest guards to prevent grazing, no vegetation can grow, afforestation becomes impossible, and the land is denuded of soil. No improvement is possible where the goat—that "greatest enemy of prosperity"—is permitted to overrun the land.

170. The declaration of land as forest reserve had the effect of checking the rapid clearing and cultivation of the land, but it was not found possible to check the demands of holders of rights for grazing and forest produce far in excess of the growth capacity of the land, with the result that the condition of both soil and vegetation is most unsatisfactory.

171. As regards afforestation, owing to the local importance of sand fixation the first plantations were mainly on the sand-dunes, of which, out of an approximate total of 195 square miles, 17 square miles have been declared forest reserves, but of these $4\frac{1}{2}$ square miles at Acre are being alienated to private interests. In all, 750 acres of sand-dunes were planted in the plains. Later, attention was turned to the hills, where five square miles of plantations have been established, mainly near Nazareth and Hebron, and the Government nurseries now produce an average of 1,200,000 plants, of which some 200,000 are issued annually gratis to institutions and private individuals.

172. In 1929 a qualified Palestinian officer was added to the Forest service, but he also was kept busy with administrative

work and unable to give any training to the staff. By 1933, the unsatisfactory condition of much of the hill country had aroused general interest, and the need for re-afforestation was widely admitted. It was recognized that the area of forest was seriously deficient and the existing forests were suffering from neglect, and that consequently it was necessary to embark without delay on a vigorous policy of afforestation, to remedy these defects and to curtail the encroachment of sand-dunes. This, further, would bring into economic use land not suited to agriculture and horticulture by the production of timber, fuel and other forest products, including large quantities of fodder.

173. In view of the importance of the measures to be taken, it was resolved to establish a separate Department of Forests with an increased staff. This Department was officially formed on the 1st April, 1935, and consists of four qualified officers, 20 junior officers and 58 other ranks, with a budget for 1936-7 of £32,513.

174. The Conservator of Forests has recently submitted a report on Forest Policy which is under consideration by the Government. In that report he states that afforestation is an urgent necessity and that it should be continued on a moderate scale, he does not recommend a large increase at the moment, because the staff is untrained, silvicultural technique needs to be further developed, preliminary survey and classification is required, and the shape, distribution and ownership of the forest reserves are all unsatisfactory. He recommends the closure of considerable areas to allow them to rest and in order to improve such vegetation as now exists, such action is a necessary preliminary to more intensive afforestation. He further strongly urges the acceleration of land settlement in order that it may be possible to bring suitable areas under management.

175. His proposals would necessitate considerable land acquisition by the Government. He recommends that lands under the control of his department should be divided into three categories:—

A. " Forest lands ", subdivided into Production Forests, Village Forests and Protection Forests, totalling in all about 390 square miles.

B. " Fodder Lands ", of about the same area.

C. " Protected Lands ", of about 97 square miles, in places where erosion is a danger, which should be terraced and planted with fruit trees.

176. If such an amount of land were placed under the control of the Forest Department, it would in all represent about 14 per cent. of the total area of 6,250 square miles which is estimated

by the Government as the extent of the land which is fit for cultivation and afforestation in Palestine, including Beersheba, but " Forest Lands " would only represent 6 to 7 per cent. of the total area, as compared with the area of forest land in Germany, which covers 15 per cent. of that country. The area of 390 square miles would be a minimum and would by no means supply the whole country with timber and fuel. It is emphasized that land under the Forest Department would not be lost to the community, but would be usefully employed.

177. Another scheme for afforestation on a much larger scale is contained in a Memorandum entitled " An Afforestation Scheme for Palestine " submitted to the Commission by Mr. Joseph Weitz, the Forestry Officer of the Jewish National Fund, in January of this year. In it, he considers that 97½ square miles of sand-dunes and 780 square miles in the hill country can and should be afforested. These areas compare with the 390 square miles of " Forest Lands " suggested in the Forest Policy Report, as the memorandum does not deal with " Fodder Lands " or " Protected Lands," on which under the Report fruit-trees would be planted.

178. Mr. Weitz states that since the War, only a little over 12 square miles have been afforested, whereas he considers that at least 15½ square miles should be planted every year with 6,500,000 forest and carob trees, the fruit of the latter being for forage purposes. He considers that this could be done if land were expropriated by the Government and leased to organizations and individuals prepared to afforest them at their own expense, but under Government control and restrictions; the Government themselves being left to afforest only 4 square miles each year.

179. We have mentioned these two proposals in order to show how great is the need for afforestation in Palestine in the opinion of experts. We fully realize the desirability of afforestation on a large scale and the advisability of a long-term policy on the subject. But, having regard to the conclusion which we have reached as to the scarcity of suitable land in the hills for the agricultural population, we cannot recommend a policy which involves expropriation of cultivators on a large scale, unless and until other cultivable land or satisfactory employment on the land can be found for them. That there is, however, in the aggregate a very large amount of land fit for afforestation but not for cultivation we have no doubt and, in any case, we strongly endorse a policy of (1) afforestation of steep hillsides to prevent erosion, (2) the prevention of grazing on land fit for afforestation, and (3) where practicable, the establishment of village forests for the benefit of the neighbouring cultivators.

8. Co-operative Societies.

180. In 1930 a Committee was appointed by the Palestine Government to inquire into the economic condition of agriculturists. They investigated the position of about a quarter of the total number of families engaged in agriculture, living in 104 villages (about 12 per cent. of the total number of villages) and cultivating an area of 1¼ million dunums, or about 10 per cent. of the total cultivable area. They found that the ordinary Arab family had contrived to live on a net annual income of between £25 and £30, but that there must have been many families who had been obliged either to lower their standard of living or to fall into debt. They estimated that the total debt of the agriculturists in the country might amount to some £2,000,000. For a few years after the War prices were very high, and the farmer seemed to have cleared off his debts and to have become comparatively prosperous, but when prices began to fall to their natural level he failed to adjust his outlook or standard of living to meet the changed conditions. Consequently, he began again to borrow more heavily than before at an exorbitant rate of interest. It was reported that " a rate of 30 per cent. per annum is perhaps the commonest, but 50 per cent. for three months is not unusual ".

181. The Committee recommended that Government should provide credit facilities, but that loans should normally be given through the medium of a village group of a co-operative nature, which would be responsible for the issue, control and repayment of loans.

182. Mr. C. F. Strickland, of the Indian Civil Service, came to Palestine to study the problem on the spot, and submitted a report at the end of 1930, in which he arrived at the conclusion that " the amount of the fellah's debt is not only burdensome and such as to hamper any attempt at progressive agriculture, but no small percentage of the cultivators are entirely insolvent. Neither co-operative credit nor any form of State loans can place them on a solvent footing if the whole normal claim of their creditors is to be paid." As a result of his recommendations, a trained Registrar was appointed with the necessary staff, a number of Co-operative Societies were established in Arab villages, short-term loans to cultivators during the years 1930-6 to the amount of £189,934 were advanced, and a Loan Security Ordinance, 1935, enabled approved banks and companies to extend short-term credit and seasonal loans against the security of the crop.

183. An amendment of the Imprisonment for Debt Ordinances of 1931 and 1932 disallowed arbitrary imprisonment and provided that the Execution Officer must satisfy himself that the judgment-debtor was in a position to pay. The

Usurious Loans Ordinance of 1934 imposed a duty upon the Courts, when trying a claim for debt, to raise certain issues regarding the interest charged. Lastly, a new Bankruptcy Ordinance of 1936 included cultivator debtors in the Law of Bankruptcy.

184. The Government found themselves unable to accept a proposal made by Mr. Strickland for the summary relief of indebted cultivators by the settlement of debts by special tribunals.

185. Mr. Strickland paid a second visit to Palestine in 1933, to advise as to the first practical steps to be taken for the formation of Arab societies and the improvement and promotion of the extensive Jewish co-operative movement already in existence. Largely on the basis of his recommendations a new Co-operative Societies Ordinance was enacted.

186. There has thus been a mitigation of the burden of debt under which farmers had laboured for many years past, and there has been considerable propaganda to encourage co-operation. Between 1933 and 1935 more than 200 Arab villages had been initiated in co-operative practice. In 60 villages Primary Societies had actually been successfully started, and preparations had been made to start 60 more in 1936.

187. As regards the Jewish population the case is very different. Here Sir John Hope Simpson reported that the co-operative movement had " not only been successfully launched amongst the Jewish population, but has already become a highly important economic factor in its daily life. On the whole, the Societies are extremely well managed. . . . There can be no doubt that the Co-operative Societies are doing magnificent work and are a valuable asset both to the villages and to the residents in the towns." He stated that the need of the Arab population for similar assistance was " desperately urgent ", and he pointed out the desirability of joint action between Jews and Arabs.

188. While there is little evidence at present to justify the hope that the co-operative movement may form the ground for mutual assistance and benefit as between Arab and Jew, Mr. Strickland has stressed the importance of an Arab co-operative movement as a means of strengthening the economic position of the Arabs, and thus removing or reducing their present belief, whether justified or not, that they are fighting against superior forces in the economic field. " If the Arabs ", he reports, " hold this belief, they will regard it as inevitable that their land should eventually pass out of their hands and will seek to meet the dangers not by an economic effort but by political and even violent action. If they felt themselves to be gaining ground economically, or at least so equipped that they could

hope to retain their present ground, they might divert much of their vigour into a campaign of self-improvement, social and economic, and the charge of neglect which is now brought (however unjustifiably) against the Palestine Administration would be excluded."

189. It is obvious that many years must pass before the Arab can hope that his Co-operative Societies can reach the standard necessary to give him confidence. Meanwhile, the measures taken by the Administration justify the hope that, given peaceful conditions, the indebtedness of the Arab peasant should gradually be reduced. It is desirable that the Registrar and his staff should inspect and advise both Jewish and Arab Societies. There are many difficult and specialized questions of co-operative principle and practice which frequently arise in connection with the Jewish Societies. Secondly, it is desirable to develop among the Arabs the urban as well as the rural, the social as well as the directly economic, types of Co-operative Society. It is not, as is so often assumed, the provision of facile credit which will improve the condition of the depressed cultivator, but his education in co-operative principles during a protracted and perhaps unpleasant course of discipline.

CHAPTER X.

IMMIGRATION.

1. Description of immigration under the Immigration Ordinance.

1. The articles of the Mandate specifically dealing with immigration into Palestine are Article 6, which enjoins the Administration to facilitate Jewish immigration under suitable conditions and to encourage close settlement by Jews on the land, and Article 11, in virtue of which a land system appropriate to the needs of the country is to be introduced, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

2. The following statistics show the authorized immigration from September, 1920, to the end of 1936:—

Year.	Recorded Immigration. Jews.	Non-Jews.
1920 (September–October) ...	5,514	202
1921	9,149	190
1922	7,844	284
1923	7,421	570
1924	12,856	697
1925	33,801	840
1926	13,081	829
1927	2,713	882
1928	2,178	908
1929	5,249	1,317
1930	4,944	1,489
1931	4,075	1,458
1932	9,553	1,736
1933	30,327	1,650
1934	42,359	1,784
1935	61,854	2,293*
1936	29,727	1,944†

* Of these 903 were Arabs.
† Of these 675 were Arabs.

3. Poland supplied the largest proportion of these immigrants, the countries next in order as sources of supply being Russia, Germany, and Roumania. In recent years immigration from Russia has almost entirely ceased, and her place has been taken by Germany, which comes second in the list of countries from which immigrants arrive. The Department of Migration estimates the numbers of the Jewish community in Palestine in 1936 at 370,483 out of a total population in that year of 1,336,518, or just on 30 per cent. of the population. To the above-mentioned figure of 370,483 must be added a considerable figure for the numbers of illegal Jewish immigrants in Palestine. This figure has been variously estimated, and one high authority

has put it at 40,000. Jewish witnesses themselves accepted without dispute the figure of 400,000 as being the present number of the Jewish population in Palestine. One recent publication has even put that figure at 420,000. The table of the recorded Jewish immigration given above shows that, with the exception of two periods, the annual volume of Jewish immigration into Palestine has been moderate and not such as need have caused any serious uneasiness to the indigenous population. But the years 1924-26 and 1933-35, especially the latter, were periods of heavy immigration.

4. The pace and extent of the development of the Jewish National Home must obviously depend on the rate and volume of Jewish immigration over a series of years. Having regard to their real fear of being overwhelmed and therefore dominated by Jewish immigrants, the Arabs watch the immigration figures with close and anxious concern. Official statistics show that in the four years 1933-36 there was an increase of 164,267 persons in the Jewish section of the population. This shows that the Jewish population as it stood in 1932 has very nearly doubled in the last four years. The average Jewish immigration for the period 1933-36 has been at the rate of rather over 40,000 persons a year.

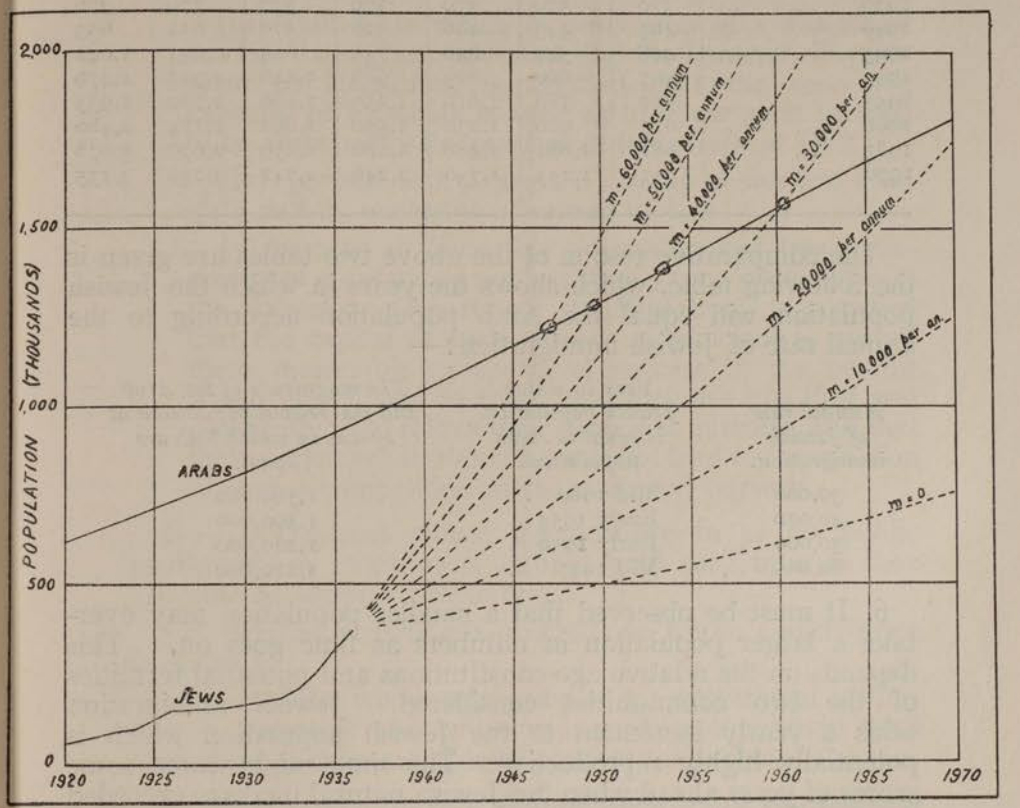
5. The following tables prepared by the Commissioner for Migration and Statistics and based on a scientific formula show the predicted Arab and Jewish populations respectively at intervals of five years beginning with 1936 and ending with 1970.* The magnitude of the Jewish population is based on the assumption (i) that the rate of Jewish natural increase is 21·01 per 1,000 per annum and (ii) that Jewish immigration rates vary from nil to 60,000 per annum.

PREDICTED ARAB POPULATION.

Year.	*Arab population (000's omitted.)*
1936	943
1940	1,038
1945	1,163
1950	1,290
1955	1,425
1960	1,558
1965	1,691
1970	1,821

* The results of these calculations are indicated in the accompanying graph. They are based on the assumption that the increase in Arab population can be calculated on the basis of " Verhulst's logistic ". It should be noted that (1) there is no certainty that the growth of Arab population actually obeys Verhulst's law, although it appears so to do between the years 1920 and 1936; (2) the rate of natural increase in the Jewish population will be smaller for lower annual immigration rates than for higher; and (3) the general fiducial probability of the results should not be projected beyond the quinquennium 1945-1950.

FORECAST OF FUTURE POPULATION TRENDS



m=Annual Rate of Jews Immigration.

It has been estimated that the Arab population is increasing at the rate of 24,000 persons per annum. This is largely due to the fact that, since the War, conscription has ceased and health and sanitary conditions have greatly improved.

Mid-year Jewish population (000's omitted).

Immigration rate.	*0*	*10,000.*	*20,000.*	*30,000.*	*40,000.*	*50,000.*	*60,000.*
1936	370	370	370	370	370	370	370
1940	403	445	486	528	570	612	653
1945	448	547	646	745	844	943	1,042
1950	497	660	823	986	1,148	1,311	1,479
1955	552	786	1,019	1,253	1,486	1,720	1,953
1960	613	926	1,238	1,550	1,862	2,174	2,486
1965	681	1,081	1,480	1,880	2,279	2,679	3,078
1970	757	1,253	1,750	2,246	2,742	3,239	3,735

The comparative results of the above two tables are given in the following table, which shows the years in which the Jewish population will equal the Arab population according to the annual rate of Jewish immigration:—

Annual rate of Jewish immigration.	*Year in which Jewish population is equal to Arab population.*	*The magnitude of the Arab and the Jewish population at epochs in which both are equal.*
30,000 ...	Mid 1960 ...	1,560,000
40,000 ...	Early 1954 ...	1,390,000
50,000 ...	Early 1950 ...	1,280,000
60,000 ...	Mid 1947 ...	1,210,000

6. It must be observed that a smaller population may overtake a larger population in numbers as time goes on. This depends on the relative age-constitutions and potential fertilities of the two communities considered. Jewish immigration adds a yearly increment to the Jewish population which is potentially highly reproductive. The time might come some scores of years ahead when the Jewish natural increase exceeded the Arab natural increase; but it would take a very long time for the Jews to obtain a majority in Palestine by that means alone.

7. Since 1922 the criterion for the regulation of immigration into Palestine has been the economic capacity of the country at the time to absorb new arrivals. This principle was laid down in the Churchill Statement of Policy of that year, and was reaffirmed in the letter from the Prime Minister to Dr. Weizmann dated the 13th February, 1931. The Immigration Ordinance of 1933 is intended to give effect to the above-mentioned principle and regulates immigration into Palestine.

8. Under the Immigration Ordinance immigrants are admitted in the following categories:—

A. Persons of independent means, which term includes:

(i) persons in *bona fide* possession and freely disposing of a capital of not less than £1,000; and

(ii) members of liberal professions in possession of a capital of not less than £500; provided that the Director, Department of Migration, is satisfied that the need exists in Palestine for additional members of such professions;

(iii) skilled craftsmen in possession of a capital of not less than £250; provided that the Director, Department of Migration, is satisfied that the economic capacity of Palestine is such as to allow such persons to be absorbed in the practice of their trade or craft;

(iv) persons with a secured income of not less than £4 a month, exclusive of earned income;

(v) persons in *bona fide* possession and freely disposing of a capital of not less than £500; provided that the Director, Department of Migration, is satisfied that the capital of such persons is sufficient to ensure them reasonable prospects of success in the pursuit which they intend to enter, that they are qualified and physically fit to follow their proposed pursuits, and that their settlement in Palestine will not lead to the creation of undue competition in the proposed pursuits.

B.—(i) Orphans whose maintenance in or by public institutions in Palestine is assured until such time as they are able to support themselves;

(ii) persons of religious occupations whose maintenance is assured;

(iii) students whose admission to an educational institution in Palestine and whose maintenance is assured until such time as they are able to support themselves.

C. Persons who have a definite prospect of employment in Palestine.

D. Dependants of permanent residents or of immigrants belonging to categories A, B and C.

9. Provision is also made for the admission of "travellers." A "traveller" is a foreigner who does not intend to remain in Palestine longer than three months or to take up employment there.

10. In practice, only three categories of immigrants are now entering Palestine, i.e., persons of independent means coming

within category A (i), those coming in under the Labour Schedule (category C), and the dependants of permanent residents or immigrants.

11. Immigrants freely disposing of a capital of not less than £1,000 have an indefeasible right of entry after satisfying the Passport Control Officers or His Majesty's Consuls in their relevant country of origin that they do command this sum. Usually there must be evidence of cash in Palestine, and there has been a good deal of abuse in this category of immigrants. The Department of Migration has often had to seek information about the financial history of these persons in the countries whence they came, and has had to find out in various ways their financial standing over a period of years.

According to official figures, 17,653 persons possessing a capital of at least £1,000 entered Palestine during the years from 1933 to 1936 inclusive, this figure amounting to about 11 per cent. of the total Jewish immigration. Approximately one-third of these immigrants were German Jews, 18 per cent. of the immigrants from Germany in 1935 being of the capitalist class. The majority of the remainder in this class came from the United States of America.

It is estimated that many of this class bring in far more than £1,000. Their capital may often amount to £2,500, whilst some are stated to have brought in as much as £10,000 or £20,000.

12. The remaining sub-categories of category A also have a financial qualification, but for all general purposes they are closed. In explanation of this we were informed that, during the last two years, it became obvious that a professional man could not satisfactorily settle in Palestine with anything less than £1,000, and since the Department of Migration has discretion in regard to that matter and must be satisfied that the relevant member of the liberal profession can establish himself satisfactorily, that category has had to be closed. The same considerations apply to category A (iii), but do not apply to category A (iv), which remains open, although there are not many people who come in under that category.

13. Category B might in some respects be described as eleemosynary. The Department of Migration usually demands the delivery of a financial bond enforceable in Palestine given by an institution in Palestine, which guarantees the public against persons admitted in this category becoming a public charge. The category has been abused on occasion, but it is fairly strictly controlled at the present time, although the position as regards the immigration of students is not entirely satisfactory, and certain reputable institutions have been misused in regard to this particular form of immigration.

14. Category D includes dependants of permanent residents or immigrants belonging to categories A, B (ii) and C. The Immigration Ordinance defines "dependant" as follows:—

> "'dependant' means a person who is, or who will on arrival in Palestine be, wholly and directly dependent for maintenance and support upon an immigrant or a permanent resident, and is related to such immigrant or permanent resident as being—
>
> (*a*) his wife, or
>
> (*b*) his or his wife's parent or grandparent, or
>
> (*c*) his or his wife's daughter or granddaughter, sister or niece, who is either unmarried or a widow or divorced, or
>
> (*d*) his or his wife's son, grandson, brother or nephew, who is under the age of eighteen years or, being over that age, is permanently disabled and incapable of supporting himself."

15. Many of the younger dependants in the above class after arrival in Palestine prove not to be directly dependent on the immigrant or permanent resident for maintenance and support. They do, in fact, enter the labour market. They are mostly unskilled and their fate would be uncertain if there were a serious set-back in the economic situation in Palestine, for in that event the unskilled would suffer first and the capacity of people to maintain their dependants would shrink.

16. A formidable proportion, 61 per cent., of the peak immigration into Palestine in 1935 was dependant immigration. There is often a time-lag between the arrival of an immigrant in the country and the date on which he can send for his dependant or dependants. The system in question, therefore, must tend to lead to very considerable fluctuations in the annual immigration figures.

17. Immigration in category C (Labour) is that of persons who have a definite prospect of employment in Palestine. The evidence of definite prospect of employment is provided by the prospective employer, who guarantees the prospective immigrant that he is in a position to employ him at a stated salary and will continue to employ him in that employment or its equivalent for a minimum period of years. For purposes of administration employers of labour, therefore, make applications for the prospective immigrant, and in the Rules under the Ordinance the Executive of the Jewish Agency is a kind of conglomerate employer of labour. The minimum period for the guarantee of the employer of labour is one year.

18. The volume of immigration is controlled by a Labour Schedule prepared once in six months, in which is laid down the maximum number of persons, by sex, age, industries and callings, who may be admitted with immigration certificates under category C during the period covered by the Schedule. The High Commissioner approves the Schedule, which is then published in aggregate form in the Palestine Gazette, after which it becomes operative for the period to which it relates.

19. The size of the Labour Schedule is determined by the High Commissioner after consideration of the request by the Jewish Agency for the introduction of labour immigrants and of the recommendations made by the Immigration Authority. The Jewish Agency, in collaboration with an officer of the Department of Migration, make a survey of the industrial, economic and labour conditions of Jewish life in the country on which to base their request. The officer of the Department reports independently to the head of the Department. In addition, the Department makes a rough survey of Arab unemployment at the same time, and also takes into account economic factors such as the movement of freights and the consumption of electricity. The High Commissioner thus has before him a survey of Jewish conditions supplied by the Jewish Agency, a like survey made at the same time and on the same material by a public officer, corrected and adjusted if need be by the head of the Department, and a rough survey of Arab unemployment at or about the same time. The High Commissioner then has the material which enables him to give effect to the prescriptions of policy in the White Paper of 1930, as interpreted by the Prime Minister's letter to Dr. Weizmann of the 13th February, 1931.

20. In connection with the Labour Schedule, there are two matters to which we desire to refer. First, we are not satisfied that before making up the Schedule sufficient inquiries are made by the Migration Department from the District Administration. We think that much more information could be obtained than is being got at present from the District Commissioners, Assistant District Commissioners and District Officers. Their local knowledge would be invaluable in checking the claims made for labour in various industries and occupations, in assessing the prosperity or otherwise of undertakings and individuals, and also in reckoning the length of time over which the employment suggested might last. Information from the District Officers would similarly assist the Statistical Department in framing its estimates of Arab unemployment. Secondly, we think that more should be done to ascertain whether the immigrants have in fact remained in employment and whether or not the occupations to which they went have continued or come to an end. We do not suggest that there is no checking done at the present time nor do we recommend that the career of each individual immigrant should be meticulously followed up; but, as at each half year in the making up of the Schedule the various occupations and industries and the numbers required in each are set out, a subsequent detailed inquiry as to the prosperity or otherwise of the firms, companies and individuals in these occupations and industries should be instituted before the next Schedule is issued. In this too the fullest use should be made of any information in the possession of the District Administration.

21. We would also suggest that the housing situation is an economic consideration to which greater regard should be given when considering absorptive capacity under the Labour Schedule. We were impressed by the fact that during the past few years, particularly in Tel Aviv, the housing situation has been far from satisfactory. The Mayor of Tel Aviv told us that he had some thousands in his municipality who were living in huts and tents and we were given evidence that there is much overcrowding also at Haifa.

22. The preparation and administration of the Labour Schedules are founded on certain Rules under the Immigration Ordinance. The periods of the semi-annual Schedules are April to September and October to March.

23. A small reserve of immigration certificates for non-Jewish immigrants and for unforeseen emergency needs is kept at the disposal of the Department of Migration. This Departmental reserve is of use in meeting specific applications for labour from employers.

24. The following principles have been adopted as a basis for the determination of the absorptive capacity of Palestine in respect of Jewish labour:—

(*a*) The Labour Schedule is deemed to cover only demands for labourers who are likely to enter permanent employment. Demands for temporary or seasonal labour are disregarded, unless there are reasonable prospects of transferring this form of labour to reasonably permanent employment.

(*b*) When a decision has to be taken whether a certain field of employment is of a permanent or temporary nature, the probable future absorptive capacity of the industry in question is taken into consideration. In other words, as far as possible, labour requirements are considered, in the long run, in the light of permanent factors of development.

(*c*) No demand for additional Jewish labour is accepted when the intention of the prospective employers is to displace Arab labour already employed. Deviations from this rule have taken place in a few cases where, as the result of a shortage of Jewish labour, Hauran and Trans-Jordan workers displaced Jewish workers who left branches of work at low rates of wages for pursuits in which wages were higher.

25. The Labour Schedule at present is composed of five parts—part A, for nominated experts and skilled workers; B, skilled workmen not named; C, relatives of working age; D,

general labour including agricultural labour; and E, Departmental reserve. Each of these categories includes definite numbers of immigrants.

26. The Labour Schedule having been approved, the Immigration Authority prepares the necessary immigration certificates, and issues them in instalments to the Jewish Agency, which then allocates them to the several Zionist Palestine Offices in the world to be issued to selected immigrants. In the allocation of these certificates account is taken both of the relative strength of the several Jewish parties which combine in the Jewish Agency and of conditions in the countries from which immigrants come.

27. It is understood that at each Zionist Congress proportions of labour immigration certificates are assigned to the several Jewish parties as a guide to the Jewish Agency, which is the Executive of the Congress, in the distribution of those certificates that are assigned to them on the Labour Schedule. This procedure has led to complaints of discrimination against them on the part, for instance, of the Berit Trumpeldor Youth Organization (the " Betar ") and the Central Agudath Israel and was the subject of correspondence between the Colonial Office and the New Zionist Organization, the former being unable to accept the view that the Betar should be recognized as having any status in the matter of the distribution of these immigration certificates.

28. The distribution of certificates according to countries is related to the number of Jews in a country, the size of the training centres and the economic conditions of that country. Since October, 1933, 35·4 per cent. of the certificates have been given to Poland. The Polish Jewish community represents $3\frac{1}{4}$ million people and Poland has the largest training organization. There is great need for emigration from Poland on account of the economic conditions of the country. 26·6 per cent. of the certificates have gone to Germany, whose share has increased since 1933 on account of the change in the political regime which took place in that country in that year.

29. In connection with the distribution of labour certificates the Jewish Agency in Palestine is advised by what is called the Immigration Advisory Committee, which is composed of representatives of all the economic sections of the Palestine community. Members are appointed by the Executive of the *Va'ad Leumi* and they give advice to the Jewish Agency as to the sort of distribution of certificates they would like as between different classes.

30. On receipt of the immigration certificates the Jewish Agency forwards them to the 12 major Palestine Offices in Europe, America and Aden. The largest of these Offices are at Warsaw and Berlin, in view of the fact that Poland and

Germany are the two principal emigration countries. These Offices, which are instruments of the Jewish Agency, having selected their immigrant, present the immigrant and the certificate to the Passport Control Officer. The Passport Control Officer then insists on the production of health certificates. He may insist on the production of police certificates in regard to moral and criminal conduct. Health certificates are essential for the requirements of the Ordinance. Speaking generally, the Jewish Agency, which is the link between the Jewish community in Palestine and World Jewry, determines the character and quality of immigrants coming in under the Labour Schedule.

31. The immigrants selected by the various Palestine Offices come from training centres, which, as Dr. Senator, the Director of Immigration in the Jewish Agency, informed us, are the result of a movement which originated during the War and was called " *Halutz*." i.e. " Pioneer." The movement can be divided into three stages in its pioneer organization from the point of view of age—i.e. from twelve to seventeen, which means that the youthful pioneers belong to what might be called a Youth Society, very often taking the form of a Scout movement; from seventeen to nineteen, between which ages the young men and women belong to local branches of the Pioneer Organization; and from nineteen onwards, when they enter the training camps. We were informed that at present the Jewish Organization has 24,000 Jews in training. The training usually lasts for two or three years and is mainly directed towards agriculture. There are also institutions for learning crafts.

32. Whatever may have been in the minds of those who drafted the Mandate there is nothing in the relevant articles of that instrument to indicate the volume of immigration which they had in mind. Nor could they have foreseen the complete change in the situation which would be brought about by the drastic restriction of immigration into the United States, the advent of the National Socialist Government in Germany in 1933 and the increasing economic pressure on the Jews in Poland, where the rise of an indigenous middle class is tending to displace the Jews as middlemen and small shopkeepers. These three main factors have, in our opinion, directly affected the volume and character of Jewish immigration into Palestine and the rate of development of the Jewish National Home.

2. Illegal Immigration.

(*a*) Jewish Illegal Immigration.

33. Jewish illegal immigration has been going on side by side with authorized immigration. This illegal immigration is effected by

(1) illegal entry, i.e. evasion of frontier controls;

(2) legal entry by travellers who overstay the period of temporary residence authorized; and

(3) marriage of foreign women to

(*a*) Palestinian citizens; and

(*b*) permanent residents who are not Palestinian citizens.

34. Illegal entry by Jews was a feature of the years 1933-4. They crossed the land frontiers from Syria, Trans-Jordan, and occasionally from Egypt; they also arrived in Palestine waters in ships specially chartered and, in co-operation with Jewish residents in Palestine, landed on the shores after dark. Jewish public opinion has declined to assist public authority in the detection of Jewish illegal immigrants. The volume of illegal immigration appears to have reached its peak in 1933, and it was estimated that, in the two years 1932-3, the number of unauthorized settlers had risen to 22,400. Of this figure, 17,900 were travellers who remained in the country beyond the authorized limit.

35. The third form of Jewish illegal immigration is immigration of women who, not being qualified as immigrants under the Immigration Ordinance, contract marriages with Palestinians or permanent residents who are not Palestinian citizens, these marriages being formally lawful but having no true matrimonial intention. Such marriages may take place in Palestine or beyond Palestine. When the marriage takes place in Palestine, the woman has usually entered as a traveller and has paid a deposit on a traveller's visa, or has entered into a bond to leave the country before a certain date. Under the Palestinian Citizenship Order, 1925, the wife of a Palestinian citizen is herself a Palestinian citizen and cannot therefore be deported. In other cases, the woman beyond Palestine arranges through friends for a Palestinian citizen or a permanent resident to visit her and contract marriage according to Jewish rites in the country in which she is living.

