

The Arab Woman

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H. R. H. AMIR ABDULLAH IBN EL HUSSEIN, RULER OF TRANSJORDAN

THE ARAB WOMAN

AND THE
PALESTINE PROBLEM

By

*Mrs. Matiel E. T.
MOGANNAM*

With a Foreword by
ANTHONY CROSSLEY, M.P.



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To the Memory
of the Nation's First Leader
the late

KING HUSSEIN IBN ALI

Founder of the Arab Empire

who fired the first shot in the revolution of
the Arab Nation for Freedom and Inde-
pendence, and sacrificed his throne and
Kingdom in his persistent refusal to recognize
the Zionist policy in Palestine, finally dying
in exile, faithful to the end,

AND

To the memory of all the innocent ARAB
WOMEN who met their death during the
disturbances of 1936 as a result of an unjust
policy

This Book is Respectfully Dedicated

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FOREWORD

By ANTHONY CROSSLEY, M.P.

IN England we live as a free people. Our women share with our men almost, if not completely, equal rights and obligations. Sometimes we forget that these rights and obligations have only recently been won. We live, too, in a free Democratic country, the master of our own destiny. We have a great Empire, many parts of which we have educated to the most unequivocal form of independence and self-government, bound only to the Mother Country by common allegiance to and affection for the Crown. We have colonies in every stage of self-government. Nor since we learned our lesson in the days of Lord North and George III have we ever in our hearts considered it wrong that a people should desire to guide their own destinies. That has been a wise policy in the past. It is our proud boast to-day that the British Empire is the senior trustee of Democracy and Liberty in the world.

In the whole of the British Empire there is just one exception. In Palestine, the native population can only hope to share in the rule of their own country if they consent to recognize the steady immigration of Zionist Jews. It is true that the Jews lived in Palestine at the same time that the ancestors of the Welsh inhabited the pasture lands of Northampton and the Hop Gardens of Kent. It is true that the plight of the Jews is tragic, that they are driven from Germany and are bitterly unpopular and impoverished in Poland. It is true that anti-Semitism

has vastly increased in a world which in thinking of civilization lays its main stress on mechanized progress. That has never appeared to me justification or excuse for importing ever-increasing numbers of Jews into a land whose existing inhabitants had every right to expect on their own behalf the sympathetic tutelage of my country. Neither could Englishmen think more highly of the Palestinian Arabs if they were to put every material advantage which that immigration may in some cases bring to them above their natural pride and their ambition of autonomy.

It is with great pleasure that I commend Mrs. Mogannam's book. Not only does she dispel the myth that the Arab woman is downtrodden and oppressed, she also puts the case of her own country about as clearly as I have yet seen it. Her arguments are so well martialled ; her reasoning so lucid and her sincerity so shining that I hope the Arab leaders will take cognisance of her book before they give evidence to the Royal Commission, if, as I hope, they decide so to do. But it is here in this country that I hope for a wide public for her book. For it is here that the constant arguments, pleas and Press control of the Zionists have obscured the issues of the Palestine disputes, and hidden from many of our people the fact that the Arabs have a case. That this case is an immensely powerful one, all who read this book will realize.

I could not close this foreword without bearing testimony to the immense and spontaneous kindness and hospitality of every Arab I have met when I have been in Palestine. If ever two races were meant to bear respect and affection for each other, they are the English and the Arabs. That makes the present tragic deadlock more than ever a cause for shame and lamentation.

PREFACE

THE aim of this book is two-fold : to present a faithful picture of the Arab woman and to explain the true facts of the Arab case in Palestine.

The first part deals with the Arab woman from two aspects. In addition to a brief study of the Arab woman in the early days of the Moslem era, it explains the social and cultural position which she has attained. It attempts to give a vivid picture of the Arab woman in Palestine, particularly in connection with her national achievements, and explains what little, but useful I hope, work she has done in furtherance of her country's cause since the establishment of the Administration under the British Mandate, abandoning, as she did, the old-aged traditional restrictions in her endeavour to take part in the national movement, at the occasional risk of severe hardships which amounted, in some cases, to personal injury and loss of life.

The second part is an attempt to explain the position of the Arab people in Palestine and to expose, in a perfectly sincere manner, the evils inherent in the policy which is being pursued by the British Government in Palestine, and which has been marred during the eighteen years of its application by repeated disturbances, the last of which has not ended at the time of writing this preface.

With the spread of the National movement in Arab-speaking countries, especially after the Great War, pan-Arabism took a strong hold and became the objective of many Arabs, individuals as well as bodies. Men and women alike, Moslem and Christian, all strive, though perhaps through different means, to attain the only aim of every Arab: the formation of a great Arab Federation which would embrace all Arab countries. It is yet to be seen whether this ideal will be realized, but with the status which has recently been achieved by Iraq as an independent State, with the establishment of the Soudite Kingdom, and with the cordial and more friendly relations which now happily exist between Amir 'Abdullah, the eldest surviving member of the Hashimite family and ruler of Transjordan, King Ibn Saud and other Arab reigning princes and rulers, there is every reason to believe that, given time and persistence, this great ideal will not be difficult to achieve.

The part which Palestine will inevitably play in the political development of Arab countries does not appear to have been sufficiently recognized, and it seems that this country, which is characteristically Arab, was intended to be permanently detached from the body of the great Arab nation. Even the Arab case in Palestine was not given proper acknowledgment, not only by the British Government but by English writers as well, and it was left for Mrs. Erskine, in her well-written book on "Palestine of the Arabs," to be the first writer to give a true exposition of the grievances of the Arabs. To her the Arabs of Palestine owe a debt of gratitude.

The recent events which took place in Palestine during April and May of this year will make it inevitable, I think,

to look for a permanent settlement of the Palestine problem, and I have ventured to suggest a tentative scheme in Chapter XX, which I put forward for what it may be worth.

If I should be fortunate enough to dispel the illusion, partly if not wholly, which unfortunately has found its way into the minds of many people that the Arab woman, or, to use a more common expression, the Eastern woman, is an ornament of the imaginary harem of old, and to explain to the British people, primarily, the defects of the present Administration in Palestine and the evils of the Zionist policy, which has proved to be an unsuccessful experiment, detrimental to a race with a memorable history, I shall feel more than compensated for my labour.

As will be readily appreciated, I am under deep obligation to many friends for their kind assistance. In planning and executing the work I have had the constant encouragement and discriminating assistance of my husband, who not only made it possible for me to take an active part, as he does, in any national movement, but placed at my disposal all his resources and knowledge to do this work, and to him I owe a deep debt of gratitude.