36. The law of personal status in Palestine is the law of the religious community, and many Jewish divorces have been obtained. We were informed that a class of " professional husbands " exists, who will engage in a series of formal marriages and divorces so long as the fees and the pecuniary remuneration are forthcoming.

37. It may be mentioned that the ratio of recorded Jewish divorces to recorded Jewish marriages is 40 per cent., and we are of opinion that a substantial part of this abnormal divorce rate is due to the marriages and divorces which enable foreign women to enter Palestine or remain in the country when otherwise they would either be disqualified from entering or not qualified for admission as immigrants.

(*b*) Arab Illegal Immigration.

38. Arab illegal immigration is mainly casual, temporary and seasonal. It is effected chiefly by illegal entry across the land frontiers of Palestine. Owing to the fact that the bulk of illegal immigration is unrecorded on entry and departure, since the Arabs do not pass through the frontier controls, evidence as to the character of the immigration of Arabs is not easily found in Palestine. In consequence, it has been necessary to request authorities in the surrounding countries to supply notes as to the character of the migration from those countries into Palestine.

39. Before the War the Middle East, now described as Syria and the Lebanon, Trans-Jordan and Palestine, comprised roughly the *Vilayets* of Beirut and Damascus and the independent *Sanjaq* of Jerusalem. These Provinces being integral parts of the Turkish Empire no special formalities were required by persons leaving one Province for another. The post-war settlement of the Middle East created new boundaries between Palestine and Syria and the Lebanon, and similarly between Palestine and Trans-Jordan. As a consequence, persons crossing from one country to another are now passing from their " home " countries to " foreign " countries.

40. Under the Immigration Ordinance persons habitually resident in Trans-Jordan may, unless the High Commissioner otherwise directs, enter Palestine direct from Trans-Jordan although they are not in possession of passports or other similar documents.

41. Similarly, in virtue of an Order under the same Ordinance, the inhabitants of the adjacent districts in Syria and the Lebanon are free to enter the corresponding districts in Palestine without special formality, except that they must be in possession of border passes issued under the *Bon Voisinage* Agreement between Palestine and Syria made in 1926.

42. While these exceptional provisions take account of the fact that the new boundaries cut across the tradition of free movement between the several Provinces which existed in the Turkish Empire, it is certain that many of the inhabitants of Syria and the Lebanon enter Palestine without formality although they are not inhabitants of the adjoining districts of Syria. Such entry is illegal. The result has been that there has been some immigration from the surrounding territories, which, since it avoids the frontier controls, is not recorded.

43. A large proportion of Arab immigrants into Palestine come from the Hauran. These people go in considerable numbers to Haifa, where they work in the port. It is, however, important to realize that the extent of the yearly exodus from

the Hauran depends mainly on the state of the crops there. In a good year the amount of illegal immigration into Palestine is negligible and confined to the younger members of large families whose presence is not required in the fields. Most persons in this category probably remain permanently in Palestine, wages there being considerably higher than in Syria. According to an authoritative estimate as many as ten or eleven thousand Hauranis may go to Palestine temporarily in search of work in a really bad year. The Deputy Inspector-General of the Criminal Investigation Department has recently estimated that the number of Hauranis illegally in the country at the present time is roughly 2,500.

44. The British Resident in Trans-Jordan has put on record that farmers in Trans-Jordan used to count for assistance in reaping their harvest on a seasonal migration from Palestine. To-day this migration has entirely ceased, and it can only be concluded that the Trans-Jordan population has increased sufficiently to enable the larger local harvest to be dealt with without outside help, or that there are now more attractive opportunities of employment in Palestine. The numbers available to help in the Palestine harvest are much increased when the crops are a failure in Trans-Jordan, and when in a year like 1934-5 the failure in a district is complete the men take their women with them to save them from starvation.

45. The dimensions of the volume of illegal immigration from neighbouring territories are not known. There is evidence that many of these illegal immigrants have land in the neighbouring territories and leave their wives and families in those territories while seeking to augment their livelihood by labour in Palestine. There is evidence also that this form of illegal immigration is seasonal. It is probable that seasonal immigration leaves a residue in Palestine of people who have decided to settle permanently in the country. There is no evidence available to show that this residue is so considerable as seriously to disturb the general economy of Palestine.

(*c*) Proposed Steps for Dealing with Illegal Immigration.

46. Suggestions have been made that the following steps might be taken to prevent illegal immigration:—

(i) Legalizing of the position of illegal immigrants already in the country.

(ii) Institution of an identity card.

(iii) Enactment of an Immigration Ordinance placing the onus of proof on the immigrant to show that he is in the country legally.

(iv) Creation of a special frontier control force.

(v) A secret fund for intelligence.

(vi) Separate naturalization of wives.

We are not sure on the evidence before us whether it is possible to enforce a system of identity cards. If the system is administratively possible, it is clear that the control of the police will be far more effective. We are, however, prepared to endorse proposals (i), (iii), (iv), (v) and (vi).

3. The Jewish Agency and its Grievances Regarding Immigration.

47. From the description of the Jewish Agency in Section 7 of Chapter VI above it will be seen that the Agency occupies a very special position under the Mandate in connection with matters of immigration. A comprehensive machinery has been constructed to enable it to discharge its functions in this regard, the various activities being divided principally between a Political Department, an Immigration Department and a Labour Department. The *Va'ad Leumi*, representing the Jewish community in Palestine, advises the Immigration Department as to the distribution of the Labour Schedule after it has been received from the Government. The Agency is not bound by the advice of this body, but it takes that advice into consideration.

48. Eight main grievances on the subject of immigration were set before us by the Jewish Agency:—

(i) that the Administration has not adequately carried out the obligation to facilitate Jewish immigration imposed upon it by Article 6 of the Mandate, nor has the policy of the Administration been in accordance with that obligation;

(ii) that the allotments of certificates for labour immigrants have been inadequate in the course of the last few years and continue to be so, the Government having failed to take into account the country's growing economic absorptive capacity;

(iii) that the restrictions which have recently been introduced into Government practice as regards the admission of dependants are unduly harsh;

(iv) that categories A (iii) and A (v), i.e. immigrants with a capital of £250 and £500 respectively, are now practically inoperative;

(v) that it is unfair that permits assigned to young students from Germany should be deducted from the Labour Schedule;

(vi) that the Government does not take into account the share due to Jewish labour on public works and services, when assessing the country's absorptive capacity;

(vii) that the Government has not provided the Jewish Agency with information as to the reasons for discrepancies between Schedules granted and the Agency's applications;

(viii) that there is illicit infiltration of Arabs from neighbouring countries.

49. As regards the general complaint that the Mandatory has failed to carry out its obligations to facilitate Jewish immigration, the Jewish Agency complained that from the outset the Mandatory Power had never laid down a definite policy for facilitating Jewish immigration but had left it to the Agency to devise and give effect to schemes for bringing Jewish immigrants into Palestine and for settling and assisting them in their work in the country. They stated that the earlier colonists had created their homes and settlements unaided except by their own people and that many had given their lives whilst converting malarial districts into healthy and fruitful plantations. In several cases prosperous Jewish settlements had been developed on tracts of land and parts of the country hitherto considered uncultivable and no assistance had been given by the Administration to the early settlers and pioneers. The advance which had been made in the urban, rural and agricultural development of the Jewish community in Palestine had been solely due to the capital provided by that community and the work, energy and resolution of the Jewish settlers. The Agency submitted that the Administration could have done much more in the way of developing roads, public health, education, housing and local government. Such developments would have made it easier for Jewish immigrants to settle in Palestine.

50. It should be a matter of pride to the Jews that their Home is one of their own building and we believe it to be in accordance with the intention of the Mandate that it should be so. It must be remembered that the Administration is faced with financial and other practical difficulties, such as inheriting an impoverished territory and the provision of the necessary services for a rapidly increasing immigrant population while, at the same time, safeguarding the position of the existing inhabitants. In our view, having regard to these difficulties, the existence at the present time of a Jewish population of 400,000 persons in Palestine is, in itself, a notable testimony to the work of the Government in discharging their obligations under the Mandate.

51. As regards the complaint that labour schedules have been inadequate in recent years, we may again point to an actual figure by way of answer. The existence of 6,000 Jewish unemployed at the time of our visit to Palestine is some indication that any caution displayed by the Government in approving recent schedules has not been without justification.

52. We were satisfied, moreover, from the evidence placed before us that at each half year the Jewish Agency had had every opportunity of submitting to the Administration the grounds upon which they claimed that the Labour Schedule should be made up to the figure stated by them in their application. The practice which was instituted in 1934, at the request of the Jewish Agency, for an officer of the Department of Migration to work in co-operation with an officer of the Jewish Agency in the determination of the Schedule has undoubted advantages.

53. In every application the Agency set out long and reasoned arguments dealing with the Labour Schedule in the various trades and industries. With the growing distress in the Jewish Diaspora they not unnaturally put their demands at the highest possible figure. For instance, the latter consideration was actually mentioned in their claim in April, 1933, but it is clearly irrelevant to the absorptive capacity of Palestine.

54. We were satisfied from the evidence of the Government, that the demands of the Jewish Agency were most carefully considered, first by the Director of Migration, and secondly by the High Commissioner himself, and that the figures in the Schedules authorized by the Government have normally been as high as the position demanded. The task of appraising the absorptive capacity of Palestine in relation to its labour requirements is no easy one, for fluctuations in the market, both adverse and favourable, cannot always be foretold over a period of six months. In the middle of the year 1934, for instance, the High Commissioner revised his earlier estimate and deemed it advisable on representations made to him to approve a supplementary Labour Schedule of 1,200 men.

55. The third Jewish grievance is to the effect that the category of dependants is now practically limited to young children, wives and old parents. It was stated that parents who have not yet reached old age, as well as younger brothers and sisters, and other near relatives, are now refused admission, although they are in many cases an actual charge on the residents in Palestine, who send money abroad to maintain them.

56. In laying down a definition of dependency, however reasonable it may be, some cases falling outside the definition may appear to be hard, but for all practical purposes it would seem to be not unfair to define dependant immigrants in the case of an immigrant head of a family as wife, children under the age of 18, and old parents, in whose case some such minimum age as 55 might well be fixed. We deal further with the definition of dependency in paragraphs 83-85 below.

57. As regards the complaint that categories A (iii) and A (v) are virtually inoperative, we have no evidence to lead us to

dispute the view that persons possessing less than £1,000 at their free disposal cannot in present circumstances satisfactorily establish themselves in Palestine unless they belong to professions and crafts not strongly represented in the country. If the principle of economic absorptive capacity be the criterion it should apply to all categories and not only to the Labour Schedule.

58. As regards the fifth grievance, the immigration of young people, both boys and girls from the ages of 15 to 17, into Palestine for the purpose of training in agricultural schools and especially in agricultural settlements, to prepare them for work in Palestine, has become a special feature in the immigration policy of the Jewish Agency in the last few years. The movement is not absolutely new, but in 1933 its development was largely increased because of the conditions prevailing at the time in Germany and in the course of the two and a-half to three years following some 1,400 young people were brought into Palestine for training.

59. The Jewish Agency submit that there is no ground for deducting these immigrants from the Labour Schedule, for in the measure that they complete their studies or courses of training and enter the labour market the vacancies filled by them do not figure in the estimates of absorptive capacity on the basis of which the Jewish Agency applies for new labour immigration certificates.

60. The Government, on the other hand, take the view that after these young people have had their two years' training in a school or settlement, when they come on to the labour market in the ordinary course of events, some account must be taken of them in assessing the number of certificates to be allowed in the Labour Schedules. The first large batch of these young immigrants, more particularly from Germany, came into Palestine in 1933, and it was not until 1936 that any deduction in the Labour Schedule was made on their account. The same principle is adopted for all students admitted as immigrants for attendance at an educational institution. The summer Labour Schedule is prepared in March or April and the deductions made by the Administration are on an estimate of the number of students who will have completed their course of study at the end of the summer term. The Government do not deduct from the Labour Schedule the total number, but only a proportion. We are of opinion that, in assessing the Labour Schedule, some regard must be had to those immigrants who have completed their education or training and are entering the labour market. If this form of immigration were continued and extended without some check or control it might seriously challenge the system of economic absorptive capacity.

61. We have pointed out elsewhere* the difficulty of the apportionment of Arab and Jewish labour on public works, where considerations other than mere demands for actual labour continually arise. We think that in assessing the Labour Schedule account should be taken of employment on public works not on any fixed ratio or percentage but only in regard to the actual amount of employment which is or is likely to be available for Jewish labour.

62. The grievance that reasons are not supplied for discrepancies between the Schedules approved by the High Commissioner and the applications of the Jewish Agency was not specifically dealt with in the oral evidence put before us, and we are of opinion that there is no substance in this complaint.

63. The eight and last grievance relating to immigration is that the Jewish Agency views with grave concern the large and continuous influx of unauthorized migrants from the neighbouring countries which results from the uncontrolled state of the land frontiers of Palestine. The Agency submitted that this influx deprives Jewish immigrants of the opportunities of absorption created by Jewish effort and raises grave social and security problems. The Jewish Agency urged that effective measures be taken to put an end to such infiltration. We have already discussed the subject of illegal immigration and have mentioned certain suggested remedies in paragraph 46 of this chapter.

4. The Control of Immigration.

(*a*) The Criterion of Economic Absorptive Capacity.

64. Under the Mandate it is the duty of the Administration of Palestine, " while ensuring that the rights and position of other sections of the population are not prejudiced ", to " facilitate Jewish immigration under suitable conditions ". In other words, immigration is to be facilitated, but its flow must be subject to control. In practice the Administration has imposed such control by the application of the regulative principle of economic absorptive capacity.

65. This principle was clearly enunciated in the Churchill Statement of Policy of 1922 as follows:—

> " For the fulfilment of this policy [the Government's policy with regard to a Jewish National Home] 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

* See page 321.

present population of their employment. Hitherto the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000."

The principle was accepted by the Zionist Organisation in their letter of the 18th June, 1922, in the following words:—

"The Executive further observe that His Majesty's Government also acknowledge, as a corollary of this right, that it is necessary that the Jews shall be able to increase their numbers in Palestine by immigration, and understand from the statement of policy that the volume of such immigration is to be determined by the economic capacity of the country from time to time to absorb new arrivals. Whatever arrangements may be made in regard to the regulation of such immigration, the Executive confidently trust that both His Majesty's Government and the Administration of Palestine will be guided in this matter by the aforesaid principle."

It will be noted that the Zionist Organization interpreted economic absorptive capacity as the *determining* principle, whereas Mr. Churchill's Statement only prescribed it as a *maximum* which immigration might not exceed. The latest official statement on this subject is contained in the Prime Minister's letter of the 13th February, 1931, to Dr. Weizmann, in which he wrote that "the considerations relevant to the limits of absorptive capacity are purely economic considerations".

66. Throughout the duration of the Mandate the principle of economic absorptive capacity has been applied to Jewish immigration. The elasticity of the principle and its capacity for varied interpretation make it very difficult to apply to the complex economic situation in Palestine. Considering the difficulties, we are satisfied that the original Ordinance and regulations as amended from time to time have adequately carried out the instruction laid on the Mandatory. We deal later in this chapter with the ways in which we suggest that the present regulations governing immigration should be altered and amended.

67. The question of the soundness or otherwise of the economic situation in Palestine, as affected by the recent heavy immigration accompanied by large imports of capital, is of such importance in connection with the principle of economic absorptive capacity that we may at this point dwell briefly upon certain of its aspects more closely connected with immigration, even at the risk of some repetition.

68. Speculation in land and building has been a characteristic of the recent wave of immigration. This is not a healthy symptom, for if from some cause the flow of capital is seriously checked, a slump in the building and allied trades will probably supervene. Mushroom industries would be hit and the industrial situation might have to be readjusted to a lower level.

69. Another difficulty from the economic point of view appears to be that Jewish occupations are mainly of an urban character, and that the town population of Palestine tends to

become too large in proportion to the agricultural population, so that the products of town industry cannot find an adequate market among the rural population.

70. The rapid development of Tel Aviv has already been noted and the Mayor hoped that that town would in time be as big as a young American city like Los Angeles. One of the Zionist leaders informed the Commission that he expected that Haifa would eventually hold a million Jews. The Commission saw the lay-out on spacious lines of a town south of Jaffa and there is talk of urban development at other seaside places. If these projects come to fruition, there will be a fringe of large towns along the coast out of all proportion to the narrow hinterland given up to the cultivation of citrus fruit and cereals and backed by a range of mountains which cannot be intensively cultivated.

71. Palestine is one of the smallest and also one of the least self-contained of all countries. Moreover, its economy may be seriously affected and even dominated by events that are entirely beyond its own control and that are often of an unpredictable character. The advent of the National Socialist Party to power in Germany in 1933, Italian foreign policy in 1935 and the Spanish civil war, for instance, are so many factors which have had a favourable or unfavourable repercussion on the economic situation of the country.

72. It is a truism to say that peace is a prerequisite of a sound industrial development in such a country as Palestine, and since the Arabs are hostile to Jewish immigration, the factor of "hostility between the two peoples" necessarily assumes immediate economic importance. Capital cannot be reproductive in a disordered state.

73. Speaking generally, the Administration so far as immigration is concerned have taken no account of political, social, or psychological considerations and indeed estimates of any such matters would have been directly contrary to the instruction in the Prime Minister's letter that the "considerations relevant to the limits of absorptive capacity are purely economic considerations". We are satisfied however that the situation in Palestine is such that immigration must be reviewed and decided upon all considerations and not on economic considerations only.

74. The continued impact of a highly intelligent and enterprising race, backed by large financial resources, on a comparatively poor indigenous community, on a different cultural level, may produce in time serious reactions. Can it be the duty of the Mandatory or indeed is it in the interests of the National Home itself to allow immigrants to come into the country in large numbers without any regard to an increasing hostility which from time to time finds expression in violent disorder? The issue is quite plain and should be squarely faced by everyone

concerned. Do the Jewish people really wish that Palestine should afford a refuge to the maximum number of Jews which can be economically absorbed if the result is constant rebellion and repression? And, determined as we believe they are to fulfil the obligations undertaken in the Mandate, do the British people really wish that British lives should continue to be sacrificed to that end? We suggest that these questions can only be answered in the affirmative if it can be demonstrated beyond a doubt that there is no other way in which justice can be done and good faith maintained.

75. It may be beyond even the most inspired prophets to see far into the economic future of Palestine. Yet there are many dangers ahead, particularly the fact that the economy of the country so largely rests on a single industry. We have dealt elsewhere with the financial and industrial position. We have not adopted the view of those who suggest that the immense expansion of citrus production will necessarily lead before long to a disastrous " slump " in that industry or that the industrial expansion of Palestine is a bubble which must collapse if the flow of new capital slackens; but it is clear from our analysis that neither of these dangers can be regarded as impossible. Moreover, even if such disasters are avoided, it may still be that immigration based on present economic demand, stimulated by an exceptional flow of capital, may be found beyond the absorptive capacity of the country in a few years' time, when that flow has slackened.

76. The heavy immigration in the years 1933-6 would seem to show that the Jews have been able to enlarge the economic absorptive capacity of the country for Jews. The process can be continued for some time to come and it would appear that its expansion need only be limited by the amount of the funds which Jewish philanthropy and enterprise are prepared to pour into the country. But such an expansion of the economic absorptive capacity is calculated to lead to a development of the Jewish National Home which is not organic but is unnatural, since it ignores one of the conditions of the environment of the Home, namely, the hostile attitude of the Arab inhabitants of Palestine.

77. Summing up the argument of this Section, we may say that the principle of economic absorptive capacity, meaning that considerations of economic capacity and these alone should determine immigration, is at the present time inadequate and ignores factors in the situation which wise statesmanship cannot disregard. Political and psychological factors should be taken into account. We do not propose that they should be made considerations in assessing the absorptive capacity of the country nor do we suggest that in this respect the present Immigration Ordinance should be revised, but we are impelled to have

regard to them and it is on that criterion that we have based the over-riding limit which we recommend later in this chapter.

(*b*) The Categories outside the Labour Schedule.

78. Under the present Rules two of the principal categories of immigration—" capitalists " and dependants—are subject to no numerical limitation so long as they satisfy the conditions laid down. The Administration has, in fact, only retained a degree of control over about one-quarter of the Jewish immigrants.

79. Subject to character and fitness any Jew who can prove that he has a disposable capital of £1,000 can enter Palestine. It may be said that if a proper amount of capital is prescribed for an immigrant, any person with such an amount or more must *ipso facto* be absorbed in the country. So far as category A (i) is concerned, this would appear to be the principle governing the present position, but it is liable to misuse as will be seen from the following illustration. Under another category, namely, A (ii), a member of a liberal profession who is in possession of £500 may enter as an immigrant, provided that the Director of the Department of Migration is satisfied that the need exists in the country for additional members of the profession in question. Owing to the overcrowding of the medical, engineering and other professions, the Director decided to restrict the admission of persons under this category and in the years 1931 to 1935 inclusive only 14 Jewish immigrants were so admitted, but this did not prevent very large numbers coming into the country under category A (i).

80. The following Table shows the occupations of the settled population of these classes at the census of 1931 and the stated occupations of immigrants 1932-36, together with the percentage of immigrants 1932-36 to the settled population of the same occupation in 1931.

Occupation.	*Settled population, 1931 Census*	*Immigration.*						*Percentage of immigrants 1932–36 to settled population in 1931.*
		1932.	*1933.*	*1934.*	*1935.*	*1936.*	*Total 1932–1936.*	
Physicians, Surgeons, Dentists	847	55	522	431	617	153	1,778	209·9
Architects, Engineers	1,081	59	296	392	347	147	1,241	114·8
Education ...	4,187	150	328	340	351	187	1,356	32·4
Arts	510	8	58	81	137	85	369	72·4
Other liberal professions ...	2,290	49	293	400	292	269	1,303	56·9

81. Evidence was given to us that in Tel Aviv at the present time there is one doctor for every 161 persons: in Palestine as a whole there is one doctor for every 560 persons, while in the United Kingdom there is one doctor for about 1,085 persons. A number of professional men who entered under category A (i) have, we were told, abandoned their professions and have found occupation in agriculture, industry, commerce and general labour. In this sense it may be said that they have been absorbed in the country, but they have not been absorbed in the country in their own professions and are in reality an addition to the ordinary Labour Schedule.

82. In our opinion it is desirable that the Mandatory Administration should have direct control over the immigrants coming in under category A (i) and that there should be classes within the category, just as there are in the Labour Schedule. We think, too, that the category should be dealt with in a similar manner to the Labour Schedule. Any person who desires to come into Palestine under that category should not only satisfy the immigration authority that he is in possession of £1,000 capital or over, but should also convince the same authority that there is room in Palestine for additional members in the profession, trade or business which he proposes to pursue. In other words entry under this category should be regulated according to the principle of the economic capacity of the country to absorb such immigrants.

83. With regard to dependants, subject to character and fitness any relative of a Jewish immigrant or resident in Palestine, if within the prescribed degree, can enter Palestine as a dependant. The Administration has no direct control over this class of immigrant. Again, it may be pointed out that, when the degree of relationship has been properly defined, if the country can absorb the head of the family his dependants are entitled to come in with him or to join him after he is established there. We do not quarrel with this proposition, but we think that the present definition of dependency is not satisfactory and that it should be revised.

84. Dependency is a question of fact. In certain cases it may be presumed, but apart from the cases where dependency is presumed it ought to be proved and the length of time of the dependency will also have to be taken into consideration. In our opinion dependency can be presumed in the case of a wife, a child, or step-child, under 18 years of age, and an orphan grandchild under that age; and on proof of such relationship these persons should be admitted as immigrant dependants. In the case of all other relatives the question of dependency should be proved by or on behalf of the applicant to the satisfaction of the Commissioner for Migration and Statistics.

In each case he will have to consider, no matter what the age of the dependant, how long he or she is likely to be dependent after arrival in Palestine and in many cases whether the applicant may not be dependent throughout the whole of his or her residence in Palestine.

85. The definition of dependency should therefore fall under two heads, the first, which would include those relatives who, dependency being presumed, have a right to come in, and the second, all relatives other than those under the first head in respect of whom the Commissioner is satisfied that they can be maintained by the immigrant or permanent resident in Palestine during such time as they are likely to be dependent for maintenance.

86. As regards other categories outside the Labour Schedule, we recommend as follows:—Categories A (ii) (members of liberal professions with £500 capital), A (iii) (skilled craftsmen with £250 capital), and A (v) (persons with £500 capital, judged sufficient to ensure a reasonable prospect of success in the pursuit which they propose to enter) should be abolished. So far as categories A (ii) and A (v) are concerned, we are satisfied that the sum of £500 capital is not sufficient for the establishment of an immigrant in Palestine and that the sum of £1,000 should be the minimum. With regard to category A (iii), we think that this should be included in category C and form part of the Labour Schedule. Part A of the Labour Schedule is " individual skilled workers nominated by individual employers for specified vacancies ", and we think that in the present state of the country it is better that an immigrant for whom employment has been specified should come in, rather than a skilled workman who, although he has a capital of £250, has to find employment after he has come into the country. Under this latter method there is no effective check to see if the immigrant will in fact get occupation in the trade in which he has been trained, and if he fails to do so he may drift into the general labouring class.

87. We think that the definitions in category B (orphans, persons of religious occupation and students) should remain as they are, but that a much stricter control should be exercised by the Administration, particularly with regard to B (ii), persons of religious occupation, and B (iii), students who will enter educational establishments.

(*c*) Distribution of Immigration Certificates under the Labour Schedule.

88. The Administration of Palestine does not decide from which countries the immigrants shall come. The Department of Migration, so far as the Labour Schedule is concerned,

may be informed of the country of origin of workers under Parts A and B and relatives under Part C, but these are a small proportion of the Labour Schedule itself, roughly 8 per cent., and the remainder of the certificates under the Schedule are issued in blank to the Jewish Agency for them to allocate to such countries as they think right. We have described the system of allocation by the Agency and the complaints to which this has given rise in paragraphs 26 to 28 of this chapter.

89. These questions of distribution are clearly of the utmost practical importance to the growth of the National Home. They determine, for example, the proportion, say, of Polish or of German Jews entering Palestine or the proportion between the more old-fashioned Orthodox Jews of Agudath Israel and those of a more secular or " modernist " outlook and mode of life. That these questions should be decided by a body which is not only independent of the Government of Palestine but is responsible to an international organization established by the Jews of the Diaspora is one of the most remarkable features of the whole situation.

90. We know of no precedent for so complete a delegation by any Government of control over the origin and composition of so large an addition to the population for which it is responsible. But it must be remembered that the promise of a National Home was made to the Jewish People; and, in the ordinary course, we do not question that it ought to be, in its human composition, the kind of Home the Jewish People want, and that the Palestine Government should not ordinarily be charged with the invidious task of deciding the distribution of certificates as between countries or communities. Nevertheless we can imagine circumstances in which the complete freedom of the Jewish Agency in this matter might operate to prejudice the good government of Palestine: and we recommend that the final allocation as determined by the Jewish Agency should be submitted to the High Commissioner for approval.

5. Immigration and the National Home.

91. On the 3rd June, 1921, the High Commissioner in Palestine defined the words " National Home " as meaning that " the Jews, who are a people scattered throughout the world, but whose hearts are always turned to Palestine, should be enabled to found here their home, and that some amongst them, within the limits fixed by numbers and the interests 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 its inhabitants ". The term " Centre " with reference to the Jewish National Home is used in the statement on British Policy in Palestine contained in the White Paper of June, 1922, which observes—

> " When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not 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."

The Jewish people are recognized as being in Palestine as of right and not on sufferance, but it does not necessarily follow that any Jew at any time has a right to enter the country.

92. The Zionists had always regarded the National Home as affording a measure of relief for the Jews in Europe. But the serious deterioration in the situation of the Jews in Germany from 1933 onwards, as well as the increasing economic pressure to which Jews in Poland were being subjected, had the effect of altering the character of the National Home as defined above. It is no matter for surprise that the Zionist leaders should have felt the necessity of hastening the emigration of as many Jews as possible from Germany and Poland. As the possibilities of close settlement of Jews on the land in Palestine are not infinite, but, on the contrary, limited, industrial and town development offered the only alternative for the absorption of large numbers of Jews. The purely Jewish town of Tel Aviv, which has grown in such a spectacular manner, is a case in point. Founded on sand dunes in 1909, it now numbers 150,000 inhabitants, and its rapid rise has caused an ever increasing expansion in the building and other allied trades.

93. The Statement of British Policy in Palestine issued in June, 1922, contains the following passage: —

> " During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew Press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organizations, its own language, its own customs, its own life, has in fact ' national ' characteristics."

94. By 1936 the Jewish National Home had practically grown into something like a State within a State. The Jewish community in Palestine now numbers 400,000 persons, with its capital, Tel Aviv, the largest town in Palestine, its national flag,

* Not italicized in original.

its anthem, its cultural system, its network of social services, and its economy divided into an agricultural and industrial branch. It is linked to World Jewry by the Jewish Agency, whilst the internal affairs of the Home are managed by a National Assembly and Council and a Rabbinical Council.

95. In so far as immigration has been the major factor in bringing about this state of affairs we consider that the Mandatory has so far fully implemented his obligation to facilitate the establishment of a National Home for the Jewish people in Palestine. But this does not mean that the National Home should be crystallized at its present size. It will grow, in the first place, as the result of the natural increase of the Jewish population, which is at present estimated at 7,000 persons a year. Secondly, the Home will grow, if the present Mandate is maintained, by regulated immigration. We cannot accept the view that the Mandatory, having facilitated the establishment of the National Home, would be justified in shutting its doors. Its economic life depends to a large extent, as we have shown, on further immigration: and a large amount of capital has been invested in it on the assumption that immigration would continue.

96. If immigration under the existing Mandate is thus to continue, its volume should no longer, in our view, be determined solely by " economic absorptive capacity ". Earlier in this chapter we pointed out the risks inherent in applying this principle. But, as we then observed, a more serious weakness in the principle lies in its exclusiveness. It ignores all other than the economic factors in the situation.

6. Conclusion.

97. In view of the foregoing considerations we advise that there should now be a definite limit to the annual volume of Jewish immigration. We recommend that Your Majesty's Government should lay down a " political high level " of Jewish immigration to cover Jewish immigration of all categories. This high level should be fixed for the next five years at 12,000 per annum, and in no circumstances during that period should more than that number be allowed into the country in any one year. The political maximum having been fixed the High Commissioner should receive instructions to the effect that he may use his discretion to admit immigrants up to the maximum figure, but subject always to the economic absorptive capacity of the country.

98. Immigration is clearly an outstanding factor in the problem of Palestine; and to anyone who has not closely examined the situation it might seem as if some restriction of immigration might go far to solve it. In our view that is not

the case: and we do not regard the recommendation we have put forward as more than a palliative. It would not remove the " grievance " of the Arabs in the matter or " prevent its recurrence ". For in their eyes the Jewish National Home is already too big. Four hundred thousand is a formidable fraction in a total population of 1,300,000. Nor are numbers the sole consideration. In education and enterprise, in the modern methods he pursues and the capital he can command, in the help he can get from the Jewish world outside, the average Jew is more than a match for the average Arab. But even that is not the real crux. The difficulty has always been, and, if the Mandate continues, will continue with it, that the existence of the National Home, whatever its size, bars the way to the attainment by the Arabs of Palestine of the same national status as that attained, or soon to be attained, by all the other Arabs of Asia.

CHAPTER XI.

TRANS-JORDAN.

1. Trans-Jordan is administered under the Mandate for Palestine, but the Articles concerned with the establishment of a Jewish National Home do not apply to it, and it is clear from our terms of reference that our inquiry into the operation of the Mandate was not expected to extend to Trans-Jordan. Suggestions, however, have been made and were put to us in evidence that the solution of the Palestine problem was to be found by bringing Trans-Jordan into the picture. In that wide and undeveloped country, it is argued, there is room for multitudes of Jews without prejudicing the interests of the existing Arab population.

2. The area of Trans-Jordan is about 34,000 square miles, and its present population is estimated at about 320,000. Thus while the country is almost two and a half times as big as Palestine it contains only about a quarter of its population. That population, moreover, includes a large number of Bedouin, whose pastoral life requires more land than would be needed if in course of time they were to settle down to agriculture.

3. The country has not been fully surveyed, and there is not sufficient expert evidence available to form an estimate of the amount of uncultivated land which might be rendered cultivable. Opinions on the point tend to vary with political prepossessions. The number of new settlers for whom room could be found in Trans-Jordan is assessed by some Jewish writers in millions; by those who are opposed to Jewish immigration in thousands. It is clearly desirable that this uncertainty should be as far as possible removed, and we recommend that, as soon as the financial position permits, a survey of Trans-Jordan should be made and a scheme prepared for its irrigation and development.

4. Meantime we are not in a position to fix even an approximate figure for the possibilities of new settlement in Trans-Jordan: but, in view of the evidence given by some of those who are acquainted with the country and from what we saw, we consider the hope to be justified that, if fully developed, it could hold a much larger population than it does at present. Two of our number visited the ruins of Jerash, some 22 miles north of Amman, which was once a great and populous city and one of several similar cities which prospered in Trans-Jordan in classical times. In the southern districts, north of Aqaba, Lord Winterton told us that T. E. Lawrence had pointed out to him the traces of extensive cultivation in the neighbourhood of Roman settlements.