His Eminence, Professor Sheikh As'ad Eff. Shukairi of Acre, formerly President of the Tadqīqāt Council in the office of the Sheikh of Islam in Constantinople, and later Grand Mufti of the Fourth Turkish Army, has provided me with much material on Arab women. I have also read the first part to His Eminence, Professor Sheikh Isma'il Eff. al Hafez, President of the Sharia Court of Appeal for Palestine, and to him I owe many valuable corrections. 'Omar Eff. Saleh al Barghuthy, an eminent scholar on Arab history, and 'Ajaj Eff. Nuweihed, proprietor of the

"Arab" magazine, have read part of the manuscript, and to them I am indebted for numerous valuable suggestions.

I have also other personal debts to acknowledge to many friends for their help and encouragement, which no mere line in a preface can pay.

Notwithstanding all this assistance, I must take the burden of responsibility for errors and shortcomings, but I trust that they will be viewed with charity by those who know how difficult it is to give a true picture of a case which is so swiftly changing in its development, political and otherwise.

MATIEL E. T. MOGANNAM.

TALBIEH, JERUSALEM,
Nov. 30th, 1936.

BOOK ONE

THE ARAB WOMAN

CHAPTER I

A RETROSPECT

THE history of the Arabs is primarily a series of accounts of the endeavours which they made, before and after the advent of Islam, in order to attain greater satisfaction. It is, on the other hand, a record of a learning process. Owing to the nature of their country and the consequent arduous life which it entails, their position did not completely contribute to their happiness and prosperity. But such a life as the Arabs of old led, pleasant though it may sometimes have been, in deserts and barren land under the severe heat of a scorching sun, without the least means of human comfort or convenience, speaks for the great achievements which they attained, and for that power and courage which are characteristic of them.

Until comparatively recent times the word *Arab* has been taken to mean, by some ill-informed people, a mere bedouin living in a tent in the Arabian desert. But those who are familiar with the history of the Arab people, and possess a knowledge of their brilliant achievements, are not unaware of the impetus which these men of the desert gave to civilization. The word *Arab* has its special significance ; it means an Arab citizen, a member of a great powerful nation, which kindled the torch of knowledge and carried civilization into many countries in the dark ages.

The history of the Arab nation is a succession of events

which are necessarily beyond the province of this book. It is not possible within this limited space to give a complete picture of the intellectual progress of a nation in the course of so many centuries, or to show the part the women had in such progress. Yet this retrospect will hardly be complete without some reference to the achievements of the Arabs in world development.

The Arabs gave the world the message of Islam, which introduced the greatest change in the lives of millions of people. They had their glorious conquests. Their relics in Spain stand until this day as a token of their power and an illustration of the degree of civilization which they had reached. They gave the world many distinguished scientists and philosophers in every branch of human study. Chemistry, Botany, Medicine, Geology, Natural History, Mathematics and other physical sciences engaged the attention of many able Arab scientists whose work remains unchallenged until this day.

It is a matter of regret that in the West a knowledge of the history of the Arabs, more particularly of the Arab woman, is confined to scientific circles. For ages past the Arab woman has been denied her rightful place before the foreign world, with the unfortunate result that in almost every book of history no justice was done to her, although, like the women of many other nations, she contributed, and still contributes, to the development of learning and the prosperity of her people.

For geographical and temperamental reasons the Arabs saw in the woman a contributor to their personal comfort and happiness; hence their love to the woman reached a point of reverence. On the other hand, their social structure and their natural inclination towards raids

before the advent of Islam, were such as to make the women, who could not take part in the raids, passive members of society. There were previously, therefore, two extreme approaches to the woman. In the first place, by their natural instinct they were attached to her, while owing to their social order and repeated raids they were drawn away from her.

The position of the woman was not altogether satisfactory in pre-Islamic days, not only in Arabia but in many countries in the West as well. Although polygamy was not permitted in the Roman Empire, yet there is every reason to believe that it was actually prevalent in practice. Before Islam the Arabs were, like the ancient Jews, accustomed to marry more than one wife.* Among certain classes of the Jews the girl was considered in the same position as a servant. She was not allowed to inherit from her father unless he had no male issue, and as such her position as a member of society was ignored.

That part of the history of the Arab people commonly known as *Al Jahlyia* (ignorance) was described as a period of complete ignorance, with all that that word implies. Such an assumption is not only misleading, but is, in part, prejudicial. That part of Arab history ends, of course, with the birth of the Moslem faith and the spread of the message of Islam through the Prophet Mohammed. Considering the status of the Arab woman at that time, it cannot be assumed that before the advent of Islam, the woman was in a complete state of ignorance. Indeed, history tells us of many men and women who attained a high standing in culture and in learning.

In studying the Arab woman of ancient times one

* "Mohammed, Al Mathal Al Kamel," by Mohammed Ahmed Jad, p. 166.

cannot but admit that she had benefited greatly through the awakening which swept the Arab peninsula with and after the birth of Islam. Islam secured to the woman that advancement which is usually only attained by long and persistent endeavours. But such privileges as were attained by her were not granted in response to a general woman's movement or women's suffrage; they were the outcome of a religious revolution which found its way into the East, particularly in Arabia, through the propagation of the Prophet's message.

It would be a mistake to think that the Arab woman was not cultured. From of old, through all the centuries, Arabia has had her brilliant literary women and poetesses, women who rivalled the men in poetic talents and in *Hadith* (sayings of the Prophet). There was no sex distinction. It was not strange to see ladies in *Sug-Ukaz* * taking part in poetic competitions.

The musical association of the syllables of the Arabic language and the perfection in the choice of words and phrases contribute to the excellence of the Arabic poetry, while the enchantment with which one is surrounded in the silence of the desert is a factor which contributed to the existence, in the past as in the present, of famous poets and poetesses. One of the characteristics of Arabic poetry is the expression of character and the sense of power and distinctive individuality, and the composition and recitation of poetry was not an aberration of genius. It was, at least in the past, a universal accomplishment common to all. Every tribe or urban area had its distinguished poets of both sexes. Even the *Khalifs*, irrespective of their State duties, found time in their leisure to compose and

* *Sug-Ukaz* is something similar to literary debates in modern times.

to compete with poets. The Queen Zubeida was an accomplished poetess. She exchanged poetical epistles with Haroun-Al-Rasheed, and the letter she addressed to Al Ma'moun after the death of her son Amin, displays the highest talent and feeling.

This poetic talent was necessarily accompanied, in women at least, with musical talent. The *Oud* was, and is still, the instrument in common use. It is something like the mandoline, but a little larger and with a stronger sound. Men and women cultivated music. Abou-Ul-Faraj Al Asphahani, author of the famous Book of Aghani, described Princess Alawieh as one of the most accomplished musicians of her time, and refers to her compositions in the highest terms.

Reunions and conversations at the residence of cultured women of rank and position were common. During the reign of Haroun-Al-Rasheed and Al Ma'moun we read of ladies of culture and wit taking part in poetical recitations. Al-Aghani states that Obaidah Al Tambouria, who lived in the reign of Al Ma'moun, was a woman of virtue and talent. She played freely on the *Tambour*, the instrument after which she was named.

There were some women who competed successfully with leading poets in public debates, and continued their work after Islam. The well-known Arab poetess Tamadur, daughter of Omar Al Harith, of the Mudar tribe, better known as Al Khansa, is one of such women. She had two brave young brothers, Saqr and Mu'awia. It was when her brothers were killed in tribal fighting that she embraced Islam. She proceeded to the Prophet, accompanied by a deputation of members of her tribe, and offered her homage. The best example of heroism and sacrifice

for the cause of Islam was illustrated by the courage and patience which were shown by this woman.

In the well-known Qadisia battle, which took place in the fourteenth year of Al Hijra, in defence of Islam, Al Khansa sent her four sons to join in the forces and charged them in the following words, which are still memorable in Arab history :

“ Oh, my sons, ye have embraced Islam of your own free will. You have voluntarily emigrated. You are the offspring of the same man. I have never betrayed your father, nor cast any reflection upon your dignity or honour. You know the reward which God has for Moslems who fight the infidel. Let it be known to you that the world to come is better than this world.

“ If you will be still alive by to-morrow morning, go and fight your enemy, and when the fighting starts, go to it and do your duty, as by that you will have your reward in paradise.”

On the following day all her four sons went to the battle-field. “ They have honoured me with their death,” she said when she was informed that all of them lost their lives in the battle. When the Moslem fighting troops returned to Medina intoxicated with their great victory, Al Khansa, in sorrow and bereavement, marched with them leaning on a cane. It is generally admitted by Arab historians that Al Khansa was not only an ardent patriot, but also a great poetess of her day. Her poetry outlived many later generations. Asked once who was the best poet living, “ Al Khansa,” the Prophet answered without hesitation.

It is true that women of to-day are better organized than their sisters of olden times, and more interested in

matters of public concern, yet such women also existed in the past. There were women who were brave and tactful enough to rebuke Haroun Al Rasheed, the Khalifah, for his cruelty in killing for political reasons the Barmacite princes who served him faithfully when they were his ministers.

It will be realized that the people in the East—particularly the Arabs, are habitually conservative. They have traditions and customs which they maintain from age to age. For centuries they adhered to such customs and traditions, which to them are not less than religious doctrines. It is not customary that a woman should hold as high an office of State as the throne, or be entrusted with important State affairs. But in the history of the Arabs one will nevertheless find many instances where women, through their exceptional genius, were able to administer, directly or indirectly, the affairs of the State.

Haroun Al Rasheed was hardly twenty-two years of age when he succeeded his father as a Khalif, a young man unable to appreciate the importance of this high office. His mother, Khaizaran, acted as his personal adviser in all matters of public importance. It was the practice of Yehia, his *Vezir*, to submit to her and seek her advice in almost all matters affecting the State.

Other women reached the pontifical throne. Shajarat Al-Durr, a woman of great ability and courage, succeeded Turan Shah as Queen of Egypt, and was the ninth Ayoubite sovereign. She was surnamed Um Khalil after her son Khalil, whom she lost in infancy. She attended meetings of the Council of Ministers. The Friday Khutbah (sermon) was recited in her name, and the coins were inscribed with

her title, on one side "In the name of God the most merciful," and on the other side, "The dependent on God, Al-Salihia, Queen of the Moslems, mother of Khalil, Princess of the believers." She was the originator of the Holy Mahmal (pilgrimage) from Egypt to Hijaz, and during her reign the first *Mahmal* proceeded on pilgrimage from Egypt to the *Holy Harams* in Mecca and Medina.

Another similar woman is Sitt Ul Mulk, the sister of the Fatimite king, Al Hakem Bi Amr Allah, who administered the affairs of the kingdom for four years.

There were lady jurists who were considered equal in merit to that of the foremost jurists of the time. During the days of Abbassides, a woman presided at the High Court—a position which only in comparatively recent times the women in the West have reached. Zainab, mother of Al Mu'ayyed, who lived in the sixth century of Al Hijra, was highly qualified in jurisprudence and taught law.

Taqia bint Abu Faraj flourished in the days of Salah Ud Din ; she was a lecturer on Hadith (tradition) and an eminent poetess.

WOMEN'S INFLUENCE IN MOSLEM CONQUEST

Women's influence in the spread of Islam was not insignificant. It will not be an exaggeration to attribute much of the success in battles which were fought by the Arabs in their campaign for Islam to the courageous and helpful assistance of Arab women.

In the well-known Battle of Yarmuk, between the armies of Heraclius and the Arab forces, under the command of *Khalid Ibn Al Walid* and Amr, the son of Al'As, famous for his conquest of Egypt, many Arab women accom-

panied their husbands or sons. Some of these women took an active part in the battle. Al Balazuri, a well-known Arab historian, states that Moslem women fought vigorously during the Yarmuk battle, such as Hind bint Attabeh, mother of Mu'awia and the wife of Abu Safian. Al Tabari also states: "Some of the Quraish women took part in the fight during the Yarmuk battle, such as bint Al Harith Ibn Hisham, and in the use of the sword they equalled the men."

Um Sunnan Al-Islamia, wife of Handalah, joined the Khaiber campaign and attended to the wounded.

Nasibeh, wife of Zaid Ibn Asem, took part in the famous battle of Ohod. When the enemy made a concerted attack, she fought and wounded eleven persons with her sword. Again, in this battle Nasibeh bint Ka'b Al Ma'zinia headed the Prophet's army, which consisted of seven hundred of his followers, against an enemy force of thirteen hundred men and two hundred mounted warriors of the Quraish tribe. At a decisive moment in this battle she marched before her husband and sons and changed the wheel of victory. Of her the Prophet said, "Wherever I looked I saw her fighting before me." When the Prophet saw that she was severely wounded and her face bleeding he said to one of her sons, "Your mother! Dress her wounds. May God bless you all." On hearing the sympathetic words of the Prophet, she prayed that she might accompany him to *Al Janneh* (Paradise) with her husband and sons. "Oh God, I pray thee to make them my companions in *Al Janneh*," the Prophet responded with supplication.