5. The process of development, however, is bound to be expensive; and the cost could not possibly be met from the exiguous revenues of the Trans-Jordan Government or even from those of the Palestine Government. Assistance would have to be provided on a large scale by the British Treasury. And, though the development of Trans-Jordan is a matter which the Mandatory Administration is bound to consider in due course, we could only recommend heavy expenditure for that purpose at the present moment if it could be regarded as an essential factor in the solution of the main problem with which we are concerned. Under the present Mandate system that is, in our opinion, not the case.

6. The development of Trans-Jordan can only help to solve the problem under the Mandate if it opens the way to a substantial amount of Jewish immigration, but, as we observed in Chapter V above, Arab antagonism to Jewish immigration is at least as bitter in Trans-Jordan as it is in Palestine. It was no easy task, as we pointed out, for the Government to prevent the Bedouin from crossing the river and taking part in the disturbances of last year. We understand, moreover, that the Government of Trans-Jordan would emphatically refuse to encourage Jewish immigration in the teeth of popular resistance; and it must be remembered that not only is Trans-Jordan free from those Articles of the Mandate which apply to the establishment of the National Home, but its Government is recognized as an independent Government, and the High Commissioner, though he is entitled to advise the Government of Trans-Jordan, would scarcely regard this question of Jewish immigration as one on which he could press his advice.

7. In fact, the possibility of enlarging the National Home by Jewish immigration into Trans-Jordan rests on the old assumption of concord between Jews and Arabs. If indeed harmony could be established between the Jews and Arabs in Palestine, the Arabs in Trans-Jordan might presently acquiesce in, might ultimately even welcome, Jewish immigration. But, as we explained before, as long as Jews and Arabs quarrel in Palestine they are unlikely to agree elsewhere; and in Trans-Jordan as in other independent Arab States the door will only be opened to Jewish enterprise in so far as friendlier relations are established in Palestine.

CHAPTER XII.

PUBLIC HEALTH.

1. Before 1918 there was no organized State public health service in Palestine. Municipalities possessed certain powers in this respect under the Ottoman Law, but apart from Municipal Medical Officers in certain of the larger towns and Municipal hospitals in Jerusalem and Nablus, no organized sanitary, public health or medical services existed. A port quarantine service was controlled by the Constantinople Board of Health, an international body whose headquarters were in Constantinople. This Board was also responsible for the sanitary control and health supervision of pilgrim traffic to and from Mecca by the Hedjaz Railway, under the terms of the International Sanitary Convention. The remainder of the hospital services in the country were provided by religious and missionary bodies. The majority of these hospitals were located in Jerusalem, but there were others in Jaffa, Haifa, Nazareth, Tiberias, Nablus, Bethlehem, Hebron, and Gaza. The country had been infested by disease for centuries, malaria had decimated the population, epidemics of it at times blotted out in a few months the inhabitants of whole villages and there were few regions which were free from it. In addition to malaria, diseases such as typhoid, dysentery, trachoma, conjunctivitis and tuberculosis were very prevalent. The Turkish Government had done nothing in the way of advancement in modern methods of hygiene; sanitation was practically non-existent except to some extent in the larger towns; and the great bulk of the Arab population, besides being ignorant and uneducated in matters of health, were fatalistic in their attitude towards disease. The first steps in a health campaign were taken by the Army at the time of the conquest and a public health service was organized under the Occupied Enemy Territory Administration. This became the Government Department of Health in 1920.

2. The policy of this Department as approved by the Government and the Secretary of State was defined as follows:—

(*a*) To concentrate on public health, sanitation and the prevention of disease.

(*b*) To provide hospital accommodation for dangerous, infectious and communicable disease and mental diseases.

(*c*) To limit, as far as possible, the hospital accommodation provided by the Administration for general diseases to the requirements of Government officers and employees, members of the Police Force, prisoners, medico-legal cases and accidents, and the very poor.

(*d*) To provide hospitals, or to aid Municipalities to provide hospitals, for the needs of the general population in areas where no provision or inadequate provision is made by voluntary organizations.

The Department was accordingly organized on these lines, and the policy adopted of leaving the general medical and surgical care of the public to private practitioners and private or charitable medical institutions. The functions of the Department of Health at the present time correspond generally to the organization as it was originally laid down, and evidence as to these functions and the manner in which they are discharged was placed before the Commission.

3. The burden on the Department of Health was from the outset a heavy one and much was required to be done to restore and stabilize the health of the country. The Jewish community which was in the country before 1914 suffered adversely from the effects of the War and the development of its health service was arrested. In 1918 new Jewish colonists started to come into Palestine and the numbers of the Jewish community began to rise. It is no unusual thing for those who go as colonists and settlers to make some provision for their general health services and Jewish immigration was no exception to this rule. In response to an urgent appeal of the World Zionist Centre in London, the American Zionists, primarily the Hadassah Organization, undertook to send to Palestine a medical expedition, the American Zionist Medical Unit, composed of doctors, nurses, bacteriologists, sanitary engineers, etc., to organize medical services on a country-wide scale. The unit entered Palestine in August, 1918, before General Allenby had completed the conquest of the northern part of the country, and immediately set to work at its task. Thus, side by side with the Government Department of Health, there grew up in Palestine the Jewish Medical Service. In their evidence the Department of Health acknowledged the great amount of valuable work done by the Jewish medical institutions in Palestine.

4. The Jewish health system includes the following undertakings:—

(*a*) Services maintained by Hadassah.

(*b*) Services maintained by the local communities—the Municipality of Tel Aviv and the Haifa community.

(*c*) Services maintained by the health insurance organizations.

(*d*) Services maintained by the Anti-Tuberculosis League, societies for care of the insane, the Women's Zionist Organisation of America, etc.

5. The Hadassah Medical Organization has developed a widespread system of clinics in Jewish centres and hospitals in the principal towns and, *pari passu* with the creation of similar services by the Government, a school medical service,

including an ophthalmological service and a widespread infant welfare service. Though naturally the Jewish population benefited most, the Hadassah medical services were available to all the communities in Palestine and many of the poorer classes amongst the Arabs received much assistance from the work of the organization. This disinterested philanthropy of Hadassah deserves recognition: it was a real step towards the promotion of good feeling between the two races; but unhappily the effect of its work was impaired by other influences. As the rift widened, the Arabs' attendance at Jewish hospitals and clinics became less and less.

6. In recent years, certain of the activities of Hadassah have been taken over by the health insurance organizations, viz., the *Kupat Cholim* Medical Benefit Society and the Rural Sick Benefit Fund. The *Kupat Cholim,* the Sick Fund of the General Federation of Jewish Labour, was instituted before the war and has since developed into a factor of prime importance in the field of medical service. The *Kupat Cholim* is a voluntary health insurance society, and during its early years it received substantial financial assistance from the Zionist funds. Beginning with the year 1927 the grants from that source declined until they ceased entirely about four years ago. In 1936 *Kupat Cholim* provided medical service for over 100,000 persons, or about a quarter of the entire Jewish population. The Rural Sick Benefit Fund was organized in 1931 and it extends its benefits to farmers and other elements not affiliated with the General Federation of Jewish Labour. It operates in about 40 rural settlements in different parts of Palestine and has a total membership of 20,000 persons including the members' families.

7. The maintenance budget of the Jewish Health undertakings for 1935 was stated to amount to about £350,000, of which nearly £200,000 was borne by the health insurance organizations, £90,000 by local communities and patients, £50,000 by Hadassah, the Women's Zionist Organisation of America and other outside bodies and £10,000 by the Government.

8. We wish to associate ourselves with the view expressed to us by the Department of Health as to the amount and value of the medical work which has been done by the Jewish medical institutions in Palestine. We would also express our appreciation of the hospital and medical services of the religious, missionary and philanthropic bodies who have done so much to relieve suffering and combat disease which is prevalent in Palestine.

9. The appropriations for expenditure upon Public Health Services in the successive years since the inception of the Civil Administration have been as follows:—

Year.	*Total Government Expenditure.*	*Department of Health Expenditure.*	*Percentage of total Government Expenditure.*
	£	£	
1921–22	1,881,108	142,931	7·6
1922–23	1,837,173	114,147	6·2
1923–24	1,633,277	91,355	5·5
1924–25	1,806,660	82,329	4·6
1925–26	2,040,332	83,276	4·1
1926–27	2,070,479	89,384	4·3
1927 (9 mths.)	1,944,397	73,858	3·8
1928	3,381,993	98,581	2·9
1929	2,140,032	101,864	4·8
1930	2,536,505	105,481	4·2
1931	2,374,866	105,918	4·5
1932–33	2,516,394	111,052	4·4
1933–34	2,704,856	135,838	5·0
1934–35	3,230,010	166,311	5·1
1935–36	4,236,202	194,632	4·6
1936–37*	6,099,927	204,356	3·3

* Provisional figures.

10. These figures show the extent to which funds have been allotted by the Government for public health services from year to year. The services of the Department of Health have of necessity been restricted in accordance with the amount of money which the Government have been able to place at its disposal, but with the funds available the foundations of public health services have been successfully established and maintained and the country has been protected from the more dangerous epidemic diseases.

11. Government expenditure is about £180,000, excluding the special expenditure on certain non-recurrent items, whereas the Jewish organizations have well over £300,000 at their disposal. The Arab relies very largely on the Government services for his medical aid, together with the hospital service which has been provided by various charitable and religious organizations, whereas the Jews have a more extensive medical service mainly financed by themselves and the Jews in the Diaspora.

12. The division between Arabs and Jews is markedly shown in hospital services. The non-Jewish hospitals and clinics maintained by religious and missionary bodies are open to all communities. Before the War the bulk of those treated at them were Arabs and since the War this has continued to be the case.

Jews are reluctant to go to hospitals where there are Arab patients and conversely few Arabs now, save in exceptional circumstances, go to Jewish institutions.

13. The Jewish grievances with regard to Public and Social Services were explained by representatives of the *Va'ad Leumi*, the General Council of the Jewish Community of Palestine.

Their first grievance was that the total Government expenditure on these services is entirely inadequate to the health needs of the country. Apart from this general claim, other criticisms were made of the Government's work in anti-malaria work, village sanitation, infectious diseases and tuberculosis. With regard to anti-malaria work it was stated that the extensive drainage work carried out by Jewish colonizing agencies had received no support whatsoever from the Government, and moreover that the Government did not bear any of the cost of the current active anti-malaria control work carried out by settlers. This grievance is in the nature of the case a matter of degree and the scale of such work which the Government can undertake is conditioned by the funds available. The expenditure in this connection by the Jews is due to the rapid pace of their colonization and to the fact that they purchased a large amount of land where malaria had been rife for centuries. From the evidence submitted to us we had no doubt that the Jewish organizations have achieved marked progress against malaria. Whilst recognizing the good work done by various Jewish bodies, we are satisfied that the Government fully bears its share of the current active work of malaria prevention and has assisted in drainage work where that is of general benefit to the population at large or to prospective development. Much of the work in the rural districts has been carried out voluntarily by the Arabs themselves working under the Department's advice and with its assistance.

14. A somewhat similar complaint was made in connection with the Government's work of village water supply and sanitation, and other measures to deal with infectious diseases, namely, that the Jewish section of the community benefited far less from the Government expenditure than it should have done. The work of water supply and sanitation is closely allied to the prevention of infectious diseases, since adequate arrangements for the former will largely suppress and control the latter. Compared with neighbouring countries Palestine, we were told, has been remarkably free from serious epidemics of preventable disease.

15. With regard to tuberculosis another Jewish grievance was that the Government had not instituted an active anti-tuberculosis programme. We understand that this subject has been

carefully examined and that an expert report was submitted to Government in 1935, on which it is intended to take action when funds are available.

16. The *Va'ad Leumi* further complained that the funds allocated by the Department of Health to preventive medical work, that is to say, school hygiene and infant welfare work and ophthalmic service outside the schools, both among Jews and Arabs, are extremely small in relation to other items of expenditure, and are insufficient to provide an effective service, in a country where the infant mortality rate is so high. Moreover, although the Government properly carries on an extensive ophthalmic service among the Arab population, it has refused even the minimum contribution for the support of the corresponding service of the Jewish community. We understand that the Department has pursued the policy of expanding the Infant Welfare Services as rapidly as funds are available and of adding to the staff of the established school medical service as the school population increases. Ophthalmic service is provided at all hospitals and dispensaries in the country. In all areas of mixed population the Government clinics are open to both races. A special ophthalmic service was created by the Government to endeavour to cope with acute epidemic conjunctivitis, which is the cause of the high incidence of blindness in Arab villages of the Southern District, but it is to be observed that there is no similar situation to be dealt with amongst the Jewish rural population.

17. The Government policy is to leave as far as possible the general medical treatment of the public to voluntary effort, but in order to enable the Department of Health to deal promptly with outbreaks of infectious disease it must have under its control hospitals in various parts of the country. In 1924 a municipal hospital system administered by the Government was introduced with the object of retaining for the maintenance of the hospitals the revenue accruing locally from treatment fees. It was hoped that local interest would be stimulated and Municipal Hospital Committees were formed to administer the revenue, with the control of the technical services remaining under the Department. In the beginning the scheme showed some prospects of success, but growing political antagonism caused a lack of co-operation on the Committees and it had to be abandoned, and most of the hospitals are now under Government control.

18. The *Va'ad Leumi* complained that the Jewish Hospitals and Dispensary Services are provided by local committees or organizations and that except for a grant to the Tel Aviv Hospital they receive no assistance from the Government. The Government has, however, assisted the Tel Aviv Hospital, the only Jewish hospital maintained by a Municipal Council, by

capital grants towards building and equipment and by annual grants towards maintenance. The annual grant, which in 1935 was £5,841, is the amount which would be expended on the technical staff and technical services and equipment of a Government hospital of an equivalent number of beds.

19. The *Va'ad Leumi* complained that there was no compulsory health insurance for workers and asked that in the absence of it the Government should make a *per capita* grant-in-aid at the rate of 5s. for each member annually to the Jewish voluntary health insurance organizations. This they estimated would cost £15,000 a year. The question of compulsory sickness insurance was considered in 1933 by a Committee appointed by the Government, and the finding of the majority was that the scheme would entail annual recurrent expenditure by Government of at least £70,000; and that, in the present economic state of industry, commerce and agriculture in Palestine the burden of even a modified scheme would be prohibitive. The Committee further considered that any additional Government funds which might become available for relief of sickness would be better spent in expanding the Government services for prevention of disease than in launching a scheme which would benefit only a relatively small proportion of the population.

20. In the Department of Health there are 74 senior officials and a complaint was made by the *Va'ad Leumi* that of these only 10 are Jews. The fact is that of the 74 senior appointments referred to 11 are appointments in the Colonial Medical Service and 23 are posts of Matrons, Superintendents of Midwifery and British Nursing Sisters, the holders of which posts, in accordance with Colonial Office arrangements, must be of British nationality. The remaining 40 posts may be filled by Palestinians, and 10 of these, or 25 per cent., are held by Jews.

21. Finally the *Va'ad Leumi* put before the Commission a summary of the recurrent expenditure required to meet the claims which they had advanced. They asked that the Government expenditure on Health should be increased from £180,000 to £260,000 and that the part thereof assigned to grants-in-aid to Jewish Health Services should be increased from £10,000 to £60,000.

22. The Jewish " grievances " in the matter of public health may be briefly summed up as complaints that not enough money has been spent by the Mandatory Government to assist the medical services established by the Jews from their own resources. The same complaint, it will appear, was made with regard to the Government grant to Jewish education. The social services in general, or the aids to Jewish social services, are regarded as inadequate, especially in view of the fact that the Jews bear a larger share of taxation than the Arabs.

23. In a brief comment on this attitude in an earlier chapter, we pointed out that it implies the violation of the principle of a common citizenship between Jew and Arab; for, if the principle were really accepted, services would be provided in proportion to the needs of the community irrespective of race, and indeed the Jewish witnesses did not so much demand a higher proportion of the grants allotted to particular services as an increase in the total grants. It seemed clear, in fact, that the Jews expect that the Government should help them much more generously than in the past to maintain and extend the highly modern and efficient services which they have done so much to establish by themselves. But what is given to one service must be taken from another: and we felt that the Jewish witnesses did not always remember that Palestine, despite the economic development of the National Home, is still a relatively poor country. It is true that the Jews provide a disproportionate share of the revenue, but even so they are not taxed at anything like the rate which is needed to maintain the social equipment and external security of an advanced European state. The taxation in Great Britain last year amounted to about £20 per head of its population. In Palestine, with its record budget of some £6,000,000, it was about £4 per head. Allow a somewhat larger sum for the Jewish taxpayer and there is still a great deal to be made up before Palestine can afford the social services of Britain: nor should it be forgotten that the Palestine taxpayer, without any additional charge on him, is protected from external attack by the naval and other forces of the Mandatory Power.

24. The whole question illustrates the difficulty of providing services in one state for two distinct communities with two very different standards of living. On the accepted principle of proportional treatment in accordance with the ratio of population, the amount allocated to Health Services might be roughly the same per head for Arab and Jew or, in view of the Jewish contribution to revenue, it might be somewhat more for the Jew. But the Jewish requirements are so much higher than those of the Arabs in general at their present stage of development that, reckoned in concrete terms of medical equipment, the same money would provide far less for the Jew than for the Arab.

CHAPTER XIII.

PUBLIC WORKS AND SERVICES.

Government Departments.

1. The evidence before us showed that during recent years the Administration of Palestine has made every endeavour to keep the ratio of employment of Arabs and Jews in the Government Departments generally as nearly as possible in accordance with their respective proportions in the population. The Jewish Agency, whilst agreeing that the representation of Jews in Government Departments should be maintained at a level approximately proportionate to the relative number of Jews in the country, complained that on this basis the present position is that Jews in the Civil Service as a whole are not fully represented.

2. The total number of persons employed in the normal establishment of Government Departments at the 31st December, 1935, was 15,771, and the position with regard to the employment of Arabs, Jews and others is set out in the table below. There are a large number of British officials in the Government service and in the table these are included under the heading of " Others ".

	Number		*Cost*	
	Number	*Percentage of Total*	*Amount*	*Percentage of Total*
			£	
Arabs	10,721	68	1,010,930	54
Jews	2,458	16	340,429	18
Others	2,592	16	514,434	28
Total	15,771	100	1,865,793	100

The total of Arabs and Jews employed is 13,179 and of this number the Jews are 18·6 per cent. On the 30th June, 1936, in the total population of Jews and Arabs in Palestine the Jews were 28·2 per cent. To achieve from year to year an exact proportion in the Government Departments is not possible and with the large influx of Jewish immigrants, some 100,000 during the years 1934 and 1935, it is quite obvious that a discrepancy was bound to arise. If it be assumed that the distribution of posts as between the two races should be proportional to the size of their respective populations—and we have commented on that

assumption in an earlier Chapter*—we think that the Government have fairly maintained a due proportion in the Civil Service generally, although the rapid expansion of the Jewish community has made this extremely difficult.

3. In addition to their general grievance with regard to employment in the Civil Service as a whole, the Jewish Agency complained that the attitude of the Government towards the employment of Jews is unsympathetic and Jews do not get a fair share of employment in the Public Works Department, on the railways and at the ports. The General Federation of Jewish Labour, the *Va'ad Leumi*, and Central Agudath Israel made similar complaints with regard to the Public Works Department and the railways. Central Agudath Israel also submitted that their organization does not get a sufficient allocation of Government contracts and that more of their members ought to be employed in the Post Office service. A grievance also was put forward by the Arabs that in the higher grades of the Public Works Department only one Arab is employed.

4. The Jewish Agency rested their claim for a greater share of such employment on three main grounds.

The first ground was that they regarded the volume of employment in public works and services as part and parcel of the country's absorptive capacity; that volume of employment is being constantly expanded and is being expanded largely owing to Jewish efforts. From the annual budgets it is clear that the amounts spent on public works, both in the ordinary budget and under loan schedules, are rising. They calculated that about 65 per cent. of the railway receipts come from Jews and that from 60 to 80 per cent. of the imports coming into the country through the ports are Jewish.

Their second ground was that opportunity for work in all occupations is a real test of citizenship and that this is not complete unless Jews have a position in State services and with regard to these the Government do not give them enough help.

Their third ground was that Palestine is a country of two races and it is very important to make the public services proof against racial unrest. In the recent disturbances, where the service was exclusively in Arab hands, as in the port of Jaffa, the service was completely paralysed: on the other hand, at Haifa, where a large number of Jews are employed in the port, the strike was not effective.

5. The second and third grounds of complaint are really racial and political, and in some measure overlap. The urgent desire of the Jews to bring more immigrants into the country is largely responsible for this demand for further employment

* Page 138.

in the public services. It is not possible in every case to employ both Jews and Arabs in the public services. For example, despite a substantial proportion of Jews in its population, Jaffa is essentially an Arab town, while Tel Aviv is purely Jewish, and it would in the existing circumstances be just as dangerous to employ a Jewish lighterman in Jaffa as an Arab policeman in Tel Aviv. Any attempt to force Jewish labour on a purely Arab population or Arab labour on a purely Jewish population would only intensify the feeling between the two races and might precipitate a crisis.

6. On the evidence we had no doubt that the Government made no restrictions as to the employment of Jews in public services and, if in fact in some services Jews were not employed, it was not from any lack of desire on the part of the Administration, but arose solely from the peculiar and difficult circumstances in Palestine.

Public Works.

7. In any employment in Palestine there are two features which cannot be lost sight of—one, that the two races, with few exceptions, are entirely antagonistic and the other that their standards of living are very different. This difference in the standard of living accounts for the fact that the wage of the unskilled Arab labourer is much less than that of the Jewish labourer and, although the actual rates of pay vary in different occupations, it may be taken generally that the ratio is roughly about five to three.

8. At the beginning of 1933 the Government decided that during the financial year 1933-4 from 30 to 33 per cent. of the labour employed on public works should be Jewish, the percentage being calculated on wages and not on the total number of working days. The Government accepted 37 per cent. as the percentage of Jewish contribution to public revenue and decided that this factor must be taken into consideration. Regard was also given to two other factors, namely, that the Jewish percentage of population was approximately 18 per cent. and that the employment of more Jews would involve higher costs for the same amount of work. It was recognized that the actual percentage would vary in accordance with the nature of the work, local conditions and costs. The works to be done were to be sub-divided on a geographical basis, works in predominantly Jewish areas being entrusted to Jews and those in predominantly Arab areas to Arabs. Works in mixed areas were either to be left open to competition or to be given to one or other community to the extent necessary to bring its share up to the prescribed percentage.

9. During the next three years Jewish labour was not in fact employed by the Public Works Department up to the figure of 30 to 33 per cent. as laid down. This was due to the fact that during these three years there was increased prosperity, and building activity in Tel Aviv and elsewhere was so intense that not only was there a shortage of Jewish labour for the Government works but the wages of Jewish skilled, semi-skilled and unskilled workmen increased so largely that it would not have been possible to adopt the proportion laid down without increasing the expenditure on labour on Government works to an unwarranted extent.

10. The Jewish Agency stated that if the work was given out on a piece price or contract basis it could be done by Jewish labour at the same cost as by Arab labour, but the evidence was contradictory on this point.

11. In presenting their case to us, the Jewish Agency estimated that at the present time Jews contribute more than 60 per cent. to the revenue and that they are now about 30 per cent. of the population. They asked that the employment of Jews in the Public Works Department should be based on man-days. On that basis they stated that if they were to get 30 to 33 per cent. in man-days, that would mean that their wage bill would go up to 45 or 50 per cent. of the total payment of the Public Works Department. Although in their view that percentage was much below their share of contribution to revenue, they were content that their share should be fixed at that point and asked that a procedure should be introduced of earmarking works at the beginning of the year.

12. We are aware that Mr. MacDonald in his letter to Dr. Weizmann in 1931 said " With regard to public and municipal works falling to be financed out of public funds, the claim of Jewish labour to a due share of the employment available, taking into account Jewish contributions to public revenue, shall be taken into consideration "; and we have no doubt that the Administration when they fixed their percentage in 1933 made every endeavour to carry out those instructions, but, as we pointed out, the percentage could not be maintained owing to economic factors. The truth of the situation is that in Palestine, where there are two different rates of pay for unskilled labour, as between Arabs and Jews, and also frequent fluctuations in wage rates, it is practically impossible to maintain employment in public works on any fixed proportion between the races.

13. The contract work of the Public Works Department is carried out on the ordinary principles of tender, the Government receiving some eight to ten tenders for a specified piece of work and accepting the lowest tender. The *Histadruth*, the

Jewish Labour Federation, has a special Department for contract purposes. During the years 1933 and 1934, and part of 1935, owing to the amount of work going on in other trades, particularly the building trade, only a small proportion of the contract work went to the Jewish Labour Federation. As an illustration of this position, we were told that out of 13 invitations sent to the Jewish Labour Federation between April, 1933, and February, 1934, to undertake works costing over £500 the Federation responded to one invitation only.

14. In some cases, where the amounts involved are small, direct contracts are given on a price list fixed by the Government. In giving out such contracts the Department has, of course, to exercise its discretion as to what contractors should be employed, having regard to their efficiency and ability, and this discretion we have no doubt has been properly exercised.

15. In the financial year 1935-36 the Public Works Department estimate that under contracts Jewish labour amounted to 84,248 man-days, with a total of wages of £38,367. Other labour under contract totalled 413,763 man-days with a total amount of wages of £74,173.

16. With regard to the Arab grievance that there is only one Arab employed in the higher grades of the Public Works Department, we were informed that this is so and it is accounted for by the reason that in the Public Works Department there are no Arabs sufficiently well qualified at present to be promoted to a higher grade. Four are now being trained and being given experience in the various offices of the Department to become qualified for promotion.

Post Office.

17. The position in the Post Office at the 31st December, 1935, was that, out of a total of 1,471 employees, 714 were Arabs, 711 were Jews, and the "Others" were 46.

The grievance of Central Agudath Israel was that more of their members ought to be employed in the Post Office Service. The Agudath Israel is a community numbering about 50,000. To them the Jewish Sabbath is not merely a day of rest: they regard it as one of the foundations of the Jewish faith and members of their community do not work on Saturdays. It would seem that for this reason more members of their community are not employed in such important public services as the Post Office or on the railways, having regard to the public requirements.

Railways.

18. The Government Department of the Palestine Railways operates over 1,100 kilometres of line, of which 203 kilometres are in Sinai (Egypt) and are owned by the British Government

and there are 323 kilometres of the Hejaz Railway in Trans-Jordan. Of the 474 kilometres of line actually in Palestine, there are 144 kilometres of Hejaz Railway. With the exception of a few members of train crews running through Sinai, no Jews are employed on the lines in Sinai and Trans-Jordan, the employees being for the most part the people of these two countries. While there are no Jewish workmen on the railways in Sinai or Trans-Jordan and few on the Hejaz Railway in Palestine, the Jews get a certain share of the work of these lines in the mechanical workshops at Haifa, where the maintenance and repair of locomotives and rolling stock running over all three lines are carried out by mixed Jewish and Arab labour.

19. The Jewish Agency complained that the proportion of Jews employed on the railways was far too low.

The chief reason for the small number of Jews employed on the railways is that the wages for the grades in which the majority of men are employed are too low to attract Jews. This applies not only to the lower paid grades but also to the higher paid posts, because the Jews will not accept the low rates of the learner stages, for instance, locomotive drivers who have to start as cleaners, then progress to firemen, before they are made drivers.

20. The railway operates a seven-day train service and there is no difference in the goods and passenger trains time-table between Sundays and any other day in the week. For this reason, Jewish employees are in most cases asked if they are willing to work on Saturday, and it is intimated to them that Saturday working will or may be required. The management endeavours as far as possible to give the weekly day of rest in accordance with the religious confessions of their employees.

21. The operation of the railways at the present time shows an annual deficit. The rates of wages are much higher than those in the neighbouring countries of Syria and Egypt, and all the wage grades on the railways are on incremental scales.

Ports.

22. In the port of Jaffa, the porters are in direct Government employment and lightermen and stevedores are licensed by the Government to work in the port. The Jewish Agency complained that they were unable to get employment for Jewish porters or licences for Jewish stevedores or lightermen. After negotiations with the Jewish Agency, the Government decided, for reasons of security, that Jewish porters should not be introduced into the port of Jaffa or licences issued to Jews as stevedores or lightermen. In October 1935 and February 1936

there were two lightning strikes at the port of Jaffa and these two strikes were marked symptoms of the general unrest which was growing in the country.

23. In the port of Haifa, a large proportion of the porters work for private firms. The bulk of export porterage, namely for citrus fruit, was and still is carried out by Jewish labour employed by the fruit shippers. Jewish porters are also employed by certain merchants for the delivery, and placing in conveyances for withdrawal, of iron bars, joists, rods and pipes, loose roofing tiles, timber, etc.

24. The porterage work under the Government is now under a departmental service, which was inaugurated on the 1st July, 1935. Two chief foremen were appointed at £20 a month and 10 foremen at £12 a month. These men are all Arabs who have been engaged on porterage work at the port for many years. The whole of the labour is recruited daily and paid a daily wage. Two rates of pay are granted, 280 mils (5s. 7d.) a day for experienced men, who are limited to 100, and 160 mils (3s. 2d.) a day for others. No discrimination is made regarding creed; but, although labourers are engaged daily at the gate of the port area, no applications have been made by Jews. This is accounted for by the fact that the wages are not sufficiently high to attract Jewish labour and a Jew will not join a large force of Arab labour individually, but will only do so if he has a chance of coming in as a member of a group.

25. Recently an arrangement has been come to between the Government and the Jewish Agency by which a part of the Government work at the port of Haifa is to be allocated to Jewish labour on a piece rate basis.

26. We do not desire to make any recommendations regarding the employment of Jews and non-Jews in Government Departments and on public works and services. We have referred to the difficulties created by the antagonism of the two races, the differences in their standards of living and rates of wages and the additional complication of three different holy days. We are satisfied that the Government have taken a broad view in dealing with the situation and that there is no foundation for the suggestion that the Government's attitude towards the employment of Jews is unsympathetic.

27. The Jewish grievances seem mainly to be based on precise mathematical calculations as to the apportionment of work between the two races. We think that such calculations cannot be applied to services so closely affected by economic factors without impairing the efficiency and finance of the Administration.

CHAPTER XIV.

THE CHRISTIANS.

1. The attention of the world has been concentrated on the issue as between the Moslem Arabs and the Jews in Palestine to the practical exclusion of the Christian communities. And yet the religious stake of the Christians in the Holy Places is just as great as that of the Jews or Moslems. The Christian communities constitute between seven and eight per cent. of the population. The 500 million Christians in the world cannot be indifferent to the position and well-being of their co-religionists in the Holy Land.

2. Although we had not the advantage of hearing evidence from the heads of all the principal Christian religious communities, our attention was drawn by authoritative witnesses to an apparent neglect on the part of the Administration to consider the position and rights of those communities.

3. We understand that it is a basic principle in the system of government of the country to leave all religious matters to the various religious bodies to manage for themselves. If these bodies mismanage their religious affairs the Government can and does do nothing. The attitude of the Government towards the affairs of the Orthodox Patriarchate of Jerusalem was quoted as an instance of their lack of interest in such questions.

4. After we had returned to England we received a memorandum, dated the 16th February, 1937, from the Executive Committee of the Second Arab Orthodox Congress, setting out the grievances of the (Greek) Orthodox Community. This memorandum pointed out that Your Majesty's Government had obligations not only towards the Moslem Arabs and Jews but also towards the Arab Orthodox Community, numbering 45,000 persons. One of the first measures which the Mandatory had taken after the establishment of the Civil Administration had been to set up Commissions to enquire into the religious organizations of the Moslem and Jewish communities. As a result, a Supreme Moslem Council had been constituted in 1921 to control the *Shari'a* Courts, administer the *Waqfs* and appoint Muftis. The Administration similarly took measures to ensure the organization of the Jewish community and an Order dated 18th March, 1921, provided for the election of the Chief Rabbis as well as a Rabbinical Council.

5. The memorandum recognized that the Government had at the beginning felt the urgent need of also regulating the affairs of the Orthodox Community, which, owing to internal dissension, on the one hand, between the clergy themselves, and,

on the other, between the lay members of the Community and the Patriarchate, needed reforms much more urgently. A Commission had been appointed to enquire into and report on the controversies between the Orthodox Patriarch and the members of his Synod and to advise the High Commissioner on the steps to be taken to restore order in the affairs of the Patriarchate. Another Commission was charged to investigate the controversies between the Orthodox Patriarchate of Jerusalem and the Arab Orthodox Community. Although the reports of both Commissions had revealed a deplorable state of affairs in the Orthodox Patriarchate and the urgent need for measures of reform, virtually nothing had been done as the result of their recommendations submitted over eleven years ago.

6. It was pointed out that the death of the late Patriarch Damianos in 1931 had rendered the controversy more acute and the proceedings taken to elect a new Patriarch had, owing to these controversies, been so far abortive. The controversy was first brought before the High Court in connection with the election of a *Locum Tenens* of the Patriarchate. In commenting on the attitude of the Government the Court observed that:—

> "We know nothing of the reasons which, after the Administration had gone out of their way to appoint a Commission, led apparently to the pigeon-holing of its reports and of its recommendations for nearly seven years."