The humanitarian duties which in this age of civilization are done by Red Cross organizations were in most battles of Islam carried out by women. It was the practice of

the Prophet to allow women to accompany him on his journeys and in his campaigns, considering them on an equal footing with men, and to entrust to them much of the subsidiary duties.

Again, in trade and commerce the Arab woman of old reached an outstanding position before and during the early stages of Islam. Khadijah, the first wife of the Prophet, owned a vast number of caravans which used to trade between Mecca and Damascus. It was through the employment of the Prophet in her caravans that the relations between them strengthened and ended with their marriage.

MOHAMMED AND THE WOMAN

Islam in the East opened out to women a new age of learning and made available to them an opportunity to improve their civil position. Questions of marriage and matrimony, which were not bound until then by any written law or rule, were regulated. The legal status of the woman was established. The Prophet, greatly influenced by his desire to improve the woman's position, propagated in his message respect for her, elevated her rank and announced her as "the Queen of her home." The objective of his message was not mainly directed to instil in the minds of the people that "there was no God but God," but also to show the real value of the woman as a member of society, and to place her in her rightful position. "All believers are equal," he declared, and at no time was equality of sex essential amongst the Arabs more than in his days.

"Ye people, ye have rights over your wives, and your wives have rights over you," the Prophet said in a sermon

which he delivered on the Mount of Arafat a little time before he was recalled to "the blessed companionship on high." "Treat your wives with kindness," he added. "You have taken them on the security of God and made lawful unto you by the words of God."

At the time of the birth of the Prophet, Arabia was in an irreparable state of chaos. Each tribe would assert its supremacy through raids and plunder. Quarrellings, raids, migrations and tribal wars formed the routine of the daily life of the Bedouins. Heathenism was rife. The social order was recklessly loose. A man would marry several wives and be true to none, partly to satisfy his sexual inclinations and partly to keep up with the customs and traditions of the day. It was under such conditions that Mohammed had to propagate his mission. Arduous as it must have been, his first step was an attempt to unite this part of the world in peace and brotherhood. "Your lives and property are sacred and inviolable to one another," the Prophet continued in his sermon, "until ye appear before the Lord, as this day and this month is sacred to all, and remember," he added, "ye shall appear before Allah, who shall demand from you an account of all your actions." . . . "Ye people, listen to my words and understand the same. Know that all Moslems are brothers unto one another."

So it happened that the life of Mohammed, with whose teachings millions of people in the East and West were affected, and whose message swamped half the globe, was a continuous strain and desolation. Born of well-to-do parents, Abdullah Ibn Abdul Muttaleb, Chief Sheikh of Mecca, and his wife Amina, it was his hard luck that, before he sprawled in his mother's arms, and before he

could see the light of day, his father died in Medina. Mohammed never knew his father, and from the first day of his life he was brought into the world as an orphan. But that was not all. The kind protector whom he found in his mother was not to remain for long. He was deprived of the motherly tenderness. His mother's company was curtailed, and perhaps that had forced him to mould his life and to adapt himself to circumstances. At the age of seven his mother took him to Medina, the town where his father had been laid to rest, so that he might visit his tomb. It was this trip which had the consequence of depriving the child of the love and care of his mother and thrust him into the tender arms of Barakeh, the negro nurse. He was greatly influenced by the sympathy and care which this slave girl extended to him, and from his childhood he realized the value of the woman to society and appreciated her sympathy.

But was it Fate that caused a sudden change in his life? Mohammed vanished for years into obscurity at Mecca. On occasions he accompanied the flocks as a shepherd, and at other times he acted as an arrow-bearer to the combatants in tribal wars; until at last he was chosen to pilot a caravan of merchandise belonging to a rich widow, one of the wealthiest in Mecca, Khadijah bint Khwailed, also of his tribe, the Quraish.

This woman of noble birth is famous in the history of the Arabs for the nobility of her character. Twice she had been widowed, but refused to remarry and preferred to engage in trade.

When Mohammed returned from Damascus, where he sold the goods of Khadijah at a good profit, she was impatiently awaiting him. It was destined that her heart

should be captured by the sincerity and intelligence of the master of her caravan. So strong were her affections for him that it was beyond her power to restrain herself from proposing to him. (It must have been a leap year.) That this mission to Syria on behalf of Khadijah had made the greatest change in the life of Mohammed there is no doubt. Perhaps it was ordained that through his marriage to this fair and wealthy woman of the Quraish, a woman of wide experience and knowledge who was able to relieve Mohammed of worldly troubles, the message of Islam should have found its way into the hearts of millions of believers in the four continents—who can say?

And is not the way Khadijah proposed to Mohammed a proof of her conviction of his personality, and a sign of admiration of his intelligence and perspicacity?

Seated one day on the top of the roof of her house, Khadijah at last decided to take the courageous step. "Nafisa," she called her faithful old nurse, "I want you to go on a mission to the house of Abdullah Ibn Mohammed."

"To do what, my lady."

"To ascertain whether Mohammed has any desire to get married."

In obedience to her mistress, Nafisa proceeded to Mohammed's house, crossing the streets of Mecca not knowing that through her intervention two souls would be united in matrimony and would introduce into Arabia the greatest reform in history.

"What prevents you from marriage?" Nafisa asked Mohammed after a little conversation.

"Lack of the necessary means to meet the needs of a family," Mohammed answered.

"But if you were to have a woman with money, beauty and standing?" Nafisa retorted.

"Who will that be?" Mohammed asked.

"Khadijah bint Khwailed," came the reply of the faithful servant.

"Will that be possible?" Mohammed inquired in amazement.

"Certainly," Nafisa answered. "If you will accept the proposition I will take it upon myself to convince her."

In vain Nafisa waited for a reply as Mohammed was drawn into deep meditation. His silence was an expressive sign of acceptance. The maid noiselessly retreated to convey the result of her mission to her mistress. Khadijah could not believe herself and immediately sent for Mohammed to see her, and from the day of their first meeting she impressed on him that he was the promised prophet.

Why did Khadijah entertain such a belief? The story as it is told by Arab historians is not devoid of interest. One night, it is related, Khadijah saw in her dream that a great star as large as the sun suddenly swept into her house at Mecca, its light flashed into the house and the neighbourhood. Excited, as she was, Khadijah on the following morning proceeded to her cousin, Waraqa Ibn Nofel, an astronomer of note, and related to him in detail her revelation. The great astronomer did not hesitate to tell her that the lights which she saw were the signs of the coming of the last of all prophets. The fact that the star swept over her house was an indication of her marrying that prophet. From day to day she expected to meet the one person in whom all her hopes were centred. But even after she met Mohammed and was betrothed to him she was still in doubt.

It is related that one day Mohammed took leave of his uncle Abu Taleb to visit his fiancée, Khadijah, at her home with his servant Atabah. On their return, Atabah stated to her master with surprise the conversation which took place between Khadijah and Mohammed, and which was to her unusual.

"Hearing his footsteps," the maid reported, "Khadijah came out, held his hand and placed it on her throbbing heart. 'By my father and mother,' Khadijah swore, 'this I do, not of fear or doubt; I only beseech the Almighty to grant me one thing, that you shall be his chosen Prophet, and if you shall be chosen for that noble message, I trust that you will appreciate my position as a woman, elevate my status and pray to God on my behalf. All I ask is that you should be mine.'

"'Khadijah,' Mohammed answered, 'by Him on whose will my life depends, if I shall be that Prophet, I shall not forget you nor what you have done for me. But if it were God's will that someone else should be His apostle you shall attain your wish. By the will of God, so long as you do all this for His Messenger.' " *

Is not that an appeal by Khadijah to Mohammed on behalf of her sex? From here one may see how much influence Khadijah had on Mohammed, and how far her appeals on behalf of women were realized.

Mohammed was twenty-five years of age when he married Khadijah, and although she was fifteen years older their marriage from the outset proved to be a happy and successful one. Khadijah, in fact, was more to him than a wife; she was his companion. In her he found all the inspiration and encouragement which he so badly

* "Shahirat Al Nisa," by Princess Kadira Hussein, Arabic Edition, p. 19

needed, especially in the first few years of his struggle in his prophetic mission. Mohammed was not wealthy, but led a life of struggle and strain, yet when the wealth of his wife was placed at his disposal he made no use of it for increasing his worldly comforts. Relieved of all the troubles of life, he devoted himself to meditation, thinking of ways and means for raising his people from their degradation. It was his practice to retreat to a cave in the Hira Mountain at a place not far from Mecca for meditation and spiritual communion.

When the first revelation came to him and the first Sura of the Koran was inspired, he returned to Khadijah in a great distress of mind. Khadijah was most sympathetic and assured him that Allah would not allow any harmful spirit to come to him. She expressed her hope once again that he would be the Prophet of his people. On their return to Mecca she took him to her cousin, Waraqa Ibn Nofel. This old man, who was versed in the scriptures of the Jews and Christians, declared his belief that the heavenly messenger who came to Moses of old had come to Mohammed, and that he was chosen as the Prophet of his people.

Khadijah was the first of all his converts. She accepted his mission and abandoned idolatry, and hand in hand they worked together while most of the Meccan people opposed the spread of his unitarian message, which was destined to supplant their old religion, heathenism, in Arabia.

When Khadijah died, Mohammed married Aisha, the daughter of Abu Bakr, one of his first companions and immediate successor. Here he entered the third stage of his relations with women. First as a child living under the care of his nurse, then as a young man beloved and

encouraged by his wife Khadijah, and lastly as a man advanced in age, adored by Aisha, his wife and pupil. He felt the sympathy of his nurse and reaped the fruits of Khadijah's love, which had the influence on him of raising the standing of women. "Women," he said, "are but the equal sisters of men."

From the outset it was the Prophet's command to his converts and companions that they should look upon the woman with reverence. He gave the woman the right to marry at her own will, but made it a condition that in so doing she was not to marry any man of a standing inferior to that of her tribe or family.

He prevented a free woman from marrying a slave and insisted upon equality in social position. When Barbara, his wife's slave, was emancipated she had the option either to retain her matrimonial relations with Mugith, her husband, or to dissolve the marriage. She chose the latter course and declared her intention to sever her relations with her husband, who was in love with her, and all his pleadings to her were of no avail. When the incident was reported to the Prophet he summoned Barbara before him and asked her if it were not wise for her not to leave her husband.

"Do you order me, O Messenger of God?" Barbara asked.

"No, I am only a mediator," the Prophet answered.

"I have no use for him," she asserted, and here the Prophet's interference ended, but he said to his uncle Abbas, "O Abbas, are you not surprised at the love which Mugith has for Barbara, and the hate she harbours for him?"

It is interesting to note that the great Prophet did not

only acknowledge to the woman full liberty in the management of her personal affairs, but allowed her to co-operate with him in propagating the message of Islam and in removing the obstacles which were placed in his way.

His wife Aisha, who is commonly called *Um Al Mo'mineen* (the Mother of the Believers), was the means for the transmission of his religious teachings (Hadith), especially to women. She was a good speaker. Ibn Qais, describing her, says, "I have heard speeches made by Abu Bakr Omar, Osman and Ali, but I have never heard any better words than those of Aisha." Muawieh said, "I have not heard a more able speaker than Aisha."

At one time a Persian asked the Prophet to lunch without inviting his wife Aisha, but the Prophet refused the invitation unless his wife was invited.

CHAPTER II

SOCIAL REFORMS

THE Prophet's task was not an easy one. In his struggle for the propagation of the new faith he had to face a strong opposition. The idols around the Ka'aba were held in deep veneration by the residents of *Al Jazira*, and a source of income to the Chieftains of the Quraish, the guardians of the sacred shrine. It is likely that these chieftains cared little for the gods or the Ka'aba, inasmuch as they feared the loss of their income in consequence of the success of the new faith. He must have felt his mission would not be complete without the social reform which he envisaged, and here again he was faced with tremendous difficulties.

Custom, which is sacred to the Arabs, was before him and proved a great obstacle to overcome. Yet, with his perseverance and the assistance of his true followers and companions, Mohammed was at last successful in his mission.

It may be of interest to recall some of the social reforms which were introduced by the Moslem religion, by the new faith of the Great Arab Prophet, and to show how and to what extent the rights of the woman after Islam were protected and the family tie strengthened. Two or three points which, generally speaking, are the subject of criticism in some quarters of the non-Moslem world must, I feel, be discussed. These points concern marriage, divorce and the seclusion of women, with the origin and conception of these three important matters in Islam.

MARRIAGE

Before Islam, in the days of Al Jahylia, the woman was in a deplorable position. Like a chattel, she was subject to compulsory inheritance. Any heir was entitled to the wife of the deceased if he were not her son. All that he was required to do was to place his *abayah* (cloak) over her and say, "I have inherited you in the same way as I have inherited the deceased's estate." He had the right either to take her as his wife without dowry, or to give her in marriage to another and obtain the dowry for himself. He could prevent her from remarrying another so that he might inherit her estate.

Polygamy was prevalent and subject to no rule or law. A man was allowed to marry as many wives as he wished, as physical enjoyment was the object of marriage. Even temporary marriage was allowed, and a husband had the option if he so wished to dispose of his wife in favour of another irrespective of her will.