The High Court severely criticized the Turkish Fundamental Law applying to the Patriarchate as—

> "calculated to lead to disputes and litigation in regard to the election of the Patriarch of what is, at present, the most numerous Christian Community in Palestine."

7. The second of the two Commissions referred to above had reported that—

> "the Orthodox population of the country is in fact the victim of an unfortunate historical development. This is the reverse side of their privileged position as residents of a country which is the historic centre of Christendom. . . . The position of the local population as spiritually subject to a clergy alien in race and language calls for sympathy."

The memorandum asserted that this same alien clergy, encouraged by the attitude of the Government, thus persists in a policy of hellenizing the Orthodox Patriarchate without regard to the welfare of the Church or its members and that, in their behaviour and conduct of the affairs of the Church, they are pursuing a policy intended to eliminate the Arab element in the Church.

8. The Arab Orthodox Executive complained that the *laissez faire* attitude of the Government was hardly compatible with the obligations contained in Article 16 of the Mandate to the

effect that the Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government.

9. As we received this memorandum only after we had left Palestine, we had no opportunity of examining the question in detail; but we think it right to point out that the Financial Commission appointed under the Orthodox Patriarchate Ordinance, 1928, has carried out an effective reform of the Patriarchate's finances (settling debts amounting to over £559,000) and we understand that the reorganization of the internal affairs of the Patriarchate, including the establishment of a Mixed Council, has been discussed between the Government, the Patriarchate and the laity, and is at present under consideration by the Government.

10. Another question which, we were told, aroused much feeling was that, owing to the very strict observance of the Jewish Sabbath and the fact that the Jewish Government official does not work on Saturday, the result often is that the Christian official has to work on Sunday. The Christian official, in fact, frequently has to do the work of the Jewish and Moslem Arab official on his own nominal day of rest. This state of affairs was criticized because it throws too much work on Christian officials and impairs the spiritual influence of the Christian Church. We are disposed to agree with this view, but the question is an admittedly difficult one in a "land of three Sabbaths."

11. Monsignor Hajjar, Melkite Archbishop of Galilee, accompanied by Yaqub Eff. Farraj and the Reverend N. Marmura, gave evidence before the Commission on behalf of the Christian Arabs. In a written statement supplementing his evidence Monsignor Hajjar asserted that "the Christians enjoyed privileges during the Ottoman regime which are now abolished". The Courts, as also the administrative and municipal councils, had been half Christian and half Moslem. Christian representatives had decreased and were about to disappear owing to Jewish immigration. In former times the Vice-President of the Municipal Council of Haifa was a Christian. He had been recently replaced by a Jew. The Christians had no representative in the Safad Municipality and Monsignor Hajjar demanded due representation of Christians in proportion to their interests in Palestine and irrespective of their small number.

12. He asserted that the ultimate aim of the Jews was to take possession of the Temple Area. He complained that the privileges which the religious heads had inherited from the

Ottoman Government had been reduced by the British Administration and quoted as an instance the fact that on one occasion that Administration had forbidden a religious procession from proceeding from one of the Greek Catholic Churches to another for fear of trouble from the Jews.

13. Yaqub Eff. Farraj, in his capacity as one of the representatives of the Christian Arabs on the Arab Higher Committee, stated that all communities of the Christian Arab population of Palestine were in full agreement with their brethren, the Moslem Arabs, with whom they form a united national entity, as to all their claims and aspirations, whether political, civil, or economic. He added that they supported all the statements and complaints which had been made by the members of the Arab Higher Committee to the Royal Commission in connection with the establishment of the Jewish National Home and the development of self-governing institutions in Palestine. The Christian Arabs have, in fact, thrown in their lot with their Moslem brethren.

CHAPTER XV.

NATIONALITY LAW AND ACQUISITION OF PALESTINIAN CITIZENSHIP.

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

2. Palestine was one of the Asiatic territories renounced by Turkey as a consequence of the Treaty of Lausanne, 1923. In these territories treaty nationalities were established under the provisions of Section II of that Treaty, which came into force on the 6th August, 1924. Effect was given in Palestine to the nationality section of the Treaty by the Palestinian Citizenship Order, 1925, which came into force on the 1st August of that year. As it had no retrospective effect there was a gap of nearly one year from the date when there should have been treaty nationality and the date when it began to exist under local law; consequently on the 23rd July, 1931, the Order in Council was amended to provide in effect that treaty nationality should run from the 6th August, 1924, in accordance with the intention expressed in the Treaty of Lausanne.

3. The Order of 1925 is divided into four parts. Part I deals with treaty nationality, i.e., nationality following the change of sovereignty over Palestine after the War and the renunciation of the territory by Turkey. It provides that Turkish subjects habitually resident in Palestine on the 1st August, 1925, shall become Palestinian citizens; and the amendment of 1931 had the effect of providing that Turkish subjects who were habitually resident in Palestine on the 6th August, 1924, but ceased to be so habitually resident before the 1st August, 1925, were deemed to have become Palestinian citizens, unless before the 23rd July, 1931, they had voluntarily acquired another nationality. Under Part I virtually all the Arab population became Palestinian citizens, for although the Order gave the right to opt for Turkish or other nationalities within two years the number of Arabs who availed themselves of this option was negligible.

4. Part II of the Order prescribes what persons acquire Palestinian citizenship by birth and provides for the acquisition of Palestinian citizenship in certain other cases of persons born in Palestine before the date of the Order.

5. The other important part of the Order is Part III, which provides for the acquisition of Palestinian citizenship by naturalization and this applies almost entirely to the Jewish

part of the population. Under the provisions of the Order the applicant must satisfy the following conditions:—

(*a*) that he has resided in Palestine for a period of not less than two years out of the three years immediately preceding the date of application;

(*b*) that he is of good character and has an adequate knowledge of either the English, Arabic or Hebrew language;

(*c*) that he intends if his application is granted to reside in Palestine.

In special cases the High Commissioner is empowered to grant naturalization even if the period of residence has not been within the three years preceding the application.

6. Part IV deals with the status of married women and minors, and with the loss of Palestinian citizenship by naturalization elsewhere and by declaration of alienage.

7. We now turn to the question of the position of Turkish subjects born in Palestine who were and are habitually resident abroad. An Arab witness put before us the case of Arabs who had left Palestine before the War intending eventually to return but had been unable to obtain Palestinian citizenship. He stated that there were about 40,000 of such emigrants, most of whom were in Central or South America, whither they had gone to sell the goods of Palestine, the products of the Holy Land. They were loyal to the Ottoman Government until King Hussein proclaimed the revolution and then they threw in their lot with the Allies. They intend ultimately to return to Palestine, where many of them have relations and some of them have property.

8. Under the Lausanne Treaty, which came into force on 6th August, 1924, Turkish nationals resident abroad were given the right within two years from the date of the Treaty coming into force to exercise the option for the nationality of the territory of which they were natives.

Article 2 of the Palestinian Citizenship Order gave effect to this provision of the Treaty, but gave the right of option "within two years of the coming into force of this Order" namely from 1st August, 1925. This was contrary to the Treaty and it was amended by a later Order made on the 6th November, 1925, by which the right of option had to be exercised within two years from the 6th August, 1924, the date of the Treaty. The result was that Turkish nationals born in Palestine but resident abroad only had nine months instead of two years within which to exercise their option.

9. The witness stated that the Order in Council was not fully advertised and the wording of the application form was not clear. One of the questions on the form of application was,

"Where do you intend to reside?" and most of the applicants read that as meaning, "Where do you intend to reside at the present time?" and so gave the country in which they were then living and not Palestine to which it was their ultimate desire to return. In the result about 9,000 applications were made and of these not more than 100 were accepted.

10. He complained that these Arabs are people in a foreign country who, owing to the Great War, through no fault of theirs, have practically ceased to have a country of their own. It is an undoubted fact that they receive no protection from the State which governed their country before the War nor from that which governs it now; nor can they obtain such protection, except by giving up their business and proceeding to Palestine, a course of action which many of them, doubtless, are in no position to afford and which in any case is not required of a national residing abroad who seeks his country's protection. Apart from the question of protection, these people are hampered in their business, for, if they wish to travel from one country to another, they are unable to do so, as they have no passport.

11. We understand that the objections to any revision of the law in the direction desired by the Arabs are as follows: (1) It is undesirable to grant Palestinian citizenship to persons who have been absent from Palestine for several years and who have no intention of returning to Palestine within a reasonable period and of residing there permanently. (2) It is considered that in many cases the principal object of applicants in such cases is to obtain British protection for the purpose of pressing claims against the Governments of the countries in which they reside. (3) Further, it is undesirable on general grounds to create a class of persons permanently resident abroad who would be entitled to British protection.

12. We consider that though the grievance is felt by all the individuals concerned, it is a greater hardship for those who have not severed their connexion with the land of their birth and intend to return there in their later years. We suggest that at least those who are able to establish an unbroken personal connection with Palestine and who are prepared to give a definite formal assurance of their intention to return to Palestine should be admitted to Palestinian citizenship.

13. As regards the Jews, the legislation implements Article 7 of the Mandate, as it facilitates the acquisition of Palestinian citizenship by providing that, so far as language requirements are concerned, they are satisfied by a knowledge of Hebrew. Applications for naturalization can be made at Jerusalem, Jaffa, Haifa and Tiberias, and in addition there is a Naturalization Field Officer who visits outlying villages and settlements

and receives applications on the spot. Of the total of 6,007 applications submitted in 1935, 1,322 were accepted by this officer from residents in 37 Jewish settlements. The fee for naturalization is 500 mils (10s.).

14. In the early years applications for naturalization were not made in any great number but recently there has been an increase, due to the increasing number of persons possessing the requisite residential qualification and to a campaign of Jewish representative institutions encouraging naturalization among members of the Jewish community. Apart from illegal entrants the total population of the Jewish community was estimated to be 384,000 at 31st December, 1936. Of this number about 92,000 were Jewish immigrants who came in during the years 1935 and 1936 and were not then qualified for naturalization. Of the remaining population of 292,000 about 166,000 had acquired Palestinian citizenship and the remaining 126,000 or about 43 per cent. of the qualified population, were not Palestinian citizens. The Jews have not availed themselves readily of the opportunity afforded them of becoming Palestinian citizens and this is accounted for by the fact that their chief interest is in the Jewish community itself and allegiance to Palestine and its Government are minor considerations to many of them.

15. A Jewish criticism was made that under the Municipal Corporations Ordinance of 1934 the right to vote in municipal elections and to become a member of a Council was restricted to Palestinian citizens and it was suggested that the qualification should be one of residence only and not citizenship. The suggestion which was made that the Ordinance had been framed in order to prevent Jews from getting a majority in certain towns is in our opinion unfounded and we think that the Ordinance quite properly laid down the usual voting qualification. It is most desirable that all persons who intend to reside permanently in the country should become Palestinian citizens and this qualification for voting is a direct inducement to them to do so.

CHAPTER XVI.

EDUCATION.

1. Introduction.

1. It would be natural to suppose that in the field of education, more easily and effectively perhaps than anywhere else, something could be done to bring the two discordant races of Palestine nearer together. But, in so far as any policy of that kind would tend to moderate the full-blooded nationalism of both races, it would be vehemently opposed by the spokesmen of both. When, at one of our earlier sessions in Jerusalem, the question was put whether educational policy might not help to promote a better understanding between Arabs and Jews, the mere question was greeted with pained surprise in the Arab Press; and we have little doubt that the Hebrew Press would have been equally unsympathetic if it had been thought that we were in a position to recommend a drastic change in the Jewish educational system.

2. In education as in other matters the Mandatory's hands are tied. Article 15 of the Mandate requires that—

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

And the purpose of this provision is confirmed by Article 22, which prescribes that Arabic and Hebrew as well as English are to be "official" languages. An effective policy for bringing the races together would bring them together in actual fact. The boys and girls of each race at the primary stage would have to be taught in separate schools or at least in separate classes, because the language of instruction would have to be their respective vernaculars, but great attention would be given to their mastering English, and at the secondary stage they would be taught side by side in the same schools and through the medium of English only. At this stage an important part of the curriculum would be devoted to the languages, literature and history of both races. Had it been practicable in Palestine, such a system, adopted at the outset and consistently pursued, might have gone far in a generation to break down the barriers between Jew and Arab and to nourish a sense of common Palestinian citizenship. But it was not practicable. Article 15 precluded it.

2. Jewish Education.

3. As a result of Article 15 each of the two races has its own educational system and organization. The Hebrew system is largely autonomous and receives a relatively small Government

grant, while the Arab system is mainly maintained and administered by the Government. The statutory basis of the Jewish system is the Religious Communities Ordinance of 1926, and the rules made under it in 1927 for the Jewish community, by which the *Va'ad Leumi* is entitled to require or authorize the local communities to levy a rate, among other purposes, for education, and to supervise and administer communal institutions such as schools, subject to Government's general right of inspection. Practically all Jewish children receive some elementary education, and of those who receive it the majority attend schools controlled by the *Va'ad Leumi,* though there are a few private schools. The *Va'ad Leumi* school system includes, besides the General Schools as they are called, the *Mizrahi* schools and those of the Jewish Federation of Labour, which lay stress on religious observance and manual instruction respectively. The primary schools form the core of the system and are widely spread. There are also three schools offering a complete secondary course, besides various technical colleges. The standard of education offered is on the whole good, and among the points to be commended is the provision in the secondary schools for instruction in Arabic.

4. The degree of autonomy with which the Jewish school system is conducted is due not only to the statutory position of the Jewish community but also to its capacity to pay its way. In 1934--5 £249,937 was spent on Jewish education (perceptibly more than the sum spent by the Government Department of Education), and of this by far the major part was raised from Jewish sources, the Government grant being only £28,000. This grant is calculated annually by means of a comparison between the relative school-age populations of the Jewish and Arab communities.

5. The method of calculating this grant has been a subject of constant controversy. The *Va'ad Leumi* maintain that the grant should be increased in recognition of the fact that a far greater proportion of the Jewish school-age population actually attend school than of the Arab, and that the expense of education *per capita* is therefore greater. They wish to make actual school attendance the basis of calculation, or alternatively they claim a supplementary *per capita* grant. This argument is based, as is the Jewish case on other social service questions, on the principle that Government should subsidize Jewish enterprise in proportion to its scope and quality.*

6. The Administration's reply is again general; a policy of " levelling-up " cultural standards requires that priority should be given to the more backward Arabs. Out of a fixed total budget for education, therefore, expenditure divided between Jews

* *See* pages 316–317.

and Arabs on the principle of actual school attendance would accentuate the lead already taken by the former and thus tend to widen rather than to narrow the cultural gulf. In recent years, as will be pointed out later, Government has found the funds available quite insufficient to satisfy the Arab demand for education of any kind, and has been compelled to reject many applicants for entry into the schools. Therefore, until much more has been spent on the development of Arab education so as to place it on a level with that of the Jews, it is unjustifiable substantially to increase the grant to the *Va'ad Leumi,* however desirable that might be in other circumstances. With this argument we concur. We regard the extent to which the Jews have taxed themselves for education as one of the best features of the National Home; and we think that such " self-help " deserves all the support that Government can give. But it should not be given by altering the existing proportion between the grant to the Jews and the amount spent on the Arabs. It should result from the increase in the total expenditure on education which we recommend in a later paragraph.

7. The Jewish school-system, we were informed, is somewhat weak in its methods of discipline: but it is in general an efficient educational machine. It is inevitably, however, as we pointed out in Chapter V,* an instrument of Jewish nationalism. Its primary purpose is to indoctrinate the ideals of the National Home, to fasten the child's mind before all else on the traditions and achievements of the Jewish people, and to foster a sense of devotion to the task of rebuilding a Jewish nation in its ancient homeland. That is what the Jewish schools were always intended to do; that is why the Hebrew language, in which all instruction is given, was entrenched in the Mandate. The teaching of history is a clear illustration of this objective. In one of the secondary schools it is not till the sixth form that the pupil emerges from ancient history, in which two-thirds of his time have been given to that of the Jews. In the three upper forms more or less equal weight is given to world-history from the Roman Empire to the present day on the one side and to the history of the Diaspora on the other. In the teaching of literature the study of Hebrew literature is given a still more predominant place.

8. This nationalistic trend of education is common enough, of course, in other countries; and it is a natural, indeed an almost inevitable, product of Zionism in Palestine. We are only concerned to point out that from the age of three or four years, when children enter the kindergarten to be taught Hebrew if they do not know it already, pride in the past of Jewry and in the National Home as an exclusively and intensely Jewish achievement of the present is the dynamic centre-point of their whole

* *See* pages 118–119.

intellectual development. The idea that they are to share their life in any way with the Arabs, that they are growing up to be fellow-citizens with Arabs in a common Palestinian State, is only recognized in the teaching of a little Arabic in the secondary schools; and that provision, excellent in itself, is wholly insufficient as long as the rest of the teaching is inspired by a purely Jewish rather than Palestinian objective. So far, in fact, from facilitating a better understanding between the races, the Jewish educational system is making it more and more difficult as, year by year, its production of eager Jewish nationalists mounts up.

9. The apex of the Jewish educational system is the Hebrew University of Jerusalem. The main purpose of its foundation was as a centre for post-graduate research in science and the humanities; but the demand for university education among the Jews has been so great that there is now a considerable body of undergraduates. The University has departments of Jewish Studies, Oriental Studies, General Humanities, Mathematics, Physics, Chemistry, Botany, and a number of allied sciences; also a special department devoted to Cancer Research. There is a staff of 27 Professors, besides Lecturers and junior staff, and in 1935 there were 391 students, about 30 per cent. of whom had received their secondary education in Palestine, the remainder coming from other countries, notably Poland. The University is relatively well provided with laboratories and class-rooms; its excellent library is constructed and catalogued on modern lines; and on its magnificent site on Mount Scopus it possesses ample room for further building when funds permit.

10. It is remarkable to find on the fringe of Asia a university which maintains the highest standards of western scholarship. On its staff are names well-known in Europe and America. Its research work can compare with that of many older institutions. The scope of this research is necessarily limited by the remoteness of Jerusalem from the centres of modern civilization; and the University wisely concentrates, therefore, in certain departments, on such an exhaustive study of Palestine and the neighbouring countries as cannot be made elsewhere. In so doing it has made a valuable contribution to our knowledge of the Near East and in particular of Arab life and culture. A notable instance of this is the recent publication by the University Press of the text of the Arab historian, al-Baladhuri.

11. In its devotion to scholarship and good learning the Hebrew University sets an example to all Palestine. But it is not a Palestinian university. It is the crown of the Jewish educational system. All its teaching is in Hebrew. All its students are Jews. Its spirit, it is true, is not the spirit of Tel Aviv. It stands a little aloof from the popular life of the National Home. It is associated, indeed, with an attitude of

mind which regards the political side of Zionism as subordinate to its spiritual and cultural ideals. We doubt, however, whether that way of thinking is widely shared among the students of the University; and we are certain that it is not shared by the great majority of Jews in Palestine.

3. Arab Education.

12. Among the Arabs there is a great demand for education. It was pressed on us by the Arab witnesses, and it is evidenced by the number of applications made every year for entrance into the town and village schools. But, owing to their limited resources, the Arabs have been unable to meet this demand, as the Jews have done, by taking advantage of the machinery provided by the Religious Communities Ordinance and organizing and maintaining their own educational system. Although there are a few schools maintained by Arab funds, such as the secondary schools at Jerusalem, Nablus and Bir Zeit, it has fallen principally to the Government to provide educational facilities for the Arabs; and unfortunately the Department of Education has always been short of funds. An ambitious scheme of school expansion was proposed in the early days of the Civil Administration with the object of equipping all the Arab areas with primary schools; but it was soon curtailed by lack of money. In 1933 a similar scheme was put forward with a view to bringing the Arab school-system nearer to the level of the Jewish system; but again financial exigencies soon caused this programme to be modified. Nor do the Government's present heavy liabilities especially for security, make the educational outlook for the future more encouraging .

13. It is most regrettable that, after 17 years of Mandatory rule, the Government system is able to satisfy no more than half the Arab demand for education. Of recent years nearly 50 per cent. of the applicants for entry into schools, in areas where schools exist, have had to be refused for lack of teachers and accommodation; and this makes no allowance for the unsatisfied demand in areas where no school has yet been built within accessible distance. Out of an Arab population of school-age estimated at about 260,700, only 42,700 approximately are at present accommodated in Government schools; and Arab witnesses calculate that about 85 per cent. of the *fellaheen* are still illiterate. This is the more deplorable in that many Arab villages are willing, if only Government will do its share, to contribute towards the erection of school buildings. The inadequacy of the schools was one of the points stressed in anti-British propaganda in Palestine during the Abyssinian crisis.

14. Although the principal Arab demand is for primary education, the Government secondary school system is inadequate even for the limited output of the primary schools. The

Government Arab College is the only establishment offering a full secondary course, though there are secondary classes at a few other town schools. There are also certain technical institutions, such as the Government Trade School at Haifa, and the two Agricultural Colleges founded from the Kadoorie bequest at Mount Tabor and Tulkarm, which cater for Jewish and Arab students respectively. These establishments, all too few, provide a certain measure of secondary and post-secondary education.

15. The supply of trained teachers is severely limited. The output of them from the Government Arab College suffices for the replacement of losses through illness or retirement, but not for the full staffing of new schools. The construction of this College, approved by the Secretary of State in 1928, was postponed by Government for one reason or another until 1935; only the first part of the plan has actually been completed, and until the Government rescinds its refusal to countenance any extension of the buildings, no effective increase can be achieved in the output of teachers. The Government Women's College is even less adequately housed in hired buildings, and there is a more serious lack of women teachers than of men.

16. The shortage of resources under which the Department of Education has constantly laboured, and from which it still suffers, may be illustrated by the following table, which shows the budget provision for education for the last six years as compared with Government's total expenditure and the provision for a few selected other services—those of Security (Police and Prisons Department), Public Works and Public Health:—

	1931	1932–3	1933–4	1934–5	1935–6	1936–7*
	£	£	£	£	£	£
Total Expenditure	2,374,867	2,516,394	2,704,856	3,230,010	4,236,202	6,099,997
Expenditure:						
Police and Prisons ...	469,516	475,042	486,605	506,712	527,467	744,455
Public Works ...	334,353	317,451	373,224	540,697	991,824	1,105,793
Department of Health ...	105,918	111,052	135,838	166,311	194,632	204,356
Department of Education ...	146,988	159,520	179,635	201,498	221,087	243,265
Percentage of total spent on education ...	6·19%	6·34%	6·64%	6·24%	5·22%	3·99%

* Provisional figures.

17. It seems to us unfortunate that the Administration has been unable to do more for education. Its share of the total expenditure is not only small, but the percentage has been perceptibly falling since 1933. Of course there are other expensive services, with Security at their head, for which the Government has been compelled to make provision; but we cannot help thinking that, if the claims of education had been rated as high as they deserved, more money might somehow have been found for it, at the expense, for instance, of such material needs as public works of a not vitally urgent kind. It is not only the intrinsic value of education that should be considered. Any efforts to raise the material standards of life among the *fellaheen,* such as by instruction in improved methods of agriculture, can only be successful if they have received sufficient mental training to profit from technical instruction. This fact was clearly emphasized by Sir John Hope Simpson, who pointed out in his Report that

> "In every village complaints are made on the score of the inadequacy of educational facilities. . . . No agricultural development is possible among the Arabs until steps are taken to remedy the present state of affairs. . . . . Until facilities for ordinary primary education are more general than is the case at present, the *fellahin* will not be in a position to benefit generally by any special agricultural education that may be offered."*

The same writer advocated an ordered plan of expansion in education, and concluded that

> "It is clear that the Government of Palestine must face very considerably increased expenditure on education, both primary and agricultural."†

18. Though the Arab school system is a Government system, its nationalist character is quite as marked as that of the non-Government Jewish system. The curriculum both in primary and secondary schools is mainly concerned with the Arabic language and Arab tradition. There is no teaching of Hebrew and little or none of Jewish history. The language of instruction is Arabic throughout. This is, of course, a necessity in the primary schools; but the Government Arab College is, we believe, the only secondary school maintained by Government in any territory under British rule in which the medium of instruction is not English. It is difficult, however, to quarrel with this state of things. It seems, indeed, an almost unavoidable result of the provisions in the Mandate which enabled the Jews to establish an exclusively national school system of their own. The Arabs for their part desired a similarly nationalist system, but they could not pay for more than a fraction of its cost by

* Report on Immigration, Land Settlement and Development, by Sir John Hope Simpson (1930), Cmd. 3686, pp. 79–80.

† Ibid. p. 81.

voluntary self-taxation. The Government, therefore, since it met the cost from revenue, was in a position to impose a bi-national school system on the Arabs; but it could scarcely be expected to do this unless at the same time it imposed a bi-national system on the Jews: and this, under Article 15, was and is impossible.

19. The results of a purely national school system in Arab Palestine have inevitably been the same as in the Jewish National Home. We pointed out in Chapter V that the schools have become seminaries of Arab nationalism; that schoolmasters are for the most part ardent nationalists; and that during the " disturbances " of last year practically no work was done in the Government schools. Dr. Khalil Totah, who appeared before us to give evidence on education on behalf of the Arab Higher Committee, declared that it was impossible to control the inherent nationalism of these boys. " On the second of November, Balfour Day, we schoolmasters always expect a day's strike." At the same time he complained that the Government schools were not nationalist enough. The Mandatory Government, he said, is manifestly not interested in Arab education, as shown by the shamefully small sum spent upon it, compared, for example, with the free Arab country of 'Iraq, which spent nearly 10 per cent. of its budget on education in 1933-4. " A national Government would look at the children differently, take more interest in them. Now they are just step-children." Dr. Totah deprecated the official control of text books and the discouragement given to the expression of national sentiment and the fostering of indigenous Arab culture. He contrasted this with the autonomy and nationalist culture of the Jewish schools.

> " It would seem that Arab education is either designed to reconcile Arab people to this policy [the establishment of the National Home] or to make the education so colourless as to make it harmless, and not endanger the carrying out of this policy of Government."

20. It was put to Dr. Totah that it was difficult for the Mandatory Government to stimulate in their schools an Arab patriotism which would be turned against themselves, and he was asked whether in fact it was not an Arab Government he wanted. He frankly answered, " Yes ". Dr. Totah is headmaster of the Friends' School at Ramallah: he is not, therefore, in the service of the Department of Education; but we had ample evidence to show that Dr. Totah's official fellow teachers, though they may be less outspoken, feel at heart what he feels. " My *confrère* in Iraq ", runs the argument, " in charge of a Government school, stands on a higher footing than I do. He tells his boys to hoist *their* national flag, to sing *their* national anthem, to salute the portrait of *their* King. I can't do that. I am a second-class Arab ".

4. The Mixed Schools.

21. It remains to consider those schools, relatively few in number, which stand outside the Government system and that of the *Va'ad Leumi* and which contain both Arab and Jewish pupils. Notable among these is a group of schools under the control of the Anglican Church, of which four are for girls: the Jerusalem Girls' College, the English High Schools at Jaffa and Haifa, and Christ Church Girls' School, Jerusalem: and three for boys: Bishop Gobat School, Jerusalem, the Scots College, Safad (which will shortly be transferred to Haifa), and St. George's School, Jerusalem. Other schools of a similar status are the Tabeetha Mission School at Jaffa, American Friends' Mission Schools, the French *Collège des Fréres*, &c. In these schools the races and religions are mixed in various proportions, Bishop Gobat School, for instance, having only five Jews among a main body of Arabs, while the English High School, Haifa, limits non-Christians to one-third of the total. It is to that degree difficult to generalize concerning the mixed schools; but they have certain features in common. They all contain secondary classes, and in most, if not all of them, a high standard of educational efficiency is maintained. Their curriculum is broader than that of the Jewish or the Arab schools; their educational ideals and methods are western, and, in most of them, a specifically Christian type of character is aimed at. No encouragement is given either to Jewish or to Arab nationalism, not so much by suppression of these aspirations as by diversion of interest into other channels. Personal relations are normally good. In all the schools friendships between children of different races are common, and they are often received in one another's homes. The unifying interests of school life have been found on the whole more powerful than the political antipathies of the parents.

22. During the " disturbances " the mixed schools, with few exceptions, fared well. The High School at Jaffa had to close, and there was a temporary strike of Arab boys at two or three other schools; but the rest remained open, with good attendances, and in cases where children did stay away this was often due to " picketing " or to the parents' fear of letting them go out in the streets when riots were expected. Political feeling sometimes ran high among the elder pupils and among Arabs on the staff; but at least an appearance of normality was maintained, though there may have been tension underneath.

23. This is a notable achievement as far as it goes, but it has its limitations. While the sons and daughters of many politically-minded Arabs attend these mixed schools for the sake of the good education which they offer, the schools do not attract Jews in large numbers except at Jerusalem. Little impression has

been made, therefore, on Jewish nationalism as a whole. In the second place, we were informed that, common though inter-racial friendships are in school days, they often fail to survive the passage into adult life. The segregation of the races and the pressure of home influence both operate powerfully on the side of nationalism. We understand that more than one of the ablest young Arab nationalists were educated in these mixed schools. But, if in existing conditions these schools can do little to solve the problem of Palestine, they at least provide a fine example of what could have been achieved in happier circumstances. For what they have done and tried to do they deserve high commendation.

5. Recommendations.

24. We sympathize with the Arab "grievance" that not enough money has been provided for Arab education and, though all the social services would be bound to suffer from the mounting cost of public security which the maintenance of the Mandate must in our view entail, we think that, considering the inadequacy of the existing provision for Arab education and the willingness of the Arabs to make sacifices to increase it, the Administration should regard its claims on the revenue as second in importance only to those of public security.

25. But the insufficiency of Arab schools is not the worst feature of the educational situation: it might to some extent be remedied in time. The worst feature is the nationalist character of the education provided, and for this we can see no effective remedy at all. Ideally, as we have suggested at the beginning of this chapter, the system should be a single bi-national system for both races; but under the conditions imposed by the Mandate it seems virtually impossible to realize that ideal. It would involve a radical alteration in the present administrative organization. The lop-sided position under which the control of Jewish education is mainly in the hands of the *Va'ad Leumi* and the control of Arab education almost wholly in the hands of Government would have to be redressed. More power over the former would have to be assumed by Government, and more power over the latter devolved on Arab municipal and other local bodies. A bi-national curriculum would have to be imposed on Arab and Jewish schools alike. Those are drastic changes, and, however carefully or gradually the attempt were made to bring them about, we cannot hold out hopes of its success. As we have more than once explained, the nationalism of Jewish education has been from the beginning an essential element in the life and purpose of the National Home. There can be little doubt that the Jewish community would vehemently resist any attempt to deprive them of their educational autonomy, and it cannot be done against their will without removing

Article 15 from the Mandate. As long as that Article remains, it would be contrary to its intention for Government to bring pressure to bear on the *Va'ad Leumi* for the purpose we have indicated by withholding the Government grant for education; and in any case such pressure would not be very weighty since the Government grant provides less than one-eighth of the educational expenditure of the National Home. The Arabs for their part would no less strenuously oppose a bi-national system. A proposal to teach Hebrew, for example, in Arab schools would provoke, we were told, the fiercest indignation. And, though the power of the purse would be more formidable in the case of the Arabs, it could scarcely be employed to coerce them as long as the Jews retained their freedom. Nor, of course, in any case is coercion practicable in the field of education. The aims of educational policy must be broadly acceptable to public opinion. Teachers cannot be forced to teach, nor children forced to learn, against the will of the community.

26. Something, we think, could be done to moderate the estranging tendency of the existing educational system. Wherever it may be practicable, mixed education should be promoted. New technical or trade schools, for example, established by Government, should be open to both Arabs and Jews, and the instruction given in English: for the material advantages to be gained from attendance at such schools might well outweigh the prejudices of national antagonism. The same argument applies to university education, and it is in this field that in our opinion the most effective means of checking the further growth of narrow and discordant nationalisms might be found.

27. The contrast between the Arab and the Jewish systems of education is most striking at the top. The Jews have a university and we have spoken of its high quality. The Arabs have none. A substantial number of boys emerge every year from the Government secondary system and the mixed schools who are fully qualified to profit from further education at a university; but, since the Hebrew University is true to its name, they cannot obtain such further education in their own country. Over a hundred of them on the average go annually to the American University at Beirut which, as we have observed earlier in this Report, has done a great work for higher education in the Near East. Some go to universities on the Continent of Europe; a few obtain scholarships from the Palestine Government to go to England. It seems to us regrettable that those Arabs, who constitute the young *intelligenzia* of the country, should be unable to complete their education without the cost and inconvenience of going abroad.

28. To establish a university only to meet the need of the Arabs of Palestine, when their school system is as yet so inadequate, would be to invert the educational pyramid; but the

university we have in mind, while meeting that local need, would serve a wider purpose. It would be a British university and its doors would be open to all English-speaking students in the Near and Middle East. Jews, we think, would come to it as well as Arabs in Palestine and the neighbouring Arab countries; for it should not compete, it should co-operate, with the Hebrew University, and Jews might attend it for post-graduate courses or research work after taking their degrees at the Hebrew University or *vice versa*. We are aware that the project of a British University in the Near East has been mooted in other quarters, and we are not in a position to say how practicable it may be financially or otherwise; but we recommend that in any further discussion of the project the possibility should be carefully considered of locating the university in the neighbourhood of Jerusalem or Haifa.