Islam dealt with all these impediments, regulated the position of the woman and elevated her standing. Her rights before and after marriage were specifically protected. The emancipation of slaves and maidservants was secured through marriage.

"And marry such of you as are solitary the pious of your slaves and maidservants. If they will be poor enrich them of his bounty. Allah is of ample means."
(Soura 24, verse 32.)

Such is the command of *Allah* to his people in His Holy Book. The fundamental object of marriage is stated in clear terms. The determinative object is, of course, to avoid all social evils in the community.

In another verse Allah orders the believers :

“And let those who cannot find a match keep chaste till Allah give them independence by his grace.”

(Soura 24, verse 3.)

Equality in social standing is a condition for marriage under the Moslem Sharia law. The woman was made the principal contracting party, and the object of the marriage contract was made a lifelong union, and not, as it may be assumed, a sale of the woman to her prospective husband. The *Mahr*, which is equivalent to dowry, and which appears to be in the form of the price paid for the bride, is now, and has always been, used for her benefit. It is usually divided into two portions : prompt and deferred. The deferred portion is payable only at the dissolution of marriage, whether by divorce or death. The amount of each portion is usually agreed upon before marriage, and in many cases the deferred dowry is made so high as to prevent an unjustified divorce. This, however, does not deprive the widow of obtaining her full share in the estate. It is meant to be supplementary to, and not in substitution for, her interest as an heir.

On the other hand, marriage in Islam is not a sacrament in the sense we understand it in the Christian Church, but is purely a matter of agreement. It is a contract between both parties concluded either directly or through agents. The wife offers marital privileges, while the husband offers the *mahr* or dower. The consent of both the bride and the bridegroom is essential. Each must convey his willingness to marry the other in person or through a *wakil* (agent) duly authorized by him before a marriage officer called *Mazoun*, or else before a *Qadi* (judge). The function of the marriage officer is not however, to

join the bride and bridegroom in marriage as in our Christian churches, but to witness the marriage contract. The consent of the girl is obligatory if she has attained the age of majority. No person, a near relative or otherwise, could compel her to marry a person against her will. It may be observed in this connection that this right, which was liberally granted to the Moslem girl in the seventh century, was attained by women in Europe only in comparatively recent years.

Although equality in religion is essential, yet Islam does not restrict marriage to Moslems only, perhaps as one of the means for the expansion and spread of the Moslem faith. A Moslem was allowed to marry a *Kitabia*—one who acknowledges the scriptures or, in other words, a follower of a religion promulgated by a prophet who is acknowledged in the Koran. That this is the case is evidenced by verse 5 of the Women's Soura, in which Allah commands the believers :

“This day all good things are made lawful to you. The food of those who have received the scriptures is lawful for you and your food is lawful for them. And so are the virtuous women of those who received the scriptures before you. When ye give them their marriage portion and live with them in honour, not in fornication nor taking them as secret concubines. Whoso denieth the faith, his work is vain and he will be among the losers in the hereafter.”

In practice a Moslem is allowed to marry a Christian woman or a Jewess, but a Moslem woman is restrained from marrying a non-Moslem. On the other hand, Moslems were definitely ordered not to wed idolatresses :

“Wed not idolatresses till they believe. For lo !

a believing bondwoman is better than the idolatress, though she pleases you ; and give not your daughters in marriage to idolaters till they believe, for lo ! a believing slave is better than an idolater though he pleases you."

There appears little doubt that if the spouses are of the same faith they will strengthen the mutual understanding between them, a fact which will have its mark on the upbringing of the children. This is an accepted rule not only in Islam, but in other religious conceptions. The intention is clear : Islam, as I ventured to explain before, aims at the spread of the faith. It also points to the development of unity between a man and his wife, and it is doubtful whether unity can be sufficiently maintained when there is a diversity of faith between the couple.

It is commonly assumed that Islam encourages or allows polygamy, but a careful study of this particular question leads to the conclusion that the conditions laid down for marrying more than one wife are so strict and difficult, if not impossible, to enforce that a true believer is genuinely debarred from exercising this prerogative. In fact, my personal experience has led me to the belief that, in towns at least, it is seldom that a man of social standing attempts to exercise this prerogative. The practice may be more common in rural areas, where the people are more ignorant or where a man is sometimes obliged to wed more than one wife to assist him in his domestic and field duties. I wonder whether a man, a true believer, can do justice to more than one wife !—to be just and equitable is a prerequisite condition, and it is not easy to fulfil. It should be remembered that the social order before Islam was loose ; marriage was governed by no rule or law, and a

radical change in the custom and practice of the people, which had the sanction of centuries, would not have been easy to introduce with successful results. It is left for the man to decide whether he can treat his wives with equal affection and impartiality, but he is nevertheless advised that it would be impossible to do so. The verses in the Women's Soura which deal with this particular point are so interesting and enlightening that I quote them *in extenso* :

“O mankind be careful of your duty to your Lord who created you from a single soul and from it created its mate, and from them twain had spread abroad a multitude of men and women. Be careful of your duty to Allah, in whom ye claim your rights of one another, and towards the wombs that bore you, and if ye fear that you will not deal fairly with the orphans marry of the woman who seem good to you two or three or four, and if ye fear that you cannot do justice to so many then only one. Thus it is more likely that you will not do injustice.”

The maintenance of justice between all the wives, if the man is married to more than one, is an essential condition. But here again this prerogative, restricted as it was, is followed by another qualification which is put more or less in the form of an advice :

“Ye will not be able to deal justly between your wives, however much ye wish to do so, therefore marry only one.”

This verse gives a broader interpretation, and is an express indication of the difficulty, if not of the impossibility, of fulfilling the conditions laid down in the Koran. It is an injunction against polygamy. It places before the man a *fait accompli*, as he is expressly told that he will

not be able to deal justly . . . "and that he should therefore marry only one." . . .

The conditions in the Arab desert being as they were during the lifetime of Mohammed, any reforms which could have been made and accepted by the people, would show the evils of the prevalent practice. It was the custom then to marry more than one wife, and the message of Islam sought not to order the direct stoppage of that practice but to qualify it by such conditions as may appeal to any man of reasonable discretion, and indirectly to secure its discontinuance.

DIVORCE

The previous discussion must necessarily lead to the question of divorce, which is perhaps one of the doctrines of Islam which has received the most bitter attacks. From the outset, Mohammed realized the difficulties which may arise when a difference springs up between a man and his wife; they may differ in character, in custom and in temperament, irrespective of what precautions each party may have taken before their marriage to secure a perfect companionship. If love between the spouses does not exist and their lives are always subject to embitterment, separation is ultimately the only solution. In many cases separation or dissolution of marriage may be in the interest of the woman more than of the man.

But Mohammed did not encourage divorce; on the contrary, he referred to divorce as the "most detestable of all permitted things."

To such an extent the Prophet desired to check divorce, although in less civilized Moslem countries some relaxation has had to be made in the application of this doctrine.

Divorce, however, is permissible in cases of extreme necessity, as, for instance, when both parties find themselves unable to continue their matrimonial relations and live under such conditions as would qualify separation. The theory of divorce was long favoured by Islam, although it is now being applied by other civilized and advanced nations. The grounds for divorce which were prescribed in the Sharia Law are more severe, both in effect and in spirit, than in the case of many other written laws. It is certain that the legislator in Islam designed to prevent divorce as much as it was practicable and possible. Mohammed the Prophet declared himself openly against it, and by *Hadith* and conversation he aimed at reducing its evils. God commanded, "Be patient at what failures you may see in your wife; do not give up hope in improving her and in the restoration of good understanding between you. You may obtain through her after your extreme hate to her, ample reward."

As an attempt to discourage divorce amongst Moslems, Mohammed said, "Marry but divorce not, as divorce shakes the throne of God."

Mutual agreement, it may be added, is the basis of the maintenance of matrimonial relations in Islam between the man and his wife. "And if a wife fear ill usage or aversion on the part of her husband, then shall it be no fault in them if they agree with mutual agreement, for agreement is best." It is admitted in any case that the happiness of the family depends to a large extent upon the choice in marriage. In Islam the guardians of the girl are not allowed to force upon her a marriage in which she has no choice. After divorce, remarriage is allowed, "if it is agreed between them in kindness," for Allah says :

“And when ye have divorced women and they reach their term, place not difficulty in the way of their marrying their husbands if it is agreed between them in kindness.”

In addition to the many difficulties which are placed in the way of divorce, divorce has been made into three main degrees. In the first degree the wife continues to live in her husband's home until a completion of the period of *Iddah*. During this period the husband can resume conjugal relations with his wife. This degree of divorce is called *Reji'e*, i.e., revocable.

The second degree is *Talaq Ba'in*, and in this degree the same conditions prevail, but if for any reason they fail to make a reconciliation between them a divorce is declared for the third time and enters its third or final degree. After that the woman severs relations completely from the man, and is at liberty to remarry at her own will after the expiration of the period of *Iddah*, as the right of her husband over her ceases at once and cannot be resumed except with a remarriage. But in triple repudiation the conjugal relations cannot be resumed except after certain prescribed formalities which are difficult to follow and make their adoption an impossibility.

“Divorce must be pronounced thrice,” it is prescribed, “and then a woman must be retained in honour or released in kindness.” (Soura 2, verse 299.)

SECLUSION OF WOMEN

Arab women were, and are still, perfectly free. The seclusion which is now in vogue in many Moslem countries is of a comparatively recent origin. In olden days women

had their complete freedom in public. They attended the Khutbas of the Khalifs.

According to Amir Mohammed Ali, an acknowledged authority on Moslem history, the custom of female seclusion which was in vogue among the Persians from very early times made its appearance amongst the Moslem communities in the reign of Walid II. The character and habit of the sovereign favoured the growth and development of a practice which pride and imitation had transplanted to the congenial soil of Syria. His utter disregard of social conventions, and the daring and coolness with which he entered the privacy of families, compelled the adoption of safeguards against outside intrusion, which once introduced became sanctified into a custom.*

This custom, however, was not universal and was not adhered to so strictly until later times. It seems that with the spread of civilization in the Arab countries the seclusion was adopted more and more. But it had the sanction of custom more than that of law or the word of God.

It is said that the Prophet himself found it necessary to maintain the privacy of his family. Many people used to assemble at the Prophet's house every day in order to listen to his teachings and parables. Omar, a leading companion of the Prophet, advised him not to allow people to enter his house, but the Prophet himself, a democrat by nature, refused to act upon this advice. At last a revelation came to the Prophet that his wives should be veiled and that no one should be allowed to enter his house except on special occasions.

The believers followed the example of their Prophet

* "History of the Saracens," by Syed Ameer Ali, p. 199.

and veiled their women, and in time the custom of veiling was established and spread. But the seclusion of the Prophet's wives did not prevent them from taking part in public affairs. Indeed, history tells us that Aisha, the Prophet's wife, took part in the fight against Ali. Fatimah Al Zahra, his daughter, had an active part in order to secure the Khilafih for Ali. Nevertheless the conservatism which such leading Arab women adopted in their private life was instrumental in elevating the standing and conduct of women at that age. They certainly set a striking example for others.

Islam, it must be added, did not make it unlawful for the woman to unveil her face. On the contrary, it was permissible for a woman to show her face and hands. The strict use of the veil in its present form in some Moslem countries takes its origin from an ethical rule which gradually developed into a universal custom. But it is doubtful whether such safeguards can afford more effective protection than "nobility of sentiment and purity of heart." *

At the present time the use of the *Hijab* is being gradually diminished. In Egypt it is hardly noticeable, although in Syria and Palestine it is still widely in vogue. Arab women have, however, in recent years made a more concentrated effort to secure the abandonment of this custom. Some of them were not reluctant to declare their opinion openly. Nazira Zein-Ed-Din, an educated lady of a leading family in Lebanon, was courageous enough to publish a book on the subject entitled "Unveiling of Moslem Women." But whether or not the movement for the abandonment of the veil will have the success which some Arab women are

* See "History of the Saracens," by Syed Ameer Ali, p. 199.

advocating is a matter which still remains to be seen. At the present time at least it is doubtful whether such freedom as the abandonment of the Hijab for the Arab women can be so easily achieved in countries where religious considerations still have the foremost place in the lives of the people.

WOMEN'S RIGHTS AND PREROGATIVES

The Arab woman has distinguished herself in history and by long experience as a born mother, a faithful wife and a loyal patriot to her people and country. As a mother she sacrifices much of her comfort in favour of her children and considers her home an inviolable castle. To her, virtue is a second nature, her faithfulness to her husband has no bounds, and her loyalty to her country is in most cases incomparable.

It has been shown how deplorable her position was before Islam, and to what extent the new faith which made its first appearance in the Arab Peninsula, through the Great Prophet and Reformer, was responsible for uplifting the woman from the depths of degradation to which she had sunk in pre-Islamic times and restoring to her much of her rights. The reforms which were introduced and the privileges granted to the woman in consequence of the Islamic message may be of some interest.