29. In the long run we believe such an institution would have a far-reaching influence in blunting the edges of national antagonism, in promoting the ideals of international co-operation, and in easing the contact between East and West: but its cost would, of course, be heavy; it would take time to grow to its full stature; and the effect of it on the mind and temper of the area it served would be slow to mature. Meantime, the educational outlook, determined as it is by the provisions of Article 15, is disquieting. The existing Arab and Jewish school systems are definitely widening and will continue to widen the gulf between the races.

CHAPTER XVII.

LOCAL GOVERNMENT.

1. Article 3 of the Mandate provides that

" the Mandatory shall, so far as circumstances permit, encourage local autonomy."

2. In practice local autonomy has been interpreted as meaning local government on democratic lines; and Article 3 therefore is connected with " the development of self-governing institutions " required in Article 2, to which it may in some respects be regarded as supplementary. The extent and the quality of local autonomy in Palestine may be expected to throw light on the political capacity of its people; but it should be borne in mind that the well-known principle that education in self-government should work upwards through local to central institutions has not always been observed in other countries.

1. Rural Autonomy.

3. Under the Turkish regime the rural population had scarcely any voice in the control of their own affairs. In theory village elders were supposed to co-operate with the *Mukhtar* in a Village Council; but in practice the functions of the latter body were normally monopolized by the *Mukhtar*. The British Administration felt the need for establishing local bodies of a more representative nature; and the Local Councils Ordinance, 1921, was accordingly passed to enable the High Commissioner to confer legal status and powers on certain communities in the form of a Local Council. The regulations governing these Councils are not entirely uniform, minor variations of a general type of constitution being promulgated in each specific case. Both in size and resources the 20 Local Councils now existing are very diverse, ranging from villages with an annual revenue of a few hundred pounds to prosperous Jewish settlements in the Maritime Plain.

4. Our inquiry shows that the Arab Local Councils have not on the whole been a success. At the outset the Palestine Administration made no attempt to investigate and revive any tradition there may have been of government by village elders, and the Councils bear the stamp of an alien polity imposed from above. The power of the District Officer, for instance, in the supervision of the Councils' budgets, is very great. It has been represented to us that this practice leads to higher efficiency; but it has resulted in making the Local Council more an instrument of the Central Administration than a real organ of local self-government. It is not surprising, therefore,

to find that the villagers take little interest in their Councils; for, apart from their reluctance to pay rates for public services which they are slow to appreciate, there is little in the Councils to attract them. Few new creations of Councils have been made of recent years; no less than seven have been abolished at their own request, the villagers representing that they performed no useful function; another has ceased to operate and will presumably be dissolved in the near future.

5. There has not been the same need for the Mandatory Administration to encourage local autonomy among the Jews, since the latter, with their characteristic faculty for voluntary co-operation in small independent self-governing groups, have developed of their own accord an elaborate system of communal autonomy in the rural areas. Democratic control by the " General Meeting " has been the main principle in nearly every Jewish village community. Increasing population has brought a proportionate complexity and social stress; but the communities remain vigorous, and their activities cover a wide part of what is normally regarded as the State's province, not only in religious affairs, but also as regards public works and social services. Yet it should be remembered that they have no legal status, and they have, in fact, shown little desire to acquire it, fearing that as Local Councils their budgets and policy would be subjected to Government control.

6. There are at present only five Jewish Local Councils, but they rank almost next in wealth and population to the four major municipalities of Jerusalem, Haifa, Jaffa and Tel Aviv, and have been active and reasonably efficient. No doubt in the past their enthusiasm has sometimes outrun their discretion, particularly in matters of finance, and the paternal control by the District Administration against which they chafe has had a salutary educational value; but they have certain grievances against their present status with which we cannot but feel some sympathy. In general their powers under the Ordinance, being designed for static rural communities, appear to be too vague and too small to satisfy the needs of a rapidly growing population used to European standards of municipal service. They are not permitted to undertake town planning, nor have they any monopoly of public utilities such as water or lighting. In particular they experience the same delay in securing Government approval of their estimates as do the municipalities, about which more is said below. It is most of all in the sphere of finance that they find their activities restricted in a way which they claim to be unjustifiable, and the Administration's refusal to allow them to raise development loans for capital improvements severely hampers the work of providing necessary amenities for their growing populations. Much of what will presently be said of Tel Aviv is true, *mutatis mutandis*, of

these Jewish Local Councils, and it will be convenient to defer an examination of the policy of the Government in relation to local finances until a later stage.

7. The Local Councils Ordinance and its operation have been described to us as " defective legislation construed and enforced with exaggerated rigidity." Without entirely endorsing this charge, we are of the opinion that the present system of rural self-government falls short in two respects: first, in a lack of flexibility—it is asking too much to attempt to compress progressive townships and backward villages within the limits of a single legal framework—and, secondly, in undue centralization and artificiality, in that sufficient use has not been made of such inherent self-governing impulses and institutions as the people possess.

2. The Municipalities.

8. Municipal organization of a sort existed in Turkish times, though in practice the Ottoman Governors exercised unlimited powers of interference in municipal affairs. The British Administration at first attempted merely to regularize the position of the municipalities and to impose fiscal reforms. The attitude of the Government at that time may be summed up in the following extract from the first Annual Report of the Palestine Administration, for the period July, 1920, to December, 1921:—

> " The various Municipalities exist for local government of the towns and for the provision of such public services as may be required by their respective communities. They also serve as the collective mouthpiece of the people towards the District Governors, and as the means for carrying out the general requirements of the Administration . . .
>
> They are permitted to carry out their functions as independently as possible, but it is at the same time essential that their activities should be carefully correlated with those of the District Administration; and with this end in view each District Governor is responsible for the work of the local authorities within his District."

9. This has remained substantially the attitude of the Government ever since. It was not until 1926 that the first new municipal elections were held, recourse having been had to nomination in the interim for lack of suitable registers of voters. The Municipalities were still operating largely under Turkish law, and considerable further delay occurred before a new Ordinance was framed. Nevertheless the enactment of such an Ordinance was regarded as of considerable importance, as a step towards the furtherance of racial co-operation, and as a prerequisite of the setting up of a Legislative Council.*

The working of the Municipal Corporations therefore calls for study in two allied respects, as a *milieu* for racial co-operation and as an experiment in self-government with national representation as its goal.

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* See Chapter III, page 87 above.

10. In January, 1934, after various local bodies had been consulted, the Municipal Corporations Ordinance was at last enacted, and under it elections were held for 20 Municipal Councils. The franchise remained as in 1926, male Palestinian citizens of 25 years and upwards, with a small tax- or rate-paying qualification, having the right to vote. The Ordinance provides in great detail for the conduct of municipal business. It enumerates the powers and obligations of the Council, the maximum rates it may levy, the services it may undertake, and the officials it may appoint. The annual estimates of Municipalities, as well as proposals to raise loans, are subject to the approval of the District Commissioner, and accounts must be audited by an auditor appointed by the Government. In examining in detail the present state of the Municipalities under this system, it will be convenient to deal first with those of wholly Arab or mixed Arab and Jewish population, which form the majority and include the three large towns of Jaffa, Haifa and Jerusalem, setting aside for separate consideration Tel Aviv, the only purely Jewish Municipality until the recent elevation of Petah Tiqva.

11. A sound, full-time municipal civil service is one of the necessary instruments of efficient local government, and the Ordinance of 1934 recognized this fact in providing that each Municipality might appoint a number of local officials, such as a Town Clerk, Engineer, Medical Officer, &c. But, except in the three large " mixed " towns, this provision remains practically a dead letter. Very few of the Arab towns, most of which are small and poor, can afford to appoint more than one official and five of them have no permanent civil service- at all. Only in Haifa (apart, of course, from Tel Aviv) is there a real Town Clerk, and he is an officer seconded from the District Administration.

12. With this inadequate municipal civil service it is natural to find that, with the qualified exception of the large " mixed " towns, the public services performed by the Municipalities are also limited. In providing such fundamental amenities as drainage and roads they seem to have been tolerably efficient, though according to some witnesses this efficiency varies in the case of the smaller Arab Municipalities with the degree of pressure applied by the District Administration. But beyond this there has been little expansion of public services. Electric power, for example, has not been developed as a municipal undertaking because of the Government's policy of granting concessions to private companies; and there is no evidence of enterprise in public transport or other utilities. Limited financial resources are of course a factor to be taken into account; but the fact remains that there has been little attempt, either among the Arab or the " mixed " Municipalities, to provide for more than

the strictly material needs of their people. Both education and public health are centralized in their respective Departments at Jerusalem, and there are, therefore, no municipal Medical Officers. In the past several Municipalities maintained their own hospitals, but some of the smaller towns have been relieved of this responsibility by the Department of Health. In fact, there is evidently little sense of municipal responsibility for the public welfare in the sense in which this would be understood in Europe. The average Municipality of Palestine is an authority which plans roads, provides water and conservancy, erects slaughter-houses and regulates markets; but it is not yet a corporate body expressing in its services the social sense of the community.

13. The municipal system is a recent creation and initiative and enterprise need time to develop; but, in the larger " mixed " towns at any rate, we think the growth of those qualities has been checked in some degree by the strict subordination of the Municipalities to the District Administration. This is particularly marked in the sphere of finance. The law and practice are that the annual municipal estimates prepared by the Council are forwarded for approval first to the District Commissioner, who later passes them on to the Secretariat in Jerusalem, which invite the observations of the Treasurer; and lastly, since grants-in-aid to local bodies figure in the Palestine Budget, it is not till this Budget has been approved by the Secretary of State that the local estimates can be finally confirmed. It is not surprising that this cumbrous procedure causes inordinate delays, even in normal years. For example, the budget of Jerusalem for the financial year 1935-6 was not approved until August, 1935; and during the general dislocation of last year the majority of the municipal budgets for 1936-7 were still not approved by January, 1937.

14. This delay has a twofold effect. In the first place it compels the Municipalities to limit themselves, in the interim period, to recurrent expenditure based on the previous year's estimates; and consequently extraordinary works, involving new expenditure, are held up. This is the more unfortunate because the population of the more important towns is constantly growing through immigration and therefore capital works of this nature are often of pressing importance. The working of the Ordinance in this respect really defeats its own object of financial control, as 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. The second effect of the delay in approving the estimates is therefore to alienate the very Municipalities which Government should wish to encourage; to inculcate a feeling of irresponsibility, destructive both of municipal self-respect and of the prospects of learning by experience; for where the control of the purse is kept

closely in the hands of a central Administration, however paternal, the effective control of policy goes with it. It may well be true that the budgets of some of the weaker Municipalities would not be balanced at all without this pressure from above; but this applies much less, if at all, in the case of the larger and more active Councils.

15. This limitation of power and responsibility largely accounts, we think, for the lack of interest shown by the townspeople in most of the Municipal Councils. An indication of this may be found in the statistics of voting at municipal elections. The proportion of actual voters to those qualified to vote, at the time of the last elections, was discouraging in the three large " mixed " towns, Jerusalem having the highest proportion with only a little over a 50 per cent. poll. Unopposed elections were common, amounting in Haifa to seven out of ten wards. In the smaller and purely Arab Municipalities, a fairly high proportion of those qualified did in fact exercise their votes; but there are certain indications which go to show that this can be attributed rather to personal rivalry for office, common in small communities, than to a genuine political interest. Another indication of the way in which the Municipal Councils have failed to grip the public mind is that in none of them (always with the exception of Tel Aviv) has a proper party system developed. Racial divisions, which will be considered in a later paragraph, are indeed only too common; but of a genuine rivalry of political parties, presenting alternative municipal programmes to the electorate, there is no trace.

16. The history of the Municipal Courts affords another illustration of the seeming lack of civic spirit. In 1921 benches of honorary, unpaid Magistrates were established for the purpose of taking over petty judicial work of local interest and of associating the leading citizens with the work of the Government. Experience, however, showed their administration of justice to be unsatisfactory; the appointment of stipendiaries to assist them merely resulted in their ceasing to sit and abandoning everything to the paid men; and we understand that the Municipal Courts will probably soon be abolished.

17. In illustration of the way in which the present system is working in the larger Municipalities it is interesting to note the evidence submitted to us by two well-informed witnesses in connection with the Municipality of Jerusalem. Though one of these was an Arab and one a Jew, and they were speaking independently, the general tenor of their criticisms was the same. In the first place they represented that the Municipal Council has insufficient power to be an effective body; it is reduced, they claim, to the status of a mere debating society. And in the second place they agreed in attributing the retarded

development of municipal services to the strict financial control of the Administration and to the insufficiency of the Government grants-in-aid.

18. If public interest and civic spirit in regard to municipal self-government are to be aroused, the Municipality must have sufficient powers and status to attract attention and excite ambition. The participation of the local government authorities in education, for instance, as is the English practice, is one way of enlisting civic interest and civic pride in a campaign of general cultural improvement. The control of public health makes a similar appeal to the average townsman. But the awakening or strengthening of public interest in these " interesting " social services is obstructed by the fact that they are virtually centralized in Jerusalem.

19. The deficiencies of the present system are therefore twofold; first, a lack of initiative on the part of the more backward Municipalities; and, secondly, the limitations set to initiative on the part of the more progressive Municipalities by the Government's centralized power and its monopoly of certain public services. The first of these deficiencies can only be made good with time, but the second can be remedied to some extent without delay. The Municipalities, though varying greatly in size and resources, are all within one legal framework. The British Administration took over from the Ottoman regime, unchanged, the classification of towns possessing municipal status; and the degree to which this classification is out of date may be measured, for instance, in the discrepancy between the populations of Jerusalem (125,000) and Jenin (2,700). The law and (equally important) the administrative practice is the same for all, and of necessity has to be a lowest common denominator, suited to paternal rule of the weakest rather than to free development of the strongest. At the end of this chapter we recommend the enactment of a new Ordinance on a basis of differentiation.

20. The " mixed " Municipalities are of special interest as providing a field for racial co-operation, and here again the results are not encouraging. When the Municipal Corporations Ordinance of 1934 was framed, emphasis was laid on the fact that, in contrast to previous practice, the electoral wards were to be on a geographical and not a communal basis, with the excellent intention of encouraging corporate loyalty to the municipal " body politic " as a whole rather than to a racial or religious community. Yet when the wards were actually demarcated, care was taken to make them correspond as far as possible with racial divisions, so that the voting is still virtually communal. This has, of course, tended to eliminate political interest in the constituencies, to encourage unopposed returns,

and to elect on to the Council groups of Arab and Jewish Councillors who are representatives first of all of their respective communities and only secondarily of any political interest. Granted, then, a Council framed on these lines—and in the circumstances we do not suggest that any other method would be practicable—it is not surprising to find that, although in quiet intervals the two races can co-operate fairly amicably, in times of stress these " mixed " Councils break down.

3. Tel Aviv.

21. It remains to investigate briefly the particular problems of Tel Aviv, the only purely Jewish Municipality until the Local Council of Petah Tiqva attained that status only a few months ago. Tel Aviv has unique problems of its own caused by the phenomenal growth of the town during the last five years. The over-rapid inflow of immigrants has created an unprecedented and urgent demand for fundamental public services, and the strain on the organization and finances of the town has been proportionately great. It must be remembered that the Mandatory Government " facilitates " the entry of these immigrants into Palestine, and therefore cannot be indifferent to their welfare, particularly in the sphere of public health.

22. The people of Tel Aviv possess an intense civic spirit and a confident belief in the future of the town. The Municipal Council has always pursued an ambitious social policy, and the municipal budget now balances at over half a million pounds, more than treble that of any other town in Palestine. The inelasticity of the present Ordinance is, therefore, the more irksome, and the necessity of obtaining the approval of the District Commissioner for the minutiae of government has been a constant cause of friction. Tel Aviv accuses the Administration of want of understanding in the development of municipal social services on Western lines; and in fact the Council commonly adopt the practice of ignoring or evading the law, undertaking commitments which are technically *ultra vires* and presenting the authorities with a *fait accompli* for retrospective approval. On the side of the Government it is argued that an apparent lack of funds is the sole reason for restraint or disapproval of the Council's activities and proposals; and that the only real quarrel over social services between Tel Aviv and the Administration is a question of finance. This may be briefly illustrated with reference to health and education.

23. Tel Aviv, unlike most other Municipalities, provides its own hospital, which has to cater not only for the swollen population of the town, which now amounts to about 150,000, but also for the population of the Jewish settlements of the

adjacent countryside, numbering approximately 75,000, for whom Government provides no hospital facilities. The Administration's grant towards the maintenance of this hospital is based upon a fixed proportion of beds to population which is less than half the customary European standard. Tel Aviv complains that this is quite inadequate and demands a far higher standard of health services than Government can provide anywhere else in Palestine.

24. Similar difficulties have been encountered in the sphere of education. Owing to the exceptional demand, Tel Aviv has to levy, and bears cheerfully, the maximum legal education rate, but even so finds it difficult to keep pace with the demands for school expansion. For lack of capital resources they have been compelled to rent school buildings, a wasteful method in the long run, instead of being able to erect their own schools; and they complain that the Government grant which they receive (through the *Va'ad Leumi*) is quite insufficient for their needs, compared not only with European practice but even with what is received by other towns in Palestine.

25. The Council claim that the general grant-in-aid from Government to the Municipality should be a fixed sum calculated *pari passu* with the services performed. The present method of calculating the grant-in-aid is that of need. This means in practice that a backward township, which provides few services, is favoured at the expense of a progressive one. A Municipality which balances its budget stands little chance of an adequate grant. Moreover, the present method of calculation introduces a large element of uncertainty into municipal finance, since the grant is not a fixed sum that can be relied upon, but a variable quantity which must be bargained for through the District Commissioner. The Administration contend, with some force, that it is the mandatory's duty not to adopt a policy which would progressively benefit the richer and retard the poorer Municipalities, but to close the gulf between the two races by a process of material and cultural " levelling-up ". We admit the strength of this argument, but it remains questionable whether Tel Aviv, with its flood of Western immigrants can afford to wait to be caught up by the rest of the country.

26. The Council's particular difficulty is in finding the necessary *capital* outlay for expansion, for in such circumstances there is bound to be a time-lag before any growing community, however economically sound, can be properly self-supporting. Tel Aviv has complained more than once of its having been allotted no share in the loan works under the proposed £2,000,000 Palestine Government Guaranteed Loan. For the past four years negotiations for a loan from private sources

have been going on, but the Administration have consistently demanded that, on grounds of " economy ", the majority of the loan works for which the Municipality have submitted plans (hospitals, water supply, &c.) should be defrayed, if at all, from revenue. The Council represent with some reason that it is sound economic practice in such circumstances to transfer the burden of capital improvements to the future by means of a loan. It is contended by the Administration that the budget deficits which Tel Aviv has shown in recent years throw doubt on its ability to repay interest on the loan, and are not likely to inspire confidence in any company which might consider making an advance. But these very budget deficits have been due to the insistence by Government that Tel Aviv should defray capital expenditure out of revenue. Thus the vicious circle is complete.

27. The objectives which the people of Tel Aviv have set before them in the way of social services are in themselves admirable, and the ratepayers have shown a commendable readiness to bear high rates for their realization. The town has been faced with, and to a considerable extent surmounted, exceptional difficulties, and that, as the Administration admit, without seriously impairing its financial position. That Tel Aviv should feel impatient with the slow rate of progress to which Government feels committed is readily understandable; and there is obviously a constant source of friction in the subjection of a highly educated and democratic community to the control of a District Commissioner, who has many other duties to attend to.

4. Recommendations.

28. The main difficulty of operating local government under the Mandate is that it involves the conjunction of what are virtually two civilizations in one system, and thus reflects in miniature the paramount problem of the whole country. The smaller Arab Municipalities require constant supervision and do not, we understand, resent it. In the large " mixed " towns on the other hand, and more so in Tel Aviv, official control is disliked and to some extent evaded. There is thus an unsatisfactory division of responsibility. The Government fails to discharge it fully, while the Municipalities do not acquire a proper sense of it themselves. We are aware that to attempt to remedy this difficulty by awarding a greater measure of self-government to certain of the larger towns, among which Tel Aviv would necessarily be the first, would in all probability provoke the Arab towns to demand the same, although they are not fit for it and apparently do not want it; but we believe that some such discrimination is the only means of successfully encouraging the development of local autonomy.

29. We recommend, in the first place, that an attempt should be made to strengthen those few Local Councils which still exist in the Arab rural areas. District Officers should be instructed to do all they can to stimulate interest in the Council's work and a sense of responsibility in its members. District Officers should avoid the temptation to keep the Councils so much in leading-strings for the sake of efficiency as virtually to do the work themselves. At the same time we do not favour an attempt at the present time to revivify Councils which have broken down or to create new ones unless there is a genuine demand for them. We think that there can be little really effective extension of village self-government until the provision of primary education (which, as has been seen, is still quite inadequate to the needs of the country) has had more time to take effect.

30. Secondly, we recommend that the remaining, preponderantly Jewish, Local Councils, taken together with all the present existing Municipalities, should be re-classified by means of a new Ordinance into groups, according to their respective size and importance. There is scope for at least two different grades of urban authority, whether accorded the title of " Municipality " or not; the highest grade would naturally be filled by Tel Aviv and a few large " mixed " towns. The degree of power and independence, and conversely the measure of administrative control, could then conveniently be varied to suit each class of Municipality. We suggest that, for the first class of Municipality, the powers provided under the existing Ordinance are inadequate and should be extended.

31. Thirdly, we recommend that the general supervision of local government should be entrusted to expert hands. At present undue centralization is combined with a diversity of superior authorities: thus, apart from the District Commissioners, the Secretariat, the Treasurer, and the Attorney-General (none of them experts in this sphere), the Departments of Health, of Education and of Public Works intervene in one or other aspect of local affairs, and there is no machinery for any effective co-ordination of their activities. Local Government is a highly technical subject, but there is no one in the Administration who professes to be an expert on it. The Municipalities need skilled advice, but there is nobody to give it. We therefore recommend that the services of an expert authority on Local Government should be temporarily placed at the disposal of the Palestine Government to assist in drafting the new Ordinance and in improving and co-ordinating the relations between Government and the Municipalities, particularly the larger towns, with special reference to the need of removing the causes of the present delay in approving municipal budgets.

32. Fourthly, we recommend that the need of Tel Aviv for a substantial loan should be promptly and sympathetically reconsidered.

33. We believe that the adoption of these recommendations would do much to " encourage local autonomy " in Palestine as required by the Mandate. But it will still be difficult, if not impossible, to realize the primary condition needed for the successful operation of local government in any country, namely, a healthy and happy relationship between the Central and Local authorities. The more advanced and politically-minded an Arab Municipality becomes, the less ready will it be to acquiesce in control by the Mandatory Administration. The Jewish Municipalities accept the Mandate, but nevertheless, the bigger and older they grow, the harder it will be to adjust their relations with the Mandatory Administration. For it is not the normal relationship between central and local organs of the same national and constitutional character. On the one side are highly democratic Jewish bodies, on the other a British Government of the Crown Colony type.

CHAPTER XVIII.

SELF-GOVERNING INSTITUTIONS.

1. Article 2 of the Mandate runs as follows:—

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

2. It has been argued that, in the circumstances in which the Mandate was first drafted, the words we have printed in italics were intended to ensure the development of self-government in the Jewish National Home as the nucleus of a " Jewish Commonwealth ", and the arrangement of the clauses has been held to strengthen this argument. But from 1923 onwards the words have always been given a wider interpretation in authoritative quarters. Both the Permanent Mandates Commission and the Colonial Office have regarded the Mandatory's responsibility for developing self-governing institutions as extending to Palestine as a whole. In any case this point of interpretation seems immaterial. It is a basic principle of the Mandate System that the Mandates are " trusts " which will terminate when the people of the mandated territory are " able to stand by themselves under the strenuous conditions of the modern world ". There was never, of course, any question of a time-limit; but it was naturally expected that the period would be relatively short in the case of the mandates for the countries freed from Turkish rule, and a clause in each of them definitely contemplated its termination. Article 19 of the Mandate for Syria and the Lebanon begins " On the termination of the Mandate "; Article 20 of the Draft Mandate for Iraq begins " In the event of the termination of the Mandate conferred on the Mandatory by this Declaration "; Article 28 of the Palestine Mandate begins, " In the event of the termination of the mandate hereby conferred upon the Mandatory ". Since, therefore, Mandates are intended at some time or other to come to an end and since their ending implies that the territory concerned becomes self-governing, it is clearly one of the Mandatory's general duties, whatever specific obligations may be laid on him, to develop the institutions by means of which self-government may one day operate.

3. In 'Iraq and Palestine, as in Syria and the Lebanon, " the development of self-governing institutions " was taken to mean the development of representative government on the lines of western democracy. Elective Representative Councils were established in the Lebanon in 1922 and in the States of Aleppo and Damascus (later amalgamated as " Syria ") in

1923, while in 'Iraq a full-fledged parliament was set up in 1925. And it was to a similar kind of parliamentary government that the Arab leaders in Palestine were encouraged to look forward in 1922.

4. It has been recorded in an earlier chapter* that the reply to the Arab demand for " a national independent government " was that, though there was " no question of treating the people of Palestine as less advanced than their neighbours in 'Iraq and Syria . . . the creation at this stage of a national government would preclude the fulfilment of the pledge made by the British Government to the Jewish people ". It was thus clearly recognized that Arab antagonism to the National Home was a bar to self-government in Palestine; but it was hoped, as has been seen, that that antagonism would presently weaken; and the Churchill Statement of Policy held out the prospect that, if all went well, full self-government would be attained by stages in course of time.

> " It is the intention [it said] of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine. But they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly. The first step was taken when, on the institution of a civil Administration, the nominated Advisory Council, which now exists, was established. It was stated at the time by the High Commissioner that this was the first step in the development of self-governing institutions, and it is now proposed to take a second step by the establishment of a Legislative Council containing a large proportion of members elected on a wide franchise. It was proposed in the published draft that three of the members of this Council should be non-official persons nominated by the High Commissioner, but representations having been made in opposition to this provision, based on cogent considerations, the Secretary of State is prepared to omit it. The Legislative Council would then consist of the High Commissioner as President and twelve elected and ten official members. The Secretary of State is of opinion that before a further measure of self-government is extended to Palestine and the Assembly placed in control over the Executive, it would be wise to allow some time to elapse. During this period the institutions of the country will have become well established; its financial credit will be based on firm foundations, and the Palestinian officials will have been enabled to gain experience of sound methods of government. After a few years the situation will be again reviewed, and if the experience of the working of the constitution now to be established so warranted, a larger share of authority would then be extended to the elected representatives of the people."

5. The Arabs, it will be remembered, refused to co-operate in establishing the proposed Legislative Council in 1923 and refused also to take part in the enlarged Advisory Council. For ten years no further attempt was made to develop " self-governing institutions "; but in 1932, as has been seen, the

* See page 55 above.

High Commissioner, with the agreement of the Secretary of State, again took up the project of a Legislative Council. Its proposed constitution as published in 1935 was markedly more liberal than that proposed in 1922. The number of officials had been reduced from 11 to five. Of the remaining 23 members, 11 would be nominated and 12 elected. The Council was to perform the usual legislative functions, including the passing of the budget, and would be entitled to question the Executive on matters of administration. But there were to be certain limitations or " safeguards ". (1) No resolution or amendment to a Bill would be permitted which " calls in question the validity of the Mandate accepted by His Majesty in respect of Palestine or suggests that the Mandate should be abolished or ought to be disregarded; or would be offensive to the Ruler or the Government of any neighbouring territory, or any foreign State, in friendly relations with His Majesty ". (2) The High Commissioner, besides his normal right of veto, would be empowered, " in the interests of public faith or good government ", to cause measures to be introduced into the Council and, if not passed within such time as he should prescribe, to declare that they should have effect as law. (3) In case of " urgent necessity ", if the Council were not sitting, the High Commissioner would be able to legislate by ordinance. (4) He would continue to determine the labour immigration schedules.

6. The opposition to this proposal in Parliament and the unfortunate effect thereof on Arab opinion in Palestine have been described in an earlier chapter.* In the light of our inquiry we cannot affect to be surprised at what happened in those debates. For such hopes as may have been entertained in 1922 of any quick advance towards self-government were evidently less tenable in 1935. The bar to it—Arab antagonism to the National Home—so far from weakening, had grown stronger with the growth of the Home. The only difference in the situation was, first, that the new proposals, by substituting the principle of reservation, certification and veto by the High Commissioner for the principle of the official " bloc ", might seem to offer to the majority on the Council the possibility of exercising a little more power or influence than they might have exercised under the old proposals: and, secondly, that the leaders of the five Arab Parties had been persuaded, not without difficulty, to consider the new proposals. But, as we pointed out before, the Jewish leaders had refused to follow suit. If the projected measure of self-government was to have any reality, if it meant a real increase of Arab power or influence on legislation and administration, then the Jews believed—and in our

* See pages 91 and 92 above.

opinion the belief was justified—that such power or influence would be used against the interests of the National Home.

7. On one condition, however, we were given to understand that the Jewish leaders might acquiesce in the establishment of a Legislative Council—namely, if it were to consist of Arabs and Jews in equal numbers. If the Arabs would accept that equality of representation now, the Jews for their part were prepared to accept it in perpetuity. While unwilling, they said, to be "dominated" they did not wish to "dominate". In the event, therefore, of the Jews becoming a majority in Palestine, they would still be content with equal representation in the Council. This device, which is known as Parity, has attracted some favourable notice in this country; and, anxious as we have been to follow any thread that seemed to lead towards a lasting settlement, we have carefully considered it; but in the result we are convinced that Parity is not a practicable solution of the problem.

8. In the first place it is difficult to believe that so artificial a device, even if the Arab leaders were willing to adopt it, would operate effectively or last for long. Government by Parity is not representative government as it is understood in the democratic world. It is applied, it is true, to the constitution of the Upper Chamber in the legislatures of the United States and other federal democracies to provide for the equal representation of the States or Provinces of which the Federation is composed. But it scarcely need be pointed out that this concession to local interests is more than balanced by the representation of the people as a whole in the Lower Chamber and that, if the United States Congress were entirely based on inter-State Parity, it would not exist for a day. Other analogies, drawn from European history, are equally inapplicable.

9. Secondly, we do not think that Parity, supposing again the Arab leaders would accept it, would tend to promote more amicable relations between the races. Fights are most stubborn when the two sides are equally matched; and we believe that the regular outvoting of a minority by a majority would actually engender less bitterness than a permanent conflict between two parties of precisely equal strength. Parity, in fact, like too many other devices which seem at first sight to offer a chance of escape from the *impasse* into which Palestine has drifted, depends for any success it might achieve on the old fundamental assumption that, despite all the evidence to the contrary, some measure of compromise or reconciliation between the races can be expected, that on vital issues some Arabs will be found to vote with Jews and some Jews to vote with Arabs.

10. But these speculations are of little value, for, in any case, Parity would undoubtedly be rejected by the Arab leaders, moderate and extremist alike. It implies what they refuse to admit—the potential right of the Jews to an equal share with them in the government of Palestine. It contemplates what they are determined to prevent—the attainment by the Jews of a majority of the population. And, while it deprives them of a real present advantage, it offers in return an advantage which, however sincere the Jewish undertaking may be, is only prospective and will only materialize in circumstances which they (the Arabs) will do their best to preclude.

11. So nothing has come of the hopes entertained in 1922. The Arab leaders have been invited to look forward to the gradual evolution of the same process of developing self-governing institutions which has operated under British auspices elsewhere—a process which, starting with representative government, advances to responsible government and so on towards the goal of national independence under a parliamentary system. But fifteen years have passed and the process has not yet begun. Looking back across that period, we cannot avoid the conclusion that, in the peculiar circumstances of Palestine under the Mandate, this well-trodden track was not the right track to pursue. For the successful working of representative government requires that the population concerned should be sufficiently homogeneous. Unless there is common ground enough between its different groups or classes to enable the minority to acquiesce in the rule of the majority and to make it possible for the balance of power to readjust itself from time to time, the working basis of parliamentary government or democracy as we understand it is not there. The most patent example of this in present-day politics is the impossibility of uniting all Ireland under a single parliament; and the gulf between Arabs and Jews in Palestine is wider than that which separates Northern Ireland from the Irish Free State.

12. If, then, the existing Mandatory system is to continue, we do not recommend that any attempt be made to revive the project of a Legislative Council; but, since it is obviously desirable that the Government should have some regular and effective means of sounding public opinion on its policy, we should like to see the Advisory Council enlarged by the addition of unofficial members who might be in a majority and might be elected, who could make representations by way of resolutions, but who would not be empowered to pass or reject the budget or other legislative measures. It seems clear, however, that the Arabs would be even less willing now to be elected to an Advisory Council than they were to be nominated to it in 1923. The Arabs acquiesced in the Legislative Council

proposed in 1935 because the possibilities it offered of exercising influence on Government seemed worth exploring. For that reason the Jews rejected it. The Jews might agree to an enlarged Advisory Council because it is only advisory. For that reason the Arabs, we have little doubt, would reject it. Nor, in any case, could a merely Advisory Council be regarded as a substantial step in " the development of self-governing institutions ".