The Arab people, on the whole, looked with pessimism on the birth of girls, but Islam discouraged this habit. Allah said in the Holy Book :

“ When if one of them receiveth tidings of the birth of a female, his face remaineth darkened and he is wroth inwardly.

“ He hideth himself from the folk because of the evil

of that whereof he hath that tidings (asking himself) ; shall I keep it in contempt or bury it beneath the dust. Verily evil is their judgment." (Al Nahl Sura, 58 and 59.)

Then again in matters of inheritance and succession only the heirs who took part in battle were allowed to inherit from the deceased. The children of either sex were not to participate in the estate as of right. At that time a father could detain his daughter until she forsook her property. A husband could detain his wife after divorce until she redeemed herself ; he could force her to forsake her dowry before he divorced her. He could transfer his wife to another for some pecuniary consideration irrespective of her will.

Islam gave the woman the right to inherit from her husband or father. Sufficient safeguards were provided to protect the girl in the event of the death of her father before she was married ; she was given a share in the estate of an amount sufficient to prevent her from becoming a burden on her brother or other relatives. After her marriage she does not lose her personality ; she continues to enjoy all her rights and to administer her own property at her own discretion. If she engages in any trade or business her husband has no rights in her profits.

These changes in matters affecting the life of the people were naturally not received with favour. They meant a great deal in the distribution of the scanty wealth of the people. Ibn Abbas is reported to have said that, when these rules were promulgated giving the daughter, the wife and the child a share in the estate, the people were indignant and said, " How could a woman be given one-fourth or

eighth part of the estate, and the daughter one-half, and also the child, while none of them takes part in the fight against the enemy or brings prizes of war ? ”

It is true that the woman's share in the estate was made half of that of the man, but that was not due to a preference given to the man over the woman. The man's share was made double to enable him to pay *mahr* (dowry) for his wife and to provide his home with furniture and other requirements for which the woman is not responsible.

The father's liability towards his daughter was not to end at the time when she attains her majority. His liability to maintain and take care of his daughter continues until she is married, but in the event of her being divorced she is entitled to return to her father's house and be maintained by him.

In the case of the son, the father's liability ends as soon as he is able to earn a living. The father is prevented from requiring his daughter to seek work for her living, although he can compel his son to do so. If, however, his daughter is able of her own free will to do any lawful work and to secure her livelihood, her father's liability ceases.

A woman can carry financial transactions to the same extent as the man, and is liable to the same penalties. She can seek work if she has no one to support her. She is fully entitled to administer her estate and to dispose of her property. She possesses the capacity to enter into contracts and to execute any deed without the interference of her husband or father. She can even represent others in litigation.

In matters of divorce, as is stated elsewhere, the woman was given the right to divorce her husband if he is suffering from an incurable disease. She can also have a pro-

vision made in the marriage contract entitling her to exercise the same right of divorce as her husband.

Special privileges were granted to the woman exclusively. In the event of Moslems conquering the territory of an enemy the women are exempted from payment of any tribute if such payment was imposed on the people of that territory.

It is the duty of every man to go to war, but not the woman. In the event of an enemy invading a Moslem country, then it is the duty of the woman, even without the consent of her husband, to carry the sword and fight in defence of her country.

The woman is not liable for payment of any part of the blood money (*Diye*) unless she takes an active part in a murder. She is not liable for payment of any part of a collective fine imposed on the people of any place.

And so the Arab world was jolted out of its hereditary course by the genius of the Great Prophet. The struggle was no doubt violent and the strain great, but it was due to the great efforts of the man of the Desert, who sought to unite the world in peace and brotherhood, that these revolutionary reforms in the social order of the community should have been given a divine sanction. It was due to that Divine Power that such reforms should have survived the trials of centuries and should now be considered, after nearly fourteen centuries, no less advanced and constructive than the standing order of any other nation. To Mohammed, the Great Prophet, the woman owes a debt of gratitude.

CHAPTER III

THE ARAB WOMAN OF TO-DAY

It would not be practicable to discuss matters affecting the Arab woman without touching upon, though briefly, the status of Moslem women in countries which, for one reason or another, have the same traditions in questions of domestic practice. It is for this reason that the affairs of the Arab woman are necessarily interrelated with those of the Moslem women.

Judging from the events which have taken place in the East in recent years, it will appear that every political movement, although originally actuated by national motives, was accompanied by a corresponding social development. This at least was the case in Egypt, where the National leaders, in their political struggle for independence, while in or out of Government, have not failed to introduce various measures of reform in the social order of the community. Such measures, it may be observed, had the most desirable result in bringing to an end many of the age-old evils which for centuries had debarred women from entering public life.

Egypt can now boast of many women writers and reformers who have won for themselves a world-wide reputation. Even in the political field these ladies have proved to be an invaluable asset to their country.

Madame Safia Zaghloul, the wife of the late Saad Pasha

Zaghloul, who headed the *Wafd* Party in Egypt for over fifteen years, has associated herself, after the death of her husband, with every National movement of the *Wafd*, and her advice and counsel are highly valued by the *Wafd* leaders, the successors of her husband.

Huda Hanum Sha'rawi may also be mentioned as one who has done a great deal as a social and national worker. She has been most helpful to many women's enterprises or movements which have taken place in Egypt in recent years. At the Twelfth Congress of the International Alliance of Women for Suffrage and Equal Citizenship, which was held at Istanbul in April, 1935, she was elected as Vice-President of the Board. Women in Egypt have not as yet obtained their complete suffrage rights, although it may be said that they have gone a long way ahead towards that end. There is every reason to believe that any change or reform in the present government of that country might be accompanied by a recognition of the full rights of women.

Turkey, perhaps, has set up the best example of a living and enlightened nation. The reforms which were introduced since the day Mustapha Kamal assumed the headship of Government are certainly unprecedented, and Turkey can now be most favourably compared with any of the civilized countries of the world. The reforms which were introduced in the structure of Government were accompanied by similar reforms of no less importance in the social order of the people. The veil has long been abandoned in Turkey by the Moslem women, and no line of distinction can now be drawn between the Turkish women in Istanbul and any other European women. A law has recently been passed by the House of Representa-

tives granting women full rights of citizenship, and the sessions of the Turkish Parliament now see many a woman speaker.

Only in April of last year Constantinople, or Istanboul as it is now called, witnessed the Convention of the Twelfth Congress of the International Alliance of Women. The occasion is of a peculiar interest inasmuch as that Congress was the first of its kind to be held in a Moslem country. Syria, Lebanon and Egypt were included amongst the Eastern countries which were represented at this Congress. At the instance of the Egyptian and other Eastern delegates the following two important resolutions relating to questions of nationality and polygamy in Egypt were adopted :

“Whereas the Congress