13. We are confronted, therefore, with a paradoxical situation. The Arabs of Palestine, it has been admitted, are as fit to govern themselves as the Arabs of 'Iraq or Syria. The Jews of Palestine, it is clear, are as fit to govern themselves as any organized and educated community in Europe or elsewhere. Yet, associated as they are under the Mandate, self-government is impracticable for both peoples. Nowhere, indeed, in all the fields in which the Mandate operates is the deadlock so complete as in this last field. Nowhere is it more manifest that the Mandate cannot be fully and honourably implemented unless by some means or other the national antagonism between Arab and Jew can be composed. But it is the Mandate that created that antagonism and keeps it alive; and, as long as the Mandate exists, we cannot honestly hold out the expectation that either Arabs or Jews will be able to set aside their national hopes or fears and sink their differences in the common service of Palestine. That being so, real " self-governing institutions " cannot be developed, nor can the Mandate ever terminate, without violating its obligations, general or specific. For at any given time there must be either an Arab or a Jewish majority in Palestine, and the government of an independent Palestine, freed from the Mandate, would have to be either an Arab or a Jewish government. In the latter event—assuming, we repeat, that the miracle of reconciliation has not happened and that politics are still conducted on lines of race—the general obligation implicit in all Mandates that the people entrusted to Mandatory administration are to be enabled in course of time to " stand by themselves " would not have been fulfilled. In the other event, the obligation in Article 2 " for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home " would not have been discharged.

CHAPTER XIX.

CONCLUSIONS AND RECOMMENDATIONS.

1. We will now briefly recapitulate in pursuance of our terms of reference the conclusions and recommendations which we have set out in this part of our Report. The underlying causes of the disturbances, or (as we regard it) the rebellion, of 1936 are, first, the desire of the Arabs for national independence: secondly, their antagonism to the establishment of the Jewish National Home in Palestine, quickened by their fear of Jewish domination (Chapter IV, paragraph 43). Among contributory causes were the effect on Arab opinion of the attainment of national independence by 'Iraq, Trans-Jordan, Egypt, Syria and the Lebanon; the rush of Jewish immigrants escaping from Central and Eastern Europe; the inequality of opportunity enjoyed by Arabs and Jews respectively in placing their case before Your Majesty's Government and the public: the growth of Arab mistrust: Arab alarm at the continued purchase of Arab land by Jews: the intensive character and the " modernism " of Jewish nationalism: and lastly the general uncertainty, accentuated by the ambiguity of certain phrases in the Mandate, as to the ultimate intentions of the Mandatory Power. This uncertainty has aggravated all the difficulties of the situation and in particular has (*a*) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as possible, and (*b*) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some of its officials as showing that the British determination to implement the Balfour Declaration is not sincere. (Chapter IV, paragraph 45.)

2. We have found that, though the Arabs have benefited by the development of the country owing to Jewish immigration, this has had no conciliatory effect. On the contrary, improvement in the economic situation in Palestine has meant the deterioration of the political situation. (Chapter III, paragraph 83.)

3. The Palestine Government have attempted to discharge the contradictory obligations of the Mandatory under conditions of great difficulty by " holding the balance " between Jews and Arabs. Repeated attempts to conciliate either race have only increased the trouble. (Chapter V, paragraph 55.) The situation in Palestine has reached a deadlock. (Chapter V, paragraph 22.) The Administration has from the start been driven to work at high pressure under peculiar difficulties. (Chapter VI, paragraph 35.) The steps taken by the Palestine Government to enforce respect for law and order have proved ineffectual. The

elementary duty of providing public security has not been discharged. (Chapter VII, paragraph 54.) Endeavours to control the alienation of land by Arabs to Jews have not been successful. In the hills there is no more room for further close settlement by Jews; in the plains it should only be allowed under certain restrictions. (Chapter IX, paragraphs 64 and 153.) There has been great delay in the preparation of a record of rights: the ascertainment and registration of Government ownership in land has been slow and unsatisfactory. (Chapter IX, Section 2.) The concession to the Palestine Electric Corporation has obstructed any development of irrigation from the River Jordan; and more might have been done to test the possibilities of irrigation in the south of the Gaza Sub-district and in Beersheba. (Chapter IX, Section 3.) Great efforts are being made to effect a radical change in the methods of cultivation by the Arab *fellah,* but this can only be accomplished after many years and after an extension of primary education. (Chapter IX, Section 6.)

4. As regards immigration the Mandate has been fully implemented, but the attempts to regulate it have been unsatisfactory, unacceptable to Arabs and Jews alike, and accompanied by disconcerting variations in the number of immigrants. (Chapter X.)

5. In the matter of finance, the revenues of Palestine have increased rapidly, but far too large a proportion has had to be devoted towards meeting the charges of public security. Article 18 of the Mandate hampers the trade of the country. The apparently large surplus is little more than a reasonable balance for existing commitments. (Chapter VIII.)

6. The standard of social services in Palestine is higher than in the average British Colony or Indian Province, but the difficulty of providing services in one State for two distinct communities with two very different standards of living is apparent. (Chapter XII.) In the matter of roads, railways and ports the obligations of the Mandate have been adequately discharged, but the problem of harbour facilities for Jaffa and Tel Aviv awaits solution. (Chapter VI, Sections 4, 5 and 6.)

7. As regards the development of local autonomy and self-governing institutions, this also has been hampered by the difficulty of combining what are virtually two civilizations in one system. The restrictions which the Mandatory Power found it necessary to impose in the interests of rural boards or backward municipalities have been resented by the larger towns. The attempts to create a local legislature have been unsuccessful and should not be revived. (Chapters XVII and XVIII.)

Arab Grievances.

8. The Arab grievances may be summarized *en bloc* as a repudiation of the Mandate and all that it implies, from which the following main grievances arise:—

(1) The failure to develop self-governing institutions.
(2) The acquisition of land by the Jews.
(3) Jewish immigration.
(4) The use of Hebrew and English as official languages.
(5) The employment of British and Jewish officers, and exclusion of Arabs from the higher posts.
(6) The creation of a large class of landless Arabs, and the refusal of Jews to employ Arab labourers.
(7) Inadequate funds for Arab education.

9. Whilst we believe that these grievances are sincerely felt, we are of opinion that most of them cannot be regarded as legitimate under the terms of the Mandate and we are therefore not called upon to make recommendations on them. It is only in regard to the last that we are able to suggest any remedy. We would welcome increased expenditure on Arab education, especially in the direction of village agricultural schools. These financial claims should be regarded as secondary only to those of public security. The attitude of Arab officials precludes any extension of their employment in the higher posts of the Administration, including the Judiciary. (Chapter VI.) Self-governing institutions cannot be developed in the peculiar circumstances of Palestine under the Mandate. (Chapter XVIII, paragraph 11.)

Jewish Grievances.

10. The main Jewish grievances are as follows:—

(1) Obstruction in the establishment of the National Home owing to dilatory action in dealing with proposals demanding executive action.

We consider that, apart from the general obligation to protect Arab interests, over-centralization and a lack of co-ordination between the Secretariat, the various special Departments, and the officers serving in the Districts are contributory causes of delay. We recommend decentralization, as suggested by the Financial Commission in 1931. We also consider that Assistant Secretaries should have had District experience. The Chief Secretary should not be the only channel of approach to the High Commissioner. (Chapter VI, paragraph 38.)

(2) The display of " pro-Arab " proclivities by officials and their failure to carry out the Mandate.

We recommend the careful selection of British officers intended for service in Palestine and a course of special training. (Chapter VI, paragraph 43.) The ordinary term of service in Palestine should be not less than seven years. (Chapter VI, paragraph 44.)

As regards Arab officials, the memoranda submitted to Government during the " disturbances " last year (see page 99 and Appendix 2), and the difficulty of obtaining reliable information (Chapter VI, paragraph 34) would justify the appointment of British District Officers. (Chapter VII, paragraph 65.) The Government has maintained strict impartiality, but this has had no helpful effect on the relations between the two races. (Chapter V, paragraph 55.) There should be no hesitation in removing any officer whose disloyalty is proved. (Chapter VI, paragraph 41.)

(3) Great delay in the decision of civil suits; inefficiency in criminal procedure, as instanced by the fact that 80 Jews were murdered during 1936, and no capital sentence was carried out.

We find that the delays are due in part to the prescription in the Mandate of three official languages and three sets of official holidays. (Chapter VI, paragraph 49.) We welcome the appointment of an additional British Puisne Judge: and we recommend the appointment of a British Senior Government Advocate (Chapter VI, paragraphs 46, 54) and the establishment of two or, if necessary, three separate Land Courts under British Judges. (Chapter IX, paragraph 37.)

(4) Toleration by the Government of subversive activities, more especially those of the Mufti of Jerusalem.

We regard it as unfortunate that no steps have been taken to regulate elections for the Supreme Moslem Council, which has developed an *imperium in imperio* with an irremovable President. (Chapter VI, paragraph 105.) The policy of conciliation, carried to its furthest limit, has failed. (Chapter V, paragraph 55.)

(5) As regards the land, failure to introduce a land system appropriate to the needs of the country, the continuance of the system of *Masha'a,* no arrangement for the consolidation of holdings, great delay in the ascertainment of rights during land settlement, difficulty in obtaining a satisfactory title to land when purchased; inadequate preservation of Government rights in State and waste lands, and consequent failure to make such lands available for Jewish settlement; insufficient encouragement of irrigation and drainage schemes.

Our recommendations regarding the land are as follows:—

(i) An amendment of Article 17 (1)(*a*) of the Palestine Order in Council 1922, and, if necessary, of the wording of Articles 2 and 15 of the Mandate, in order to provide land for close settlement by the Jews, and at the same time to safeguard the rights and position of the Arabs. (Chapter IX, paragraph 13.)

(ii) Limitation of the close settlement upon the land to the plains districts, where schemes dealing with areas of 500 dunums or upwards might be prepared by Utility Companies. (Chapter IX, paragraph 93.)

(iii) The Land Expropriation Ordinance should be used for the parcellation and consolidation of holdings. (Chapter IX, paragraph 82.)

(iv) As regards the hill districts, on a long view there is no land available for any experiments in close settlement and mixed farming by the Jews, except possibly in the vicinity of Jerusalem. (Chapter IX, paragraph 153.)

(v) Definite proof of irrigation facilities should be obtained before any additional settlers are allowed upon the land. (Chapter IX, paragraph 53.)

(vi) An expert committee should be appointed to draft legislation connected with the land. (Chapter IX, paragraph 29.)

(vii) Settlement proceedings should be expedited, and the staff increased. (Chapter IX, paragraph 36.)

(viii) The record of rights prepared by the Settlement Officers should include all possessory rights and easements.

(ix) Village Registrars should be appointed to maintain the record of rights and report mutations of holdings. (Chapter IX, paragraph 40.)

(x) Increase in staff and exploratory work of Irrigation Department (Chapter IX, paragraph 114).

(xi) Legislation vesting the surface water of the country in the High Commissioner is essential. (Chapter IX, paragraph 100.)

(xii) The scheme for the development of the Huleh area deserves financial assistance. (Chapter IX, paragraph 124.)

(6) Reluctance really to facilitate immigration, inadequate labour schedules (no reasons being assigned for reductions made), hardship to dependants, the omission of possible vacancies arising from employment on Public Works, and uncontrolled illegal Arab immigration.

Our recommendations are:—

(i) Immigration should be reviewed and decided upon political, social and psychological as well as economic considerations. (Chapter X, paragraph 73.) A political " high level " should be fixed at 12,000 a year for the next five years, to include Jews of every category. (Chapter X, paragraph 97.)

(ii) The definition of dependency should be revised. (Chapter X, paragraph 83.)

(iii) The abolition of certain categories dealing with members of the liberal professions and craftsmen, and the revision of the conditions governing the free entry of capitalists. (Chapter X, paragraphs 82, 86.)

(iv) The final allocation of immigration certificates should be subject to the approval of the High Commissioner. (Chapter X, paragraph 90.)

(7) Trans-Jordan should be opened to Jewish immigration.

Under the Mandate Trans-Jordan cannot be opened compulsorily for Jewish immigrants against the will of its Government and people. (Chapter XI.)

(8) The necessary steps have not been taken to secure the removal or alleviation of restrictions on the importation of Palestine citrus fruits into foreign countries.

We recommend that steps should be taken to secure the amendment of Article 18 of the Mandate and place the external trade of Palestine upon a fairer basis. (Chapter VIII, paragraph 28.)

(9) Progressive Jewish Municipalities are unduly restricted by Government rules and regulations.

We recommend the appointment of an expert to advise the Palestine Government with a view to extending the powers of the larger Municipalities. We suggest an early substantial loan for Tel Aviv. The causes of the present delay in approving Municipal budgets should be removed. (Chapter XVII.)

(10) Failure to ensure public security.

This we regard as the most serious as also the best founded of the Jewish complaints.

Our chief recommendation is that should disorders break out again there should be no hesitation in enforcing martial law throughout the country under undivided military control. (Chapter VII, paragraph 57.) In this event the population should be disarmed, a special police patrol being stationed on the frontier to stop gun-running. In the absence of disarmament the system of supernumerary Jewish police should continue. (Chapter VII, paragraphs 63, 64.) A strong Press Ordinance should be effectively applied. (Chapter VII, paragraph 28.) Collective fines should be limited to sums that can be realized. (Chapter VII, paragraph 30.) Central as well as local reserves of the Police Force, with a large mobile mounted force, are required. (Chapter VII, paragraph 46.) Police barracks in the large towns with adequate provision for the wives and families of members of the force should be built as soon as possible. (Chapter VII, paragraph 48.)

11. These are the recommendations which we submit for dealing with the main grievances under the Mandate put before us by the Arabs and the Jews; but they are not, in our opinion, the recommendations which our terms of reference require. They will not, that is to say " remove " the grievances nor " prevent their recurrence ". They are the best palliatives we can devise for the disease from which Palestine is suffering, but they are only palliatives. They might reduce the inflammation and bring down the temperature, but they cannot cure the trouble. The disease is so deep-rooted that, in our firm conviction, the only hope of a cure lies in a surgical operation.

PART III.

THE POSSIBILITY OF A LASTING SETTLEMENT

CHAPTER XX.

THE FORCE OF CIRCUMSTANCES.

1. Before submitting the proposals we have to offer for its drastic treatment we will briefly restate the problem of Palestine.

2. Under the stress of the World War the British Government made promises to Arabs and Jews in order to obtain their support. On the strength of those promises both parties formed certain expectations.

3. The application to Palestine of the Mandate System in general and of the specific Mandate in particular implied the belief that the obligations thus undertaken towards the Arabs and the Jews respectively would prove in course of time to be mutually compatible owing to the conciliatory effect on the Palestinian Arabs of the material prosperity which Jewish immigration would bring to Palestine as a whole. That belief has not been justified, and we see no hope of its being justified in the future.

4. On that account it might conceivably be argued that Britain is now entitled to renounce its obligations. But we have no doubt that the British people would repudiate any such suggestion. The spirit of good faith forbids it. And quite apart from past commitments we have a present duty to discharge. If there had been no promises or expectations, if there were no Mandate, the existing circumstances in Palestine would still demand the most strenuous efforts we could make to deal with them. We are responsible for the welfare of the country. Its government is in our hands. We are bound to strive to the utmost to do justice and make peace.

5. What are the existing circumstances?

An irrepressible conflict has arisen between two national communities within the narrow bounds of one small country. About 1,000,000 Arabs are in strife, open or latent, with some 400,000 Jews. There is no common ground between them. The Arab community is predominantly Asiatic in character, the Jewish community predominantly European. They differ in religion and in language. Their cultural and social life, their ways of thought and conduct, are as incompatible as their national aspirations. These last are the greatest bar to peace. Arabs and Jews might possibly learn to live and work together in Palestine if they would make a genuine effort to reconcile and combine their national ideals and so build up in time a joint or dual nationality. But this they cannot do. The War and its sequel have inspired all Arabs with the hope of reviving in a free and united Arab world the traditions of the Arab golden age.

The Jews similarly are inspired by their historic past. They mean to show what the Jewish nation can achieve when restored to the land of its birth. National assimilation between Arabs and Jews is thus ruled out. In the Arab picture the Jews could only occupy the place they occupied in Arab Egypt or Arab Spain. The Arabs would be as much outside the Jewish picture as the Canaanites in the old land of Israel. The National Home, as we have said before, cannot be half-national. In these circumstances to maintain that Palestinian citizenship has any moral meaning is a mischievous pretence. Neither Arab nor Jew has any sense of service to a single State.

6. This conflict was inherent in the situation from the outset. The terms of the Mandate tended to confirm it. If the Government had adopted a more rigorous and consistent policy it might have repressed the conflict for a time, but it could not have resolved it.

7. The conflict has grown steadily more bitter. It has been marked by a series of five Arab outbreaks, culminating in the rebellion of last year. In the earlier period hostility to the Jews was not widespread among the *fellaheen*. It is now general. The first three outbreaks, again, were directed only against the Jews. The last two were directed against the Government as well.

8. This intensification of the conflict will continue. The estranging force of conditions inside Palestine is growing year by year. The educational systems, Arab and Jewish, are schools of nationalism, and they have only existed for a short time. Their full effect on the rising generation has yet to be felt. And patriotic " youth-movements ", so familiar a feature of present-day politics in other countries of Europe or Asia, are afoot in Palestine. As each community grows, moreover, the rivalry between them deepens. The more numerous and prosperous and better-educated the Arabs become, the more insistent will be their demand for national independence and the more bitter their hatred of the obstacle that bars the way to it. As the Jewish National Home grows older and more firmly rooted, so will grow its self-confidence and political ambition.

9. The conflict is primarily political, though the fear of economic subjection to the Jews is also in Arab minds. The Mandate, it is supposed, will terminate sooner or later. The Arabs would hasten the day, the Jews retard it, for obvious reasons in each case. Meanwhile the whole situation is darkened by uncertainty as to the future. The conflict, indeed, is as much about the future as about the present. Every intelligent Arab and Jew is forced to ask the question " Who in the end will govern Palestine? " This uncertainty is doubtless aggravated

by the fact that Palestine is a mandated territory; but, in the light of nationalist movements elsewhere, we do not think the situation would be very different if Palestine had been a British Colony.

10. Meantime the " external factors " will continue to play the part they have played with steadily increasing force from the beginning. On the one hand, Saudi Arabia, the Yemen, 'Iraq and Egypt are already recognized as sovereign states, and Trans-Jordan as an " independent government." In less than three years' time Syria and the Lebanon will attain their national sovereignty. The claim of the Palestinian Arabs to share in the freedom of all Asiatic Arabia will thus be reinforced. Before the War they were linked for centuries past with Syria and the Lebanon. They already exceed the Lebanese in numbers. That they are as well qualified for self-government as the Arabs of neighbouring countries has been admitted.

11. On the other hand, the hardships and anxieties of the Jews in Europe are not likely to grow less in the near future. The pressure on Palestine will continue and might at any time be accentuated. The appeal to the good faith and humanity of the British people will lose none of its force. The Mandatory will be urged unceasingly to admit as many Jews into Palestine as the National Home can provide with a livelihood and to protect them when admitted from Arab attacks.

12. Thus, for internal and external reasons, it seems probable that the situation, bad as it now is, will grow worse. The conflict will go on, the gulf between Arabs and Jews will widen.

13. It remains to consider the position of the third party involved in the matter—the Mandatory Power and its agents in Palestine. The Government of Palestine is of the Crown Colony type, unsuitable in normal circumstances for governing educated Arabs or democratic Jews. But it cannot evolve, as it has elsewhere evolved, into a system of self-government, since there is no such system which could ensure justice both to the Arabs and to the Jews or in which both the Arabs and the Jews would agree to participate. The establishment of a Legislative Council or even of an enlarged Advisory Council in which both races would co-operate is thus impracticable. Nor are other methods of consultation and collaboration with the representatives of both races feasible. Jewish co-operation, it is true, is required by the Mandate, and is forthcoming sometimes to an embarrassing extent. But Arab co-operation, in any regular and continuous form, is unobtainable. Thus a bureaucratic Government must continue in being, unmodified by any representative institutions on a national scale, and unable

to dispel the conflicting grievances of the dissatisfied and irresponsible communities it governs. Nor will the Government be able to count on any inborn sense of allegiance to the Crown. It is the national leaders, not the Mandatory Government, who make the first claim on the loyalty of their compatriots.

14. In these circumstances, we are convinced that peace, order and good government can only be maintained in Palestine for any length of time by a rigorous system of repression. Throughout this Report we have been careful not to overstate the facts as we see them: but understatement is no less reprehensible; and we should be failing in our duty if we said anything to encourage a hopeful outlook for the future peace of Palestine under the existing system or anything akin to it. The optimism which naturally prevailed at the outset of the enterprise was chilled by the series of Arab outbreaks, but never extinguished. In each case it soon revived, and in each case it proved false. The lesson is plain, and nobody, we think, will now venture to assert that the existing system offers any real prospect of reconciliation between the Arabs and the Jews. Hence the Government are faced with the unpleasant necessity of maintaining security-services at a very high cost, with the result that they are unable to improve and expand, and may even have to curtail, the services directed to " the well-being and development " of the population which, in the words of the Covenant, constitute their " sacred trust ". If " disturbances ", moreover, should recur on a similar scale to that of last year's rebellion, the cost of military operations must soon exhaust the revenues of Palestine and ultimately involve the British Treasury to an incalculable extent. The moral objections to maintaining a system of government by constant repression are self-evident. Nor is there any need to emphasize the undesirable reactions of such a course of policy on opinion outside Palestine.

15. And the worst of it is that such a policy leads nowhere. However vigorously and consistently maintained, it will not solve the problem. It will not allay, it will exacerbate the quarrel between the Arabs and the Jews. The establishment of a single self-governing Palestine will remain just as impracticable as it is now. It is not easy to pursue the dark path of repression without seeing daylight at the end of it.

16. Those, in our judgment, are the circumstances which Your Majesty's Government have to face in Palestine. We do not, of course, mean to suggest by anything we have said that the British people would flinch from bearing the burden of governing Palestine under the existing system if

they were in honour bound to bear it. They lack neither the power nor the will. But they would be justified in asking if there is no other way in which their duty can be done.

17. Nor do we suggest that the obligations Britain undertook towards the Arabs and the Jews some twenty years ago have lost in moral or legal weight through what has happened since. The trouble is that they have proved irreconcilable; and, as far ahead as we can see, they must continue to conflict. To put it in one sentence, we cannot—in Palestine as it now is—both concede the Arab claim to self-government and secure the establishment of the Jewish National Home. And this conflict between the two obligations is the more unfortunate because each of them, taken separately, accords with British sentiment and British interest. On the one hand, the application of the Mandate System to Arab Palestine as a means of advancement to self-government was in harmony with British principles—the same principles as have been put into practice since the War in different circumstances in India, 'Iraq and Egypt. British public opinion is wholly sympathetic with Arab aspirations towards a new age of unity and prosperity in the Arab world. Conversely, the task of governing without the consent or even the acquiescence of the governed is one for which, we believe, the British people have little heart. On the other hand, there is a strong British tradition of friendship with the Jewish people. Nowhere have Jews found it easier to live and prosper than in Britain. Nowhere is there a more genuine desire to do what can be done to help them in their present difficulties. Nowhere, again, was Zionism better understood before the War or given such practical proofs of sympathy. And British interest coincides with British sentiment. From the earliest days of the British connexion with India and beyond, the peace of the Middle East has been a cardinal principle of our foreign policy; and for the maintenance of that peace British statesmanship can show an almost unbroken record of friendship with the Arabs. It is no less desirable now than it has always been that this friendship should not be impaired. On the other hand, it is clearly a British interest to retain, as far as may be, the confidence of the Jewish people wherever they are. We valued it highly in the War and we cannot disdain it in peace.

18. In these last considerations lies a final argument for seeking a way out, at almost any cost, from the existing deadlock in Palestine. For a continuance or rather an aggravation—for that is what continuance will be—of the present situation cannot be contemplated without the gravest misgivings. It will mean constant unrest and disturbance in peace and potential danger in the event of war. It will mean a steady decline in our prestige. It will mean the gradual alienation of two peoples who are traditionally our friends: for

already the Arabs of Palestine have been antagonized and the patience of their kinsmen throughout the Arab world is being strained; and already the Jews, particularly, we understand, in the United States, are questioning the sincerity with which we are fulfilling the promises we made and suggesting that negligence or weakness on our part is the real cause of all the trouble. That is a state of affairs which, we submit, must be stopped from going on and getting worse if there is any just and practicable means of stopping it.

19. Manifestly the problem cannot be solved by giving either the Arabs or the Jews all they want. The answer to the question "Which of them in the end will govern Palestine?" must surely be "Neither". We do not think that any fair-minded statesman would suppose, now that the hope of harmony between the races has proved untenable, that Britain ought either to hand over to Arab rule 400,000 Jews, whose entry into Palestine has been for the most part facilitated by the British Government and approved by the League of Nations; or that, if the Jews should become a majority, a million or so of Arabs should be handed over to their rule. But, while neither race can justly rule all Palestine, we see no reason why, if it were practicable, each race should not rule part of it.

20. No doubt the idea of Partition as a solution of the problem has often occurred to students of it, only to be discarded. There are many who would have felt an instinctive dislike to cutting up the Holy Land. The severance of Trans-Jordan, they would have thought, from historic Palestine was bad enough. On that point we would suggest that there is little moral value in maintaining the political unity of Palestine at the cost of perpetual hatred, strife and bloodshed, and that there is little moral injury in drawing a political line through Palestine if peace and goodwill between the peoples on either side of it can thereby in the long run be attained. Others may have felt that Partition would be a confession of failure. One of the finest and most characteristic features of the British Commonwealth, they may have argued, has been the manner in which the conflicting claims of nationality have been reconciled within its borders; and the hope of achieving a similar result in Palestine should not lightly be abandoned. To that we would reply that, where the conflict of nationalities has been overcome and unity achieved—in Britain itself, in Canada, in South Africa—one of the parties concerned was English or British, and that, where that has not been so, as in the schism between the Northern and Southern Irish or between Hindus and Moslems in India, the quarrel, though it is centuries old, has not yet been composed. Others, again, if they thought of Partition, dismissed it, no doubt, as impossible. The practical

difficulties seemed too great. And great they unquestionably are. The closer the question is examined, the clearer they stand out. We do not underestimate them. They cannot be brushed aside. Nevertheless, when one faces up to them, those difficulties do not seem so insuperable as the difficulties inherent in the continuance of the Mandate or in any other alternative arrangement which has been proposed to us or which we ourselves could devise. Partition seems to offer at least a chance of ultimate peace. We can see none in any other plan.

CHAPTER XXI.

CANTONISATION.

1. The political division of Palestine could be effected in a less final and thorough-going manner than by Partition. It could be divided as federal States are divided into provinces or cantons; and this method has been so often mentioned and so ably advocated under the name of " Cantonisation " as a means of solving the Palestine problem that it is incumbent on us to discuss it before setting out the plan for Partition which we ourselves have to propose.

2. The essence of the Cantonisation scheme is, in the words of one of its principal advocates,

> " that areas should be officially defined within which Jewish acquisition of land and close settlement would be permitted and encouraged in discharge of the positive obligation under the Mandate regarding the National Home, and without which the land would be reserved for the needs of the indigenous population."*

3. The scheme may be formulated in a variety of ways; but in general it envisages the division of Palestine into a Jewish and an Arab canton (the former corresponding to the areas of densest Jewish settlement—more particularly the plain of Esdraelon, the coastal plain north of Tel Aviv and the old-established settlements centred on Rishon le Tsiyon and Rehovot), while the Holy Places of Jerusalem and Bethlehem with the port of Haifa would be retained in enclaves under direct Mandatory administration. It has been proposed that the area round Tiberias, Safad and Huleh might constitute a third " mixed " canton. The Arab canton, it is suggested, might embrace not only the predominantly Arab areas of Palestine proper, but also the whole of the present territory of Trans-Jordan.

4. It is contemplated that each canton would have its own Government, completely autonomous in such matters as public works, health, education and general administration (including control of land sales and immigration), while the central (Mandatory) Government, with the assistance presumably of advice from representatives of the cantons, would retain control over such matters as foreign relations, defence, customs, railways, posts and telegraphs and the like, and would continue to collect customs and postal and any other federal revenues. Choice of official languages would be left to the cantons.

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* Cantonisation : a Plan for Palestine, by Mr. Archer Cust, Journal of the Royal Central Asian Society, Vol. XXIII, page 206.

5. On behalf of such an arrangement it is claimed that it would solve the three major problems of land, immigration and self-government. There would, of course, be many difficult points to settle under each of these heads, but it can be argued that the scheme would give the Jews in their canton the right to buy as much land as they wished (subject no doubt to certain safeguards in the interests of existing non-Jewish owners) and to admit as many immigrants as they themselves determined, while the Arab canton within its own boundaries would be free to impose any restrictions it pleased on the further extension of Zionist settlement. Each canton would attain self-government in all but the " federal " sphere.

6. As against those apparent advantages there are certain obvious difficulties in the scheme. In the first place, the drafting of federal constitutions is never easy. Complicated questions are involved in the structure of the central government and the division of function between it and the component units. There are constant dangers of overlapping and of rival claims on the same field of authority. In " cantonised " Switzerland and most other federations, federation was the act of a number of separate units which bound themselves together for the furtherance of common objects. In such federations the community of interest or tradition which has supplied the motive for union will also supply that element of reasonableness and goodwill by which compromises may be arranged and friction overcome. In Palestine no such element is present. The " interference " of the central Government would always be resented by both Arabs and Jews and, we fear, wherever possible hindered, as an alien and unwanted intrusion.

7. Difficulties would arise, in particular, in the financial relations between the central Government and the cantons. Whether in the distribution between the cantons of an excess of federal revenue or in the collection of contributions towards a federal deficit every assessment would give rise to fierce argument and bitter recrimination. The financial consequences, moreover, of unfettered Jewish control of immigration into the Jewish canton might be extremely embarrassing to the federal Government, called upon to provide federal services for a population increasing at a far more rapid rate than what it might itself consider reasonable. Thus Cantonisation, though it would mitigate the difficulties caused by Jewish immigration, would by no means eliminate them. They would still have to be considered to some extent by the Mandatory Government at the centre, and would keep alive the feud between Arabs and Jews. Only, in fact, by Partition can the problem of immigration be solved.

8. There is another drawback in the present situation which Cantonisation would do little or nothing to remedy. We have

pointed out in Chapter VII how difficult and costly is the task of maintaining law and order and providing public security in Palestine. It would prove impossible, we think, to delegate that duty to the cantonal Governments except to a limited extent. The major responsibility for keeping the peace would still fall on the Mandatory Government.

9. In any scheme of dividing Palestine the primary difficulty lies in the fact that no line can be drawn which would separate all the Arabs from all the Jews. Both under Cantonisation and under Partition a minority of each race remains in an area controlled by a majority of the other. That is the cardinal problem, and for its effective treatment the boldest and most far-seeing statesmanship is needed. But the sort of measures which, as we shall explain in the next chapter, ought in our view to be adopted, would not be worth the hardship and the cost they would entail unless they opened up the prospect of a final and lasting settlement of the Palestine problem. And that, we believe, Partition does, and Cantonisation manifestly does not.

10. For Cantonisation does not settle the question of national self-government. Cantonal autonomy would not satisfy for a moment the demands of Arab nationalism; it would not raise the status of Palestinian Arabs to the level of that enjoyed or soon to be enjoyed by Arabs in the neighbouring countries. Nor would it give the Jews the full freedom they desire to build up their National Home in their own way at their own pace, nor offer them the prospect of realizing on a small territorial scale all that Zionism means. And in the background, still clouding and disturbing the situation from year to year, still intensifying the antagonism between the races, would remain the old uncertainty as to the future destiny of Palestine.

11. Cantonisation, in sum, presents most, if not all, of the difficulties presented by Partition without Partition's one supreme advantage—the possibility it offers of eventual peace.

CHAPTER XXII.

A PLAN OF PARTITION.

1. We return, then, to Partition as the only method we are able to propose for dealing with the root of the trouble.

2. At the time of our appointment, while the gravity of the situation in Palestine was to some extent, though not to its full extent, appreciated in this country, we think that the continuance of the Mandate was generally taken for granted, and our terms of reference implied the hope that we should be able to make recommendations which, if adopted, would in our opinion make it possible to bring about a lasting settlement without abandoning the Mandate. But, as our inquiry proceeded, we became more and more persuaded that, if the existing Mandate continued, there was little hope of lasting peace in Palestine, and at the end we were convinced that there was none. It was clear to us that only drastic methods of dealing with the problem offered any prospect of success and that one such method, very difficult though it evidently was, should not be regarded as impossible. In those circumstances we felt that we should be failing in our duty if we did no more than demonstrate, as we have tried to do in earlier chapters of this Report, that the situation in Palestine has reached a deadlock. We believe that Your Majesty's Government would wish us to submit to them any suggestions we may be in a position to make as to how that deadlock might possibly be overcome. It is true that the bulk of the evidence we have heard was not directly concerned with Partition, but in view of the fact that most of it was relevant, directly or indirectly, for forming a judgment on that issue, and in the light of other information we have obtained as to past and present conditions in Palestine, we feel justified in recommending that Your Majesty's Government should take the appropriate steps for the termination of the present Mandate on the basis of Partition.

3. While we do not think Your Majesty's Government would expect us to embark on the further protracted inquiry which would be needed for working out a scheme of Partition in full detail, it would be idle to put forward the principle of Partition and not to give it any concrete shape. Clearly we must show that an actual plan can be devised which meets the main requirements of the case. There seem to us to be three essential features of such a plan. It must be practicable. It must conform to our obligations. It must do justice to the Arabs and the Jews.

1. A Treaty System.

4. The Mandate for Palestine should terminate and be replaced by a Treaty System in accordance with the precedent set in Iraq and Syria.

5. A new Mandate for the Holy Places should be instituted to fulfil the purposes defined in Section 2 below.

6. Treaties of Alliance should be negotiated by the Mandatory with the Government of Trans-Jordan and representatives of the Arabs of Palestine on the one hand and with the Zionist Organisation on the other. These Treaties would declare that, within as short a period as may be convenient, two sovereign independent States would be established—the one an Arab State, consisting of Trans-Jordan united with that part of Palestine which lies to the east and south of a frontier such as we suggest in Section 3 below; the other a Jewish State consisting of that part of Palestine which lies to the north and west of that frontier.

7. The Mandatory would undertake to support any requests for admission to the League of Nations which the Governments of the Arab and the Jewish States might make in accordance with Article 1 of the Covenant.

8. The Treaties would include strict guarantees for the protection of minorities in each State, and the financial and other provisions to which reference will be made in subsequent Sections.

9. Military Conventions would be attached to the Treaties, dealing with the maintenance of naval, military and air forces, the upkeep and use of ports, roads and railways, the security of the oil pipe line and so forth.

2. The Holy Places.

10. The partition of Palestine is subject to the overriding necessity of keeping the sanctity of Jerusalem and Bethlehem inviolate and of ensuring free and safe access to them for all the world. That, in the fullest sense of the mandatory phrase, is " a sacred trust of civilization "—a trust on behalf not merely of the peoples of Palestine but of multitudes in other lands to whom those places, one or both, are Holy Places.

11. A new Mandate, therefore, should be framed with the execution of this trust as its primary purpose. An enclave should be demarcated extending from a point north of Jerusalem to a point south of Bethlehem, and access to the sea should be provided by a corridor extending to the north of the main road and to the south of the railway, including the towns of Lydda and Ramle, and terminating at Jaffa.

12. We regard the protection of the Holy Places as a permanent trust, unique in its character and purpose, and not contemplated by Article 22 of the Covenant of the League of Nations. We submit for consideration that, in order to avoid misunderstanding, it might frankly be stated that this trust will only terminate if and when the League of Nations and the United States desire it to do so, and that, while it would be the trustee's duty to promote the well-being and development of the local population concerned, it is not intended that in course of time they should stand by themselves as a wholly self-governing community.

13. Guarantees as to the rights of the Holy Places and free access thereto (as provided in Article 13 of the existing Mandate), as to transit across the mandated area, and as to non-discrimination in fiscal, economic and other matters should be maintained in accordance with the principles of the Mandate System. But the policy of the Balfour Declaration would not apply; and no question would arise of balancing Arab against Jewish claims or *vice versa*. All the inhabitants of the territory would stand on an equal footing. The only " official language " would be that of the Mandatory Administration. Good and just government without regard for sectional interests would be its basic principle.

14. We think it would accord with Christian sentiment in the world at large if Nazareth and the Sea of Galilee (Lake Tiberias) were also covered by this Mandate. We recommend that the Mandatory should be entrusted with the administration of Nazareth and with full powers to safeguard the sanctity of the waters and shores of Lake Tiberias.

15. The Mandatory should similarly be charged with the protection of religious endowments and of such buildings, monuments and places in the Arab and Jewish States as are sacred to the Jews and the Arabs respectively.

16. For the upkeep of the Mandatory Government, a certain revenue should be obtainable, especially from the large and growing urban population in its charge, both by way of customs-duties and by direct taxation; but it might prove insufficient for the normal cost of the administration. In that event, we believe that, in all the circumstances, Parliament would be willing to vote the money needed to make good the deficit.

3. The Frontier.

17. The natural principle for the Partition of Palestine is to separate the areas in which the Jews have acquired land and settled from those which are wholly or mainly occupied by Arabs. As shown in Map No. 4 at the end of this Report, the Jewish lands and colonies are mostly to be found in the

Maritime Plain between Al Majdal and Mount Carmel, in the neighbourhood of Haifa, in the Plain of Esdraelon and the Valley of Jezreel, and in the east of Galilee, i.e., south of Tiberias, on the shores of the Lake, near Safad, and in the Huleh Basin. The rest of Galilee* and the northern part of the plain of Acre are almost wholly in Arab occupation. So also is the central hill-country of old Samaria and Judaea—except for Jerusalem and its vicinity. The towns of Nablus, Jenin and Tulkarm, the last an outpost on the edge of the Maritime Plain, are centres of Arab nationalism. Except in and near Jerusalem and at Hebron, there are practically no Jews between Jenin and Beersheba. This Arab block extends eastwards to the River Jordan between the Dead Sea and Beisan. In the area stretching south and south-east of Beersheba to the Egyptian frontier, the Jews have bought some isolated blocks of land but the population is entirely Arab.

18. This existing separation of the area of Jewish land and settlement from that of wholly or mainly Arab occupation seems to us to offer a fair and practicable basis for Partition, provided that, in accordance with the spirit of our obligations, (1) a reasonable allowance is made within the boundaries of the Jewish State for the growth of population and colonization, and (2) reasonable compensation is given to the Arab State for the loss of land and revenue. This last is one of the reasons we give in paragraph 23 below for suggesting the payment of a subvention by the Jewish State to the Arab State in the event of Partition coming into force.

19. Any proposal for Partition would be futile if it gave no indication, however rough, as to how the most vital question in the whole matter might be determined. With the information at our command, we are not in a position to assert that the proposal we have to make in this matter is the only solution of an obviously difficult problem. But as one solution of it, which in our judgment would be both practicable and just, we submit the following frontier, based on the principle stated above. It is not possible for us to draw a precise line: for that purpose we would recommend the appointment of a Frontier Commission.

20. Starting from Ras an Naqura, it follows the existing northern and eastern frontier of Palestine to Lake Tiberias and crosses the Lake to the outflow of the River Jordan whence it continues down the river to a point a little north of Beisan. It then cuts across the Beisan Plain and runs along the southern edge of the Valley of Jezreel and across the Plain of Esdraelon to a point near Megiddo, whence it crosses the Carmel ridge

* We use the term " Galilee " to include the Sub-Districts of Acre, Safad, Tiberias and Nazareth.

in the neighbourhood of the Megiddo road. Having thus reached the Maritime Plain, the line runs southwards down its eastern edge, curving west to avoid Tulkarm, until it reaches the Jerusalem-Jaffa corridor near Lydda. South of the Corridor it continues down the edge of the Plain to a point about 10 miles south of Rehovot, whence it turns west to the sea.*

21. In terms of the present administrative divisions of Palestine, this frontier would mean the inclusion in the Jewish Area of the Sub-Districts of Acre, Safad, Tiberias, Nazareth and Haifa and parts of the Sub-Districts of Jenin, Tulkarm, Beisan, Jaffa and Ramle; and the inclusion in the Arab Area of the Sub-Districts of Nablus, Ramallah, Jericho, Hebron, Gaza and Beersheba, and parts of the Sub-Districts of Beisan, Jenin, Tulkarm, Jaffa, Ramle, Jerusalem and Bethlehem.

22. We make the following observations and recommendations with regard to the proposed frontier and to questions arising from it:—

(i) No frontier can be drawn which separates all Arabs and Arab-owned land from all Jews and Jewish-owned land.

(ii) The Jews have purchased substantial blocks of land in the Gaza Plain and near Beersheba and obtained options for the purchase of other blocks in this area. The proposed frontier would prevent the utilization of those lands for the southward expansion of the Jewish National Home. On the other hand, the Jewish lands in Galilee, and in particular the Huleh basin (which, as we have explained in an earlier chapter, offers a notable opportunity for development and colonization), would be in the Jewish Area.

(iii) The proposed frontier necessitates the inclusion in the Jewish Area of the Galilee highlands between Safad and the Plain of Acre. It will be remembered that this is the part of Palestine in which the Jews have retained a foothold almost if not entirely without a break from the beginning of the Diaspora to the present day, and that the sentiment of all Jewry is deeply attached to the "holy cities" of Safad and Tiberias.† Until quite recently, moreover, the Jews in Galilee have lived on friendly terms with their Arab neighbours; and throughout the series of "disturbances" the *fellaheen* of Galilee have shown themselves less amenable to political incitement than those of Samaria and Judaea, where the centres of Arab nationalism are located. At Tiberias, on the other hand (which contains 6,150 Jews and 3,550 Arabs) and at Safad (which contains 2,000 Jews and 7,900 Arabs) the outbreak of last year has led to serious friction. There has been trouble also, though not so acute, in the two other "mixed" towns in the Jewish Area—Haifa (about 50,000 Jews and 48,000 Arabs) and Acre (8,550 Arabs and 250 Jews). We believe that it would greatly promote the successful operation of Partition in its early stages and in particular help to ensure the execution of the Treaty guarantees for the protection of minorities, if those four towns were kept for a period under Mandatory administration.

(iv) Jaffa is an essentially Arab town in which the Jewish minority has recently been dwindling. We suggest that it should form part of the Arab State. The question of its communication with the latter presents no difficulty, since transit through the Jaffa-Jerusalem Corridor would be open to all. The Corridor, on the other hand, requires its own access to the sea, and for this purpose a narrow belt of land should be acquired and cleared on the north and south sides of the town. This would also solve the problem, sometimes said to be insoluble, created by the contiguity of Jaffa with Tel Aviv to the north and the nascent Jewish town to the south. If necessary, Mandatory police could be stationed on this belt. This arrangement may seem artificial, but it is clearly practicable.

(v) While the Mediterranean would be accessible to the Arab State at Jaffa and at Gaza, we think that in the interests of Arab trade and industry the Arab State should also have access for commercial purposes to Haifa, the only existing deep-water port on the coast. We recommend, therefore, that the Jewish Treaty should provide for the free transit of goods in bond between the Arab State and Haifa.

The Arab Treaty, similarly, should provide for the free transit of goods in bond over the railway between the Jewish State and the Egyptian frontier.

The same principle applies to the question of access for commercial purposes to the Red Sea. The use of that exit to the East might prove in course of time of great advantage to both Arab and Jewish trade and industry, and we understand that the construction of a railway down the Wadi Araba has been contemplated. Having regard to these possibilities we suggest that an enclave on the north-west coast of the Gulf of Aqaba should be retained

* See Map No. 8.
† See pages 11 and 12 above.

under Mandatory administration, and that the Arab Treaty should provide for the free transit of goods between the Jewish State and this enclave.

The Treaties should provide for similar facilities for the transit of goods between the Mandated Area and Haifa, the Egyptian frontier and the Gulf of Aqaba.

4. Inter-State Subvention.

23. As we have explained in an earlier chapter, the Jews contribute more *per capita* to the revenues of Palestine than the Arabs, and the Government has thereby been enabled to maintain public services for the Arabs at a higher level than would otherwise have been possible. Partition would mean, on the one hand, that the Arab Area would no longer profit from the taxable capacity of the Jewish Area. On the other hand, (1) the Jews would acquire a new right of sovereignty in the Jewish Area: (2) that Area, as we have defined it, would be larger than the existing area of Jewish land and settlement: (3) the Jews would be freed from their present liability for helping to promote the welfare of Arabs outside that Area. It seems to us, therefore, not unreasonable to suggest that the Jewish State should pay a subvention to the Arab State when Partition comes into effect. There have been recent precedents for equitable financial arrangements of this kind in those connected with the separation of Sind from Bombay and of Burma from the Indian Empire; and in accordance with those precedents we recommend that a Finance Commission should be appointed to consider and report as to what the amount of the subvention should be.

24. The Finance Commission should, also, consider and report on the proportion in which the Public Debt of Palestine, which now amounts to about £4,500,000, should be divided between the Arab and the Jewish States, and on the manner in which any other " financial obligations legitimately incurred by the Administration of Palestine during the period of the Mandate " should be honoured in accordance with Article 28 thereof. The Commission should also deal with the financial questions involved in the administration of the railways, ports and telegraph and telephone systems in the event of Partition.

5. British Subvention.

25. The Inter-State Subvention would adjust the financial balance in Palestine; but it must be remembered that the plan we are submitting involves the inclusion of Trans-Jordan in the Arab State. The taxable capacity of Trans-Jordan is very low and its revenues have never sufficed to meet the cost of its

administration. From 1921 to the present day it has received grants-in-aid from the United Kingdom, which have amounted to a total sum of £1,253,000 or an average of about £78,000 a year. Grants have also been made towards the cost of the Trans-Jordan Frontier Force, and loans to the amount of £60,575, of which about £30,000 has been repaid, have been provided for earthquake-relief and the distribution of seed.

26. The Mandate for Trans-Jordan ought not in our opinion to be relinquished without securing, as far as possible, that the standard of administration should not fall too low through lack of funds to maintain it; and it is in this matter, we submit, that the British people might fairly be asked to do their part in facilitating a settlement. The continuance of the present Mandate, as we have more than once pointed out, would almost inevitably involve a recurrent and increasing charge on the British Treasury. If peace can be promoted by Partition, money spent on helping to bring it about and making it more effective for its purpose would surely be well spent. And apart from any such considerations we think that the British people, great as their financial burdens now are, would agree to a capital payment in lieu of their present annual liability, as a means towards honouring their obligations and making peace in Palestine.

27. We recommend, therefore, that in the event of the Treaty System coming into force, Parliament should be asked to make a grant of £2,000,000 to the Arab State.

6. Tariffs and Ports.

28. The Arab and Jewish States, being sovereign independent States, would determine their own tariffs. Subject to the terms of the Mandate, the same would apply to the Mandatory Government.

29. We recognize the crux arising from the fact that the tariff-policies of the Arab and Jewish States are likely to conflict. The prevention of smuggling might be difficult and costly. It would greatly ease the position and it would promote the interests of both the Arab and Jewish States if they could agree to impose identical customs-duties on as many articles as possible, and if the Mandatory Government, likewise, could assimilate its customs-duties as far as might be with those of one or both of the two States.

We regard it as an essential part of the proposed Treaty System that a commercial convention should be concluded with a view to establishing a common tariff over the widest possible range of imported articles and to facilitating the freest possible interchange of goods between the three territories concerned.

It would simplify the situation at one point if it were provided in the commercial convention that the town of Jaffa, while treated for all other purposes as an outlying part of the Arab

State, should be treated for tariff purposes as part of the mandated Jaffa-Jerusalem Corridor. The customs-duties paid on goods destined for Jaffa would accrue to the Arab State, but the rates of duty would be those fixed for goods destined for the Mandated Area.

30. It would promote, we think, the smooth working of Partition at the outset if the collection of customs at the ports were entrusted for a period to the Mandatory Government. We suggest, therefore, that not only at Haifa and Acre, which we have proposed should in any case remain for a time under Mandatory administration, but also at Jaffa and Tel Aviv and, if it should be found necessary, at other points, the Mandatory Government should collect the customs-duties and remit the sums paid on imports destined for the Arab State, the Jewish State and the Mandated Area to their respective Treasuries.

31. We should regard it as highly undesirable that the provision recently made for loading and landing goods at Tel Aviv should be expanded into a substantial harbour quite detached from Jaffa. If the need for a second deep-water port besides Haifa be established, we recommend the adoption of the plan for a joint port for Jaffa and Tel Aviv. In the event of Partition such a port should be controlled by a Joint Harbour Board, composed of representatives of the Arab and Jewish States and presided over by an officer of the Mandatory Government.

7. Nationality.

32. All persons domiciled in the Mandated Area (including Haifa, Tiberias, Safad, and the enclave on the Gulf of Aqaba, as long as they remain under Mandatory administration) who now possess the status of British protected persons would retain it; but apart from this all Palestinians would become the nationals of the States in which they are domiciled.

8. Civil Services.

33. It seems probable that, in the event of Partition, the services of the Arab and Jewish officials in the pre-existing Mandatory Administration would to a large extent be required by the Governments of the Arab and Jewish States respectively, whereas the number of British officials would be substantially reduced. The rights of all of them, including rights to pensions or gratuities, must be fully honoured in accordance with the provisions of Article 28 of the existing Mandate, it being borne in mind that, under any plan of Partition, there will be three Governments in place of the single Government of Palestine which is contemplated in that Article as being established in the event of the termination of the Mandate. This matter should be dealt with by the Finance Commission.

9. Industrial Concessions.

34. In the event of Partition agreements entered into by the Government of Palestine for the development and security of industries (e.g., the agreement with the Palestine Potash Company) should be taken over and carried out by the Governments of the Arab and Jewish States. Guarantees to that effect should be given in the Treaties. The security of the Electric Power Station at Jisr el Majami should be similarly guaranteed.

10. Exchange of Land and Population.

35. We have left to the last the two-fold question which, after that of the Frontier, is the most important and most difficult of all the questions which Partition in any shape involves.

36. If Partition is to be effective in promoting a final settlement it must mean more than drawing a frontier and establishing two States. Sooner or later there should be a transfer of land and, as far as possible, an exchange of population.

37. As regards land, the Jews on the one hand may wish to dispose of some or all of the lands now owned by them which lie within the boundaries of the Arab State, and their Jewish occupants may wish to move into the Jewish State and resume their life on the land therein. The Arabs on the other hand may likewise be willing to sell the land they own within the boundaries of the Jewish State. But what is to become, in that case, of its occupants, whether owners or tenants or labourers? Whether they remain in the Jewish State or move into the Arab State, where there is under present conditions no cultivable land to spare, there is a manifest risk of their becoming a " landless proletariat ".

38. The Treaties should provide that, if Arab owners of land in the Jewish State or Jewish owners of land in the Arab State should wish to sell their land and any plantations or crops thereon, the Government of the State concerned should be responsible for the purchase of such land, plantations and crops at a price to be fixed, if required, by the Mandatory Administration. We suggest that for this purpose a loan should, if required, be guaranteed for a reasonable amount.

39. The political aspect of the land-problem is still more important. Owing to the fact that there has been no census since 1931 it is impossible to calculate with precision the distribution of population between the proposed Arab and Jewish areas, but, according to an approximate estimate supplied to us, in the area allocated in our plan to the Jewish State (excluding the urban districts which we suggest should be retained for a

period under Mandatory administration) there are now about 225,000 Arabs. In the area allotted to the Arab State there are only some 1,250 Jews: but in Jerusalem and Haifa there are about 125,000 Jews as against 85,000 Arabs. The existence of these minorities clearly constitutes the most serious hindrance to the smooth and successful operation of Partition. The " Minority Problem " has become only too familiar in recent years, whether in Europe or in Asia. It is one of the most troublesome and intractable products of post-war nationalism; and nationalism in Palestine, as we have seen, is at least as intense a force as it is anywhere else in the world. We believe that Partition, once effected, might ultimately moderate and appease it as nothing else could. But it is, of course, too much to hope that after Partition there would be no friction at all between Arabs and Jews, no " incidents ", no recriminations, keeping open the wound which Partition must inflict. If then the settlement is to be clean and final, this question of the minorities must be boldly faced and firmly dealt with. It calls for the highest statesmanship on the part of all concerned.

40. An instructive precedent is afforded, as it happens, by the exchange effected between the Greek and Turkish populations on the morrow of the Greco-Turkish War of 1922. On the initiative of Dr. Nansen a convention was signed by the Greek and Turkish Governments at the beginning of 1923, providing that Greek nationals of the Orthodox religion living in Turkey should be compulsorily removed to Greece, and Turkish nationals of the Moslem religion living in Greece to Turkey. To control the operation a Mixed Commission and a group of sub-commissions were established, consisting of representatives of the Greek and Turkish Governments and of the League of Nations. The numbers involved were high—no less than some 1,300,000 Greeks and some 400,000 Turks. But so vigorously and effectively was the task accomplished that within about eighteen months from the spring of 1923 the whole exchange was completed. Dr. Nansen was sharply criticized at the time for the inhumanity of his proposal, and the operation manifestly imposed the gravest hardships on multitudes of people. But the courage of the Greek and Turkish statesmen concerned has been justified by the result. Before the operation the Greek and Turkish minorities had been a constant irritant. Now the ulcer has been clean cut out, and Greco-Turkish relations, we understand, are friendlier than they have ever been before.

41. Unfortunately for our purposes the analogy breaks down at one essential point. In Northern Greece a surplus of cultivable land was available or could rapidly be made available for the settlement of the Greeks evacuated from Turkey. In Palestine there is at present no such surplus. Room exists or could soon be provided within the proposed boundaries of the

Jewish State for the Jews now living in the Arab Area. It is the far greater number of Arabs who constitute the major problem; and, while some of them could be re-settled on the land vacated by the Jews, far more land would be required for the re-settlement of all of them. On earlier pages of this Report we drew attention to the lack of adequate evidence on this question, but such information as was available seemed to us, as we said, to justify the hope that the execution of large-scale plans for irrigation, water-storage, and development in Trans-Jordan—and the same applies to Beersheba and the Jordan Valley—would make provision for a much larger population than exists there at the present time.

42. The immediate need, therefore, is for those areas to be surveyed and an authoritative estimate made of the practical possibilities of irrigation and development. This, we suggest, should be undertaken at once, and the requisite staff and funds provided for its completion in the shortest possible time. If, as a result, it is clear that a substantial amount of land could be made available for the re-settlement of Arabs living in the Jewish area, the most strenuous efforts should be made to obtain an agreement for the exchange of land and population. The provision of new land would bring the position in Palestine and Trans-Jordan closer to what it was in 1923 in Turkey and Greece, and the number of people involved would be very much smaller. In view of the present antagonism between the races and of the manifest advantage to both of them of reducing the opportunities of future friction to the utmost, it is to be hoped that the Arab and the Jewish leaders might show the same high statesmanship as that of the Turks and the Greeks and make the same bold decision for the sake of peace. If an agreement on the question were secured, provisions should be inserted in or added to the Treaties for the transfer, under the supervision and control of the Mandatory Government, of land and population to the extent to which new land is, or may within a reasonable period become, available for re-settlement.

43. We think that in the event of Partition friction would be less likely to occur in the hill-country of North Galilee with its wholly Arab population than in the plain-lands where the population is mixed. In the former area, therefore, it might not be necessary to effect a greater exchange of land and population than could be effected on a voluntary basis. But as regards the Plains, including Beisan, and as regards all such Jewish colonies as remained in the Arab State when the Treaties came into force, it should be part of the agreement that in the last resort the exchange would be compulsory.

44. The cost of the proposed irrigation and development scheme would be heavier than the Arab State could, in our opinion, be expected to bear. Here again we believe that the

British people would be willing to help to bring about a settlement; and we recommend that, if an arrangement could be made for the transfer, voluntary or otherwise, of land and population, Parliament should be asked to make a grant to meet the cost of the aforesaid scheme.

45. If the results of the survey were favourable, the execution of the scheme would take a considerable time, and in all probability the proposed Treaty System would come into operation before it was completed. It should therefore be laid down in the Treaties that the full control of this work, as also of any such operations for the exchange of land and population as may be agreed on, should continue to be exercised by the Mandatory Government until its completion.

46. If irrigation and development should prove practicable on such a scale as may be hoped, it is clear that the work should be carried out with the least possible delay. The Palestine Government as at present constituted could not be expected to cope with it. It would try beyond its strength an already overtried administration. We think, moreover, that some of the ordinary rules of Crown Colony government should be modified to meet this exceptional case. We suggest that a new Partition Department should be established at Jerusalem to deal with the irrigation and development work and such exchange-operations as may follow on it. The Department should be directly under the High Commissioner; the head of it should have the same status as the Chief Secretary; and it should possess a reasonable measure of independence in its administration of the funds voted by Parliament. It seems to us essential that some special arrangement should be made to prevent the inevitable and often protracted delay which would arise if every item of expenditure, however small, had to be referred either to the British or the Palestine Treasury for sanction. The appointment of a representative of the British Treasury as Financial Director of the proposed Department might perhaps meet the case.

47. Such is the plan of Partition which we submit to the consideration of Your Majesty's Government. We believe that it fulfils the essential conditions of Partition and demonstrates that, if Palestine ought to be divided, it can be divided.

48. It remains to deal briefly with the main points that would arise in the immediate future if it should be agreed to terminate the Mandate and establish a Treaty System on a basis of Partition. The new regime could not, of course, be introduced at once. There would necessarily be a period of transition before the new Mandate and the Treaties came into force, and during this period the existing Mandate would continue to be the governing instrument of the Palestine Administration. But the recommendations we made in Part II of this Report as to what should be done under the existing Mandate presupposed its

continuance for an indefinite time. Clearly they would not as a whole apply to so changed a situation as the prospect of Partition would bring about. The character of that situation would largely depend on the kind of scheme adopted; but under any scheme certain main questions would arise, and we think Your Majesty's Government would wish us to express our opinion as to how those questions should be settled.

49. The following, then, are our recommendations for the period of transition.

(1) *Land.*

Steps should be taken to prohibit the purchase of land by Jews within the Arab Area (i.e., the area of the projected Arab State) or by Arabs within the Jewish Area (i.e., the area of the projected Jewish State).

The settlement of the plain-lands of the Jewish Area should be completed within two years.

(2) *Immigration.*

Instead of the political "high-level" recommended in Chapter X, paragraph 97, there should be a territorial restriction on Jewish immigration. No Jewish immigration into the Arab Area should be permitted. Since it would therefore not affect the Arab Area and since the Jewish State would soon become responsible for its results, the volume of Jewish immigration should be determined by the economic absorptive capacity of Palestine less the Arab Area.

(3) *Trade.*

Negotiations should be opened without delay to secure the amendment of Article 18 of the Mandate and to place the external trade of Palestine upon a fairer basis.

(4) *Advisory Council.*

The Advisory Council should, if possible, be enlarged by the nomination of Arab and Jewish representatives; but, if either party refused to serve, the Council should continue as at present.

(5) *Local Government.*

The municipal system should be reformed on expert advice as recommended in Chapter XVII, paragraph 31.

(6) *Education.*

A vigorous effort should be made to increase the number of Arab schools. The "mixed schools" situated in the area to be administered under the new Mandate should be given every support, and the possibility of a British University should be considered (as recommended in Chapter XVI, paragraph 28), since those institutions might play an important part after Partition in helping to bring about an ultimate reconciliation of the races.

CHAPTER XXIII.

CONCLUSION.

1. " Half a loaf is better than no bread " is a peculiarly English proverb; and, considering the attitude which both the Arab and the Jewish representatives adopted in giving evidence before us, we think it improbable that either party will be satisfied at first sight with the proposals we have submitted for the adjustment of their rival claims. For Partition means that neither will get all it wants. It means that the Arabs must acquiesce in the exclusion from their sovereignty of a piece of territory, long occupied and once ruled by them. It means that the Jews must be content with less than the Land of Israel they once ruled and have hoped to rule again. But it seems to us possible that on reflection both parties will come to realize that the drawbacks of Partition are outweighed by its advantages. For, if it offers neither party all it wants, if offers each what it wants most, namely freedom and security.

2. The advantages to the Arabs of Partition on the lines we have proposed may be summarized as follows:—

(i) They obtain their national independence and can co-operate on an equal footing with the Arabs of the neighbouring countries in the cause of Arab unity and progress.

(ii) They are finally delivered from the fear of being " swamped " by the Jews and from the possibility of ultimate subjection to Jewish rule.

(iii) In particular, the final limitation of the Jewish National Home within a fixed frontier and the enactment of a new Mandate for the protection of the Holy Places, solemnly guaranteed by the League of Nations, removes all anxiety lest the Holy Places should ever come under Jewish control.

(iv) As a set-off to the loss of territory the Arabs regard as theirs, the Arab State will receive a subvention from the Jewish State. It will also, in view of the backwardness of Trans-Jordan, obtain a grant of £2,000,000 from the British Treasury; and, if an arrangement can be made for the exchange of land and population, a further grant will be made for the conversion, as far as may prove possible, of uncultivable land in the Arab State into productive land from which the cultivators and the State alike will profit.

3. The advantages of Partition to the Jews may be summarized as follows:—

(i) Partition secures the establishment of the Jewish National Home and relieves it from the possibility of its being subjected in the future to Arab rule.

(ii) Partition enables the Jews in the fullest sense to call their National Home their own: for it converts it into a Jewish State. Its citizens will be able to admit as many Jews into it as they themselves believe can be absorbed. They will attain the primary objective of Zionism—a Jewish nation, planted in Palestine, giving its nationals the same status in the world as other nations give theirs. They will cease at last to live a " minority life."

4. To both Arabs and Jews Partition offers a prospect—and we see no such prospect in any other policy—of obtaining the inestimable boon of peace. It is surely worth some sacrifice on both sides if the quarrel which the Mandate started could be ended with its termination. It is not a natural or old-standing feud. An able Arab exponent of the Arab case told us that the Arabs throughout their history have not only been free from anti-Jewish sentiment but have also shown that the spirit of compromise is deeply rooted in their life. And he went on to express his sympathy with the fate of the Jews in Europe. " There is no decent-minded person," he said, " who would not want to do everything humanly possible to relieve the distress of those persons," provided that it was " not at the cost of inflicting a corresponding distress on another people." Considering what the possibility of finding a refuge in Palestine means to many thousands of suffering Jews, we cannot believe that the " distress " occasioned by Partition, great as it would be, is more than Arab generosity can bear. And in this, as in so much else connected with Palestine, it is not only the peoples of that country that have to be considered. The Jewish Problem is not the least of the many problems which are disturbing international relations at this critical time and obstructing the path to peace and prosperity. If the Arabs at some sacrifice could help to solve that problem, they would earn the gratitude not of the Jews alone but of all the Western World.

5. There was a time when Arab statesmen were willing to concede little Palestine to the Jews, provided that the rest of Arab Asia were free. That condition was not fulfilled then, but it is on the eve of fulfilment now. In less than three years' time all the wide Arab area outside Palestine between the Mediterranean and the Indian Ocean will be independent, and, if Partition is adopted, the greater part of Palestine will be independent too.

6. There is no need to stress the advantage to the British people of a settlement in Palestine. We are bound to honour to the utmost of our power the obligations we undertook in the exigencies of war towards the Arabs and the Jews. When

those obligations were incorporated in the Mandate, we did not fully realize the difficulties of the task it laid on us. We have tried to overcome them, not always with success. They have steadily become greater till now they seem almost insuperable. Partition offers a possibility of finding a way through them, a possibility of obtaining a final solution of the problem which does justice to the rights and aspirations of both the Arabs and the Jews and discharges the obligations we undertook towards them twenty years ago to the fullest extent that is practicable in the circumstances of the present time.

7. Nor is it only the British people, nor only the nations which conferred the Mandate or approved it, who are troubled by what has happened and is happening in Palestine. Numberless men and women all over the world would feel a sense of deep relief if somehow an end could be put to strife and bloodshed in a thrice hallowed land.

Acknowledgments.

We have already in our preface referred to the invaluable series of descriptive and statistical memoranda supplied by the Palestine Government. Their preparation must have involved great labour and imposed a large amount of additional work on those concerned. The presentation in compact and orderly form of so complete a statement of facts and figures greatly expedited the Commission's work. Apart from this, the Government Departments gave us every assistance during our visit, officers of all grades working overtime to comply with our requests.

The Police escort to the Commission, which was in constant attendance, sometimes in circumstances of personal inconvenience, rendered excellent service.

We desire to make special mention of the services of Mr. D. G. Harris, Irrigation Adviser and Member of the Executive Council, whose judgment and experience were of the utmost value, and Mr. L. Y. Andrews, Development Officer, who also was in constant attendance on the Commission and on whom was placed the responsibility for the arrangements of our tour and our visits to the Districts. This he discharged with conspicuous success. His wide local knowledge and long acquaintance with the country were invaluable. Our two official reporters, Miss H. Painting and Miss N. L. Sheppard, had to work frequently under conditions of great stress. Their speed and accuracy were remarkable. Mr. F. J. Purll, the only Clerical Officer who accompanied us from England, discharged his duties, which in the circumstances were particularly onerous,

to our entire satisfaction. In the production of our Report, the two stenographers, Miss I. G. Campbell and Miss G. L. Whyatt, worked most cheerfully at high pressure.

Finally we wish to place on record our very warm appreciation of the ability and industry of Mr. J. M. Martin, our Secretary, whose services were placed at our disposal by the Colonial Office. An exceptionally heavy burden was placed upon his shoulders, and we gratefully recognize the manner in which he dealt single-handed with the large volume of correspondence and the mass of literature, produced by an enquiry extending in detail to all the Departments of the Palestine Government. In our own relations with him we have observed the same unfailing courtesy which he displayed in the arrangements for our sessions and innumerable personal interviews.

ALL OF WHICH WE HUMBLY SUBMIT FOR YOUR MAJESTY'S GRACIOUS CONSIDERATION.

PEEL.
HORACE RUMBOLD.
LAURIE HAMMOND.
WM. MORRIS CARTER.
HAROLD MORRIS.
R. COUPLAND.

J. M. MARTIN,
Secretary.
22nd June, 1937.

APPENDIX 1.

MANDATE FOR PALESTINE.

TEXT OF ARTICLES NOT QUOTED IN CHAPTER II (PARAGRAPH 40) TOGETHER WITH A NOTE BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS RELATING TO THE APPLICATION OF THE MANDATE TO THE TERRITORY KNOWN AS TRANS-JORDAN, UNDER THE PROVISIONS OF ARTICLE 25.

Article 5.

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

Article 8.

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

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

Article 10.

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

Article 12.

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

Article 14.

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

Article 17.

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

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

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

Article 19.

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

Article 20.

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

Article 21.

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

(1)

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

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

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

(3)

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

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

(4)

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

(5)

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

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

(7)

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

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 24.

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

Article 26.

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

Note.

GENEVA,

September 23rd, 1922.

ARTICLE 25 OF THE PALESTINE MANDATE.

Territory known as Trans-Jordan.

NOTE BY THE SECRETARY-GENERAL.

The Secretary-General has the honour to communicate for the information of the Members of the League, a memorandum relating to Article 25 of the Palestine Mandate presented by the British Government to the Council of the League on September 16th, 1922.

The memorandum was approved by the Council subject to the decision taken at its meeting in London on July 24th, 1922, with regard to the coming into force of the Palestine and Syrian mandates.

MEMORANDUM BY THE BRITISH REPRESENTATIVE.

1. Article 25 of the Mandate for Palestine provides as follows:—

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

2. In pursuance of the provisions of this Article, His Majesty's Government invite the Council to pass the following resolution:—

"The following provisions of the Mandate for Palestine are not applicable to the territory known as Trans-Jordan, which comprises all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk; thence up the centre of that river to the Syrian Frontier."

Preamble.—Recitals 2 and 3.

Article 2.—The words "placing the country under such political administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and ".

Article 4.

Article 6.

Article 7.—The sentence "There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine."

Article 11.—The second sentence of the first paragraph and the second paragraph.

Article 13.

Article 14.

Article 22.

Article 23.

In the application of the Mandate to Trans-Jordan, the action which, in Palestine, is taken by the Administration of the latter country, will be taken by the Administration of Trans-Jordan under the general supervision of the Mandatory.

3. His Majesty's Government accept full responsibility as Mandatory for Trans-Jordan, and undertake that such provision as may be made for the administration of that territory in accordance with Article 25 of the Mandate shall be in no way inconsistent with those provisions of the Mandate which are not by this resolution declared inapplicable.

APPENDIX 2.

REPRESENTATIONS ADDRESSED TO THE HIGH COMMISSIONER BY THE HIGHER ARAB OFFICIALS.

Jerusalem,

30th June, 1936.

We, the undersigned, Arab officers in the first division of the Service, feel it our urgent duty to bring the following matters to Your Excellency's notice.

2. In addition to our general duties as civil servants, a particular duty lies on us as Arab officers, which is that of serving as a link between Government and the Arab population with whom we are naturally in closer contact, of interpreting to the public the acts of Government in their true light, and of explaining to Government the feelings and needs of the Arab population. We have always been given to understand that that aspect of our duties, especially in view of the non-existence of representative institutions, was an essential one; and we have always regarded it as such. It is in pursuance of that conception of our duties that we venture, with all respect, to submit the following:—

3. The underlying cause of the present discontent is that the Arab population of all classes, creeds and occupations is animated by a profound sense of injustice done to them. They feel that insufficient regard has been paid in the past to their legitimate grievances, even though those

grievances had been inquired into by qualified and impartial official investigators, and to a large extent vindicated by those inquiries. As a result, the Arabs have been driven into a state verging on despair; and the present unrest is no more than an expression of that despair.

4. The fact must be faced that that feeling of despair is largely to be traced to loss of faith on the part of the Arabs in the value of official pledges and assurances for the future, and to the fact that they are genuinely alarmed at the extent to which His Majesty's Government have from time to time given way to Zionist pressure. Their confidence was severely shaken as far back as 1931, when the Prime Minister's letter to Dr. Weizmann was issued as an interpretation of the White Paper of 1930. But more recently, when the projects regarding the Legislative Council and the restriction of sales of land were hotly challenged in Parliament, their loss of confidence turned to despair.

We should be doing a disservice to Government and an injury to our consciences if we were to conceal our belief that the Arab complaint on this head is substantially justified.

5. We have endeavoured since the outbreak of the present disturbances to use our influence, each of us within the scope of his functions, to bring about a return to normal conditions, and more particularly after the announcement was made that His Majesty's Government had decided to send out a Royal Commission. We have been at pains to emphasise that a return to normal conditions was a condition of the appointment of a Royal Commission. But all our efforts have proved unavailing. We met everywhere with a sceptical disbelief in the sincerity of the Government's offer, and our endeavours at peace-making have only earned us odium and suspicion. It has become impossible for us to continue to act usefully as a link between the Administration and the Arab population.

6. When we consider the depth and the spread of the feeling animating the Arab population to-day, we are driven to the conclusion that Government does not perhaps sufficiently appreciate all the underlying factors of the situation. Our warrant for this apparently presumptuous statement is that we are naturally in closer contact with the intimate thoughts of the Arab population than even Your Excellency's closest advisers. In particular, we believe that one fundamental aspect of the unrest is being overlooked, namely that the present feeling is not one that can be crushed by force. The Government has enough resources at its disposal to be able in course of time to deal with the insurrection. But the feeling will remain, and remain a constant source of trouble and disturbance. It cannot be stamped out by force. The only way in which it can be removed is by removing the causes which have brought it about. We have so far seen no practical evidence that Government have grasped that aspect of the situation.

7. The Government have, it is true, announced that a Royal Commission would be appointed to inquire into the grievances and make recommendations. We are not, however, concerned now with ultimate policy, but with the immediate situation in which lives and property are being destroyed every day. The announcement of a Royal Commission has not allayed the discontent, precisely because of that loss of confidence to which we have referred. What is wanted, therefore, is some act which would go to restore to the Arabs the confidence they have lost and put an end to the present deadlock.

Speaking not as partisans, but as responsible public servants mindful of our obligations to Government and to the country as a whole, we feel that, in the circumstances, the initiative for ending the deadlock can only come from the Government, and that it must come from Government with the least possible delay.

8. The deadlock in its present phase turns exclusively on the issue of immigration. In other words, the choice between an immediate return to normal conditions and an indefinite continuation of the present disorders and bloodshed depends not on a matter of policy or principle, but solely on a matter of provisional regulation, namely that of whether or not immigration is to be stopped. Perhaps it is not superfluous to point out that foremost among the subjects which will fall *sub judice* during the proposed inquiry is that very subject of immigration. We would add that there are very good precedents for such a stoppage of immigration in the fact that before the inquiry into the disturbances of 1921 such immigration was stopped, and in the riots of 1929 immigration was not only stopped but the immigration certificates which had already been issued were withdrawn.

9. After a great deal of careful and conscientious consideration, we have no hesitation in recommending the stoppage of immigration as the only fair, humane and honourable solution of the present deadlock.

10. It will be argued, we know, that prestige is at stake and that Government cannot yield to violence without losing prestige. We would strongly have supported that argument had it not been for our belief that Government is itself in part to blame for the state of mind which has brought about the violence. We yield to no one in upholding order and authority as the foundation of all good government. But authority implies justice all round, and when justice is denied, or when confidence in its impartiality is shaken, then authority becomes undermined; and it shows a mistaken notion of prestige to suppose that it can be restored by the use of force.

In this case, the prestige and authority of Government would not only not lose, but would gain by a timely act of conciliation.

11. Your Excellency will, we trust, not misapprehend the motives which have prompted us to submit the present memorial. They are above all motives of conscience. During these painful weeks, when fellow-countrymen and maybe relatives of ours have been losing their lives every day, we have made every effort to remember our obligations as public servants and contribute, in our small way, to the restoration of peace. But alongside of our obligations as civil servants are the dictates of our consciences. We feel that we must conscientiously raise a protest against the present policy of repression when there exists a fair and honourable way of immediately ending the present unrest with its growing toll of death and suffering.

12. We are forwarding this memorial in quadruplicate so that it may be duly transmitted to the Secretary of State for the Colonies. In view, however, of the seriousness of the situation and the difficult position in which we find ourselves, we would request Your Excellency to cable the substance of this memorandum to the Secretary of State and favour us with a reply at your earliest possible convenience.

APPENDIX 3.

Revenue, Expenditure and Trade per head in Middle Eastern Countries, 1935.

Country	*Revenue per head*	*Expenditure per head*	*Exports per head*	*Imports per head*
	£	£	£	£
Egypt	2·08	2·08	2·32	2·04
'Iraq	1·62	1·71	1·11	2·09
Syria (Levant States) ...	1·74	1·62	1·02	2·53
Palestine	4·75	3·48	3·53	14·9
Trans-Jordan	1·05	1·26	—	—

APPENDIX 4.

AREA AND POPULATION OF DISTRICTS AND SUB-DISTRICTS.

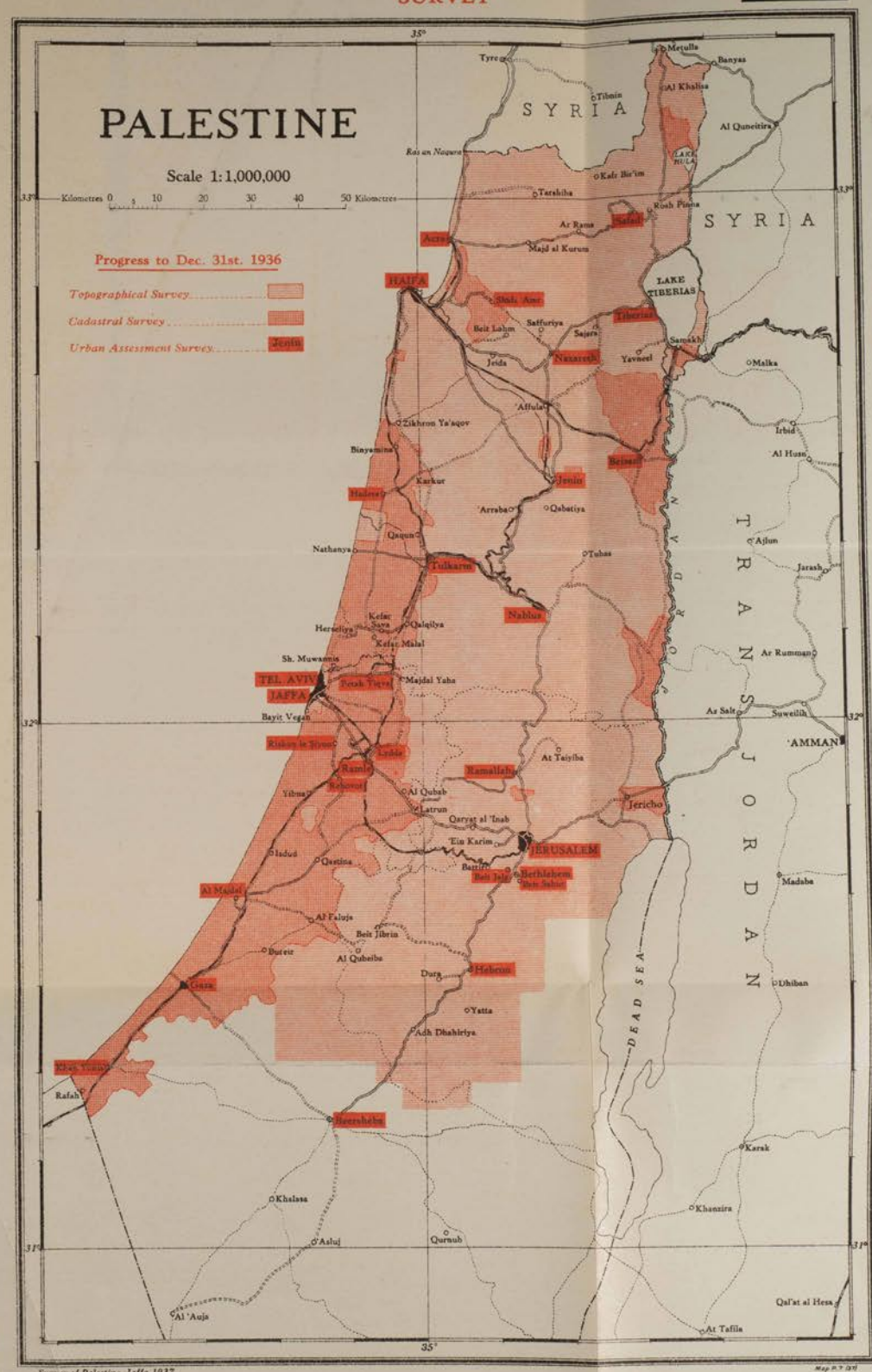
Figures taken from 1931 Census Report.

Districts and Sub-Districts.	Area in square kilo-metres.	Population by Religion.				Total Popula-tion (1931).
		Moslems.	Jews.	Christ-ians.	Others.	
I. Southern District ...	14,217	267,587	78,723	15,155	332	361,797
1. Gaza Sub-district ...	1,196	93,315	421	897	1	94,634
2. Beersheba ,, ...	11,872	50,907	17	153	5	51,082
3. Jaffa ,, ...	335	65,478	69,789	9,921	314	145,502
4. Ramle ,, ...	814	57,887	8,496	4,184	12	70,579
II. Jerusalem District ...	4,278	173,019	54,959	38,488	96	266,562
5. Hebron sub-district ...	2,120	67,364	135	124	8	67,631
6. Bethlehem ,, ...	520	13,047	42	10,628	8	23,725
7. Jerusalem ,, ...	420	57,762	54,538	20,309	52	132,661
8. Jericho ,, ...	676	2,949	243	263	28	3,483
9. Ramallah ,, ...	542	31,897	1	7,164	—	39,062
III. Northern District ...	6,988	319,106	40,928	37,755	9,673	407,462
10. Tulkarm Sub-district	751	45,290	666	356	16	46,328
11. Nablus ,,	1,618	67,314	10	1,214	168	68,706
12. Jenin ,,	800	40,555	4	851	1	41,411
13. Nazareth ,,	507	18,019	3,172	7,384	17	28,592
14. Beisan ,,	395	12,672	1,950	477	24	15,123
15. Tiberias ,,	453	16,546	7,785	1,734	910	26,975
16. Haifa ,,	1,022	52,830	23,367	16,492	2,783	95,472
17. Acre ,,	730	31,905	296	7,672	5,269	45,142
18. Safad ,,	712	33,975	3,678	1,575	485	39,713

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No. 2

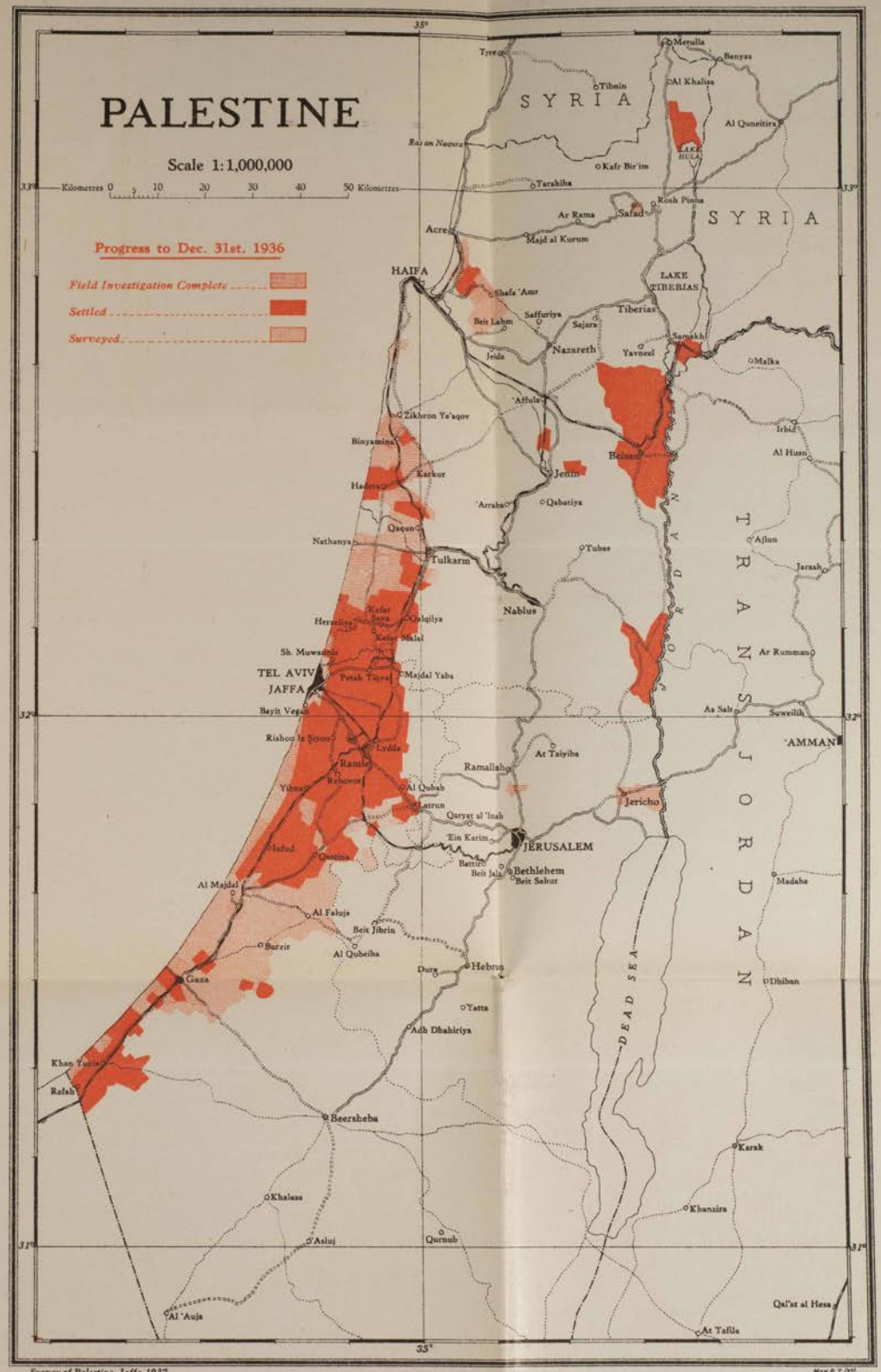
SURVEY



Survey of Palestine. Jaffa 1937.

LAND SETTLEMENT

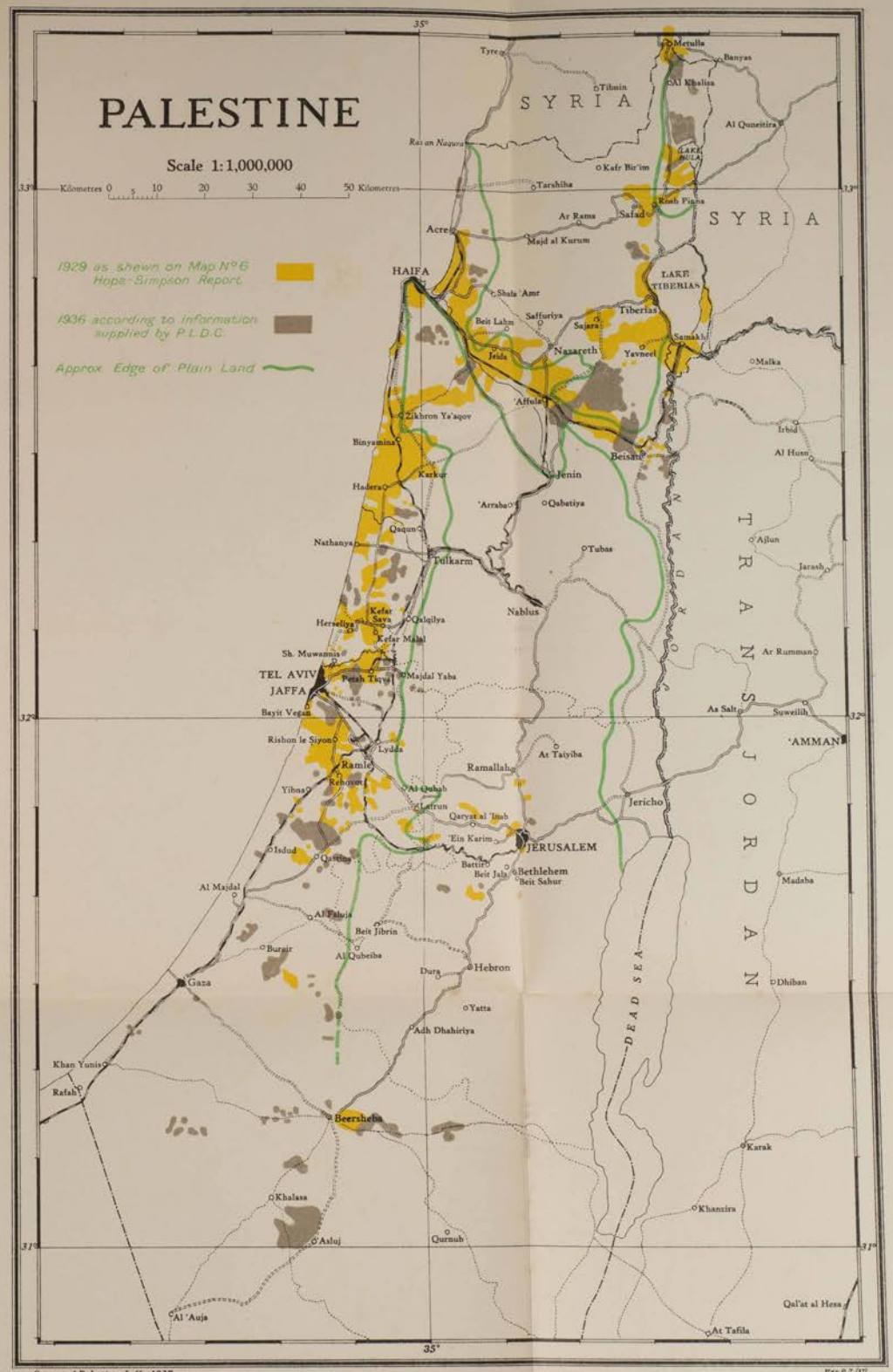
DIAGRAM A



Survey of Palestine. Jaffa 1937.

Map P. 7 (37)

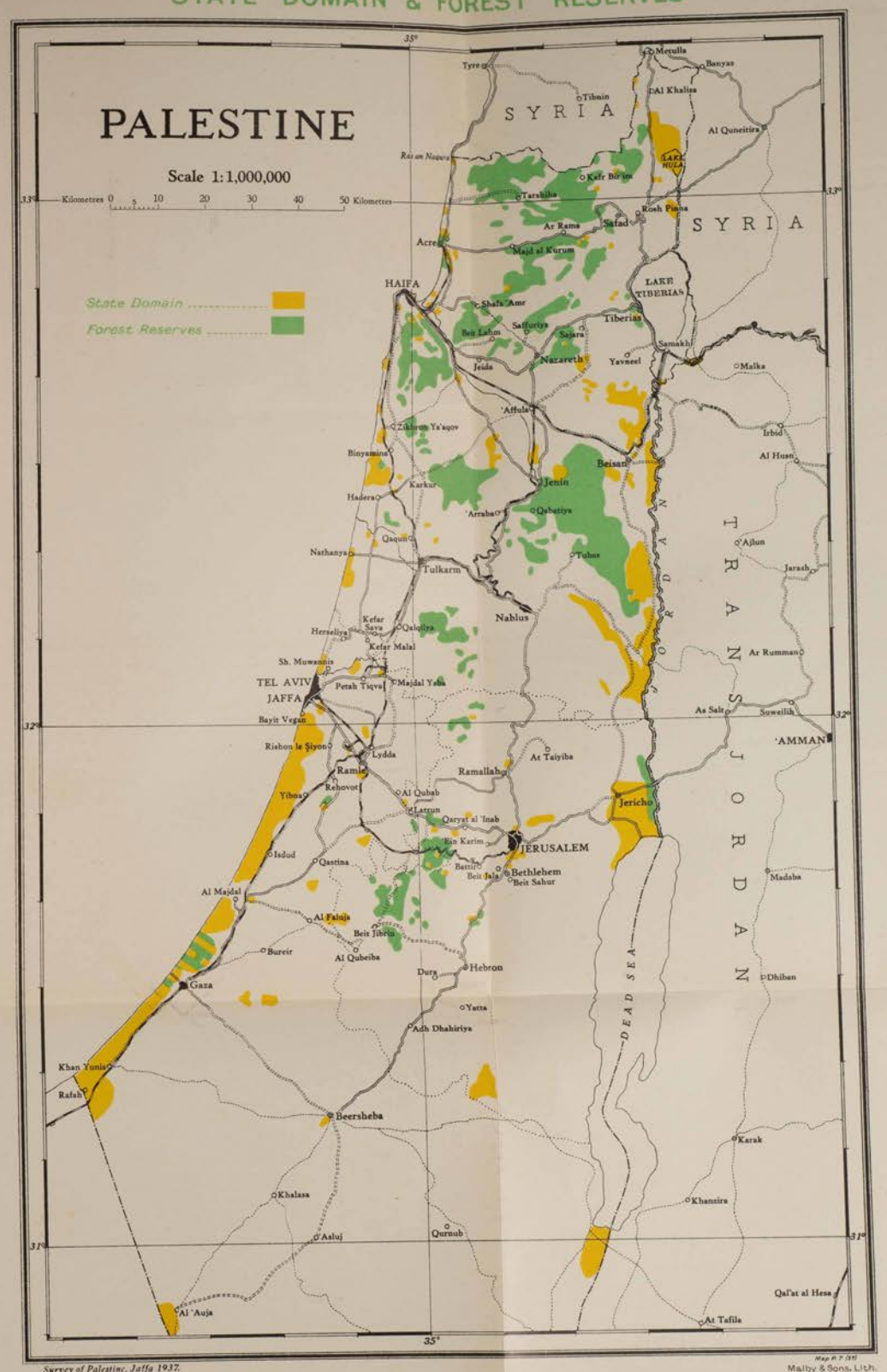
JEWISH — OWNED LAND



Survey of Palestine. Jaffa 1937.
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Map P.T. 3(1)
Malby & Sons, Lith.

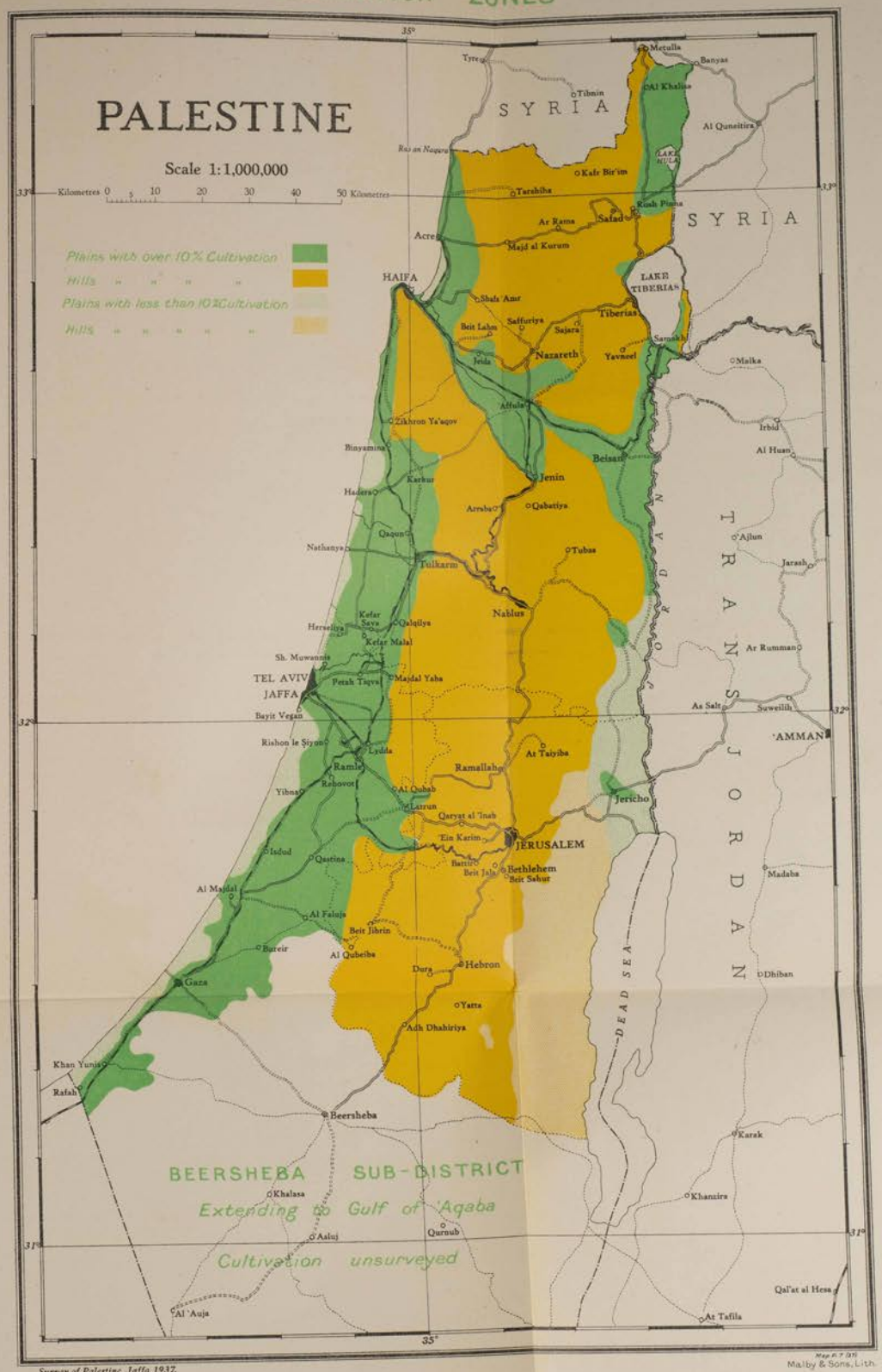
STATE DOMAIN & FOREST RESERVES



Survey of Palestine, Jaffa 1937.
1621

Map nº 7 (37)
Malby & Sons, Lith.

CULTIVATION ZONES



Survey of Palestine, Jaffa 1937.

Malby & Sons, Lith.



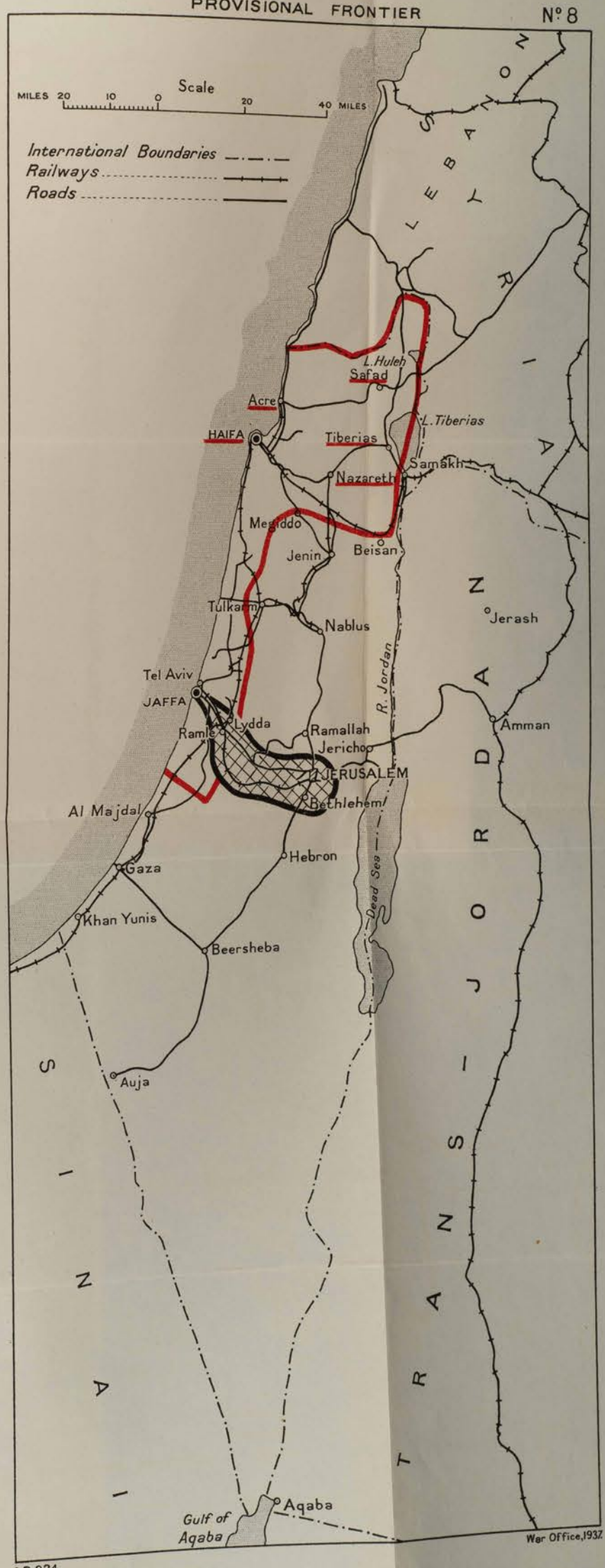
1854, 1305 & 3819, 7500, 6/37.

Malby & Sons, Lith.

PARTITION

PROVISIONAL FRONTIER

Nº 8



Administrative Boundaries



Survey of Palestine, Jaffa 1937.
875,1305c 3619 7500 6/37.

Map P. 7 (37)
Malby & Sons, Lith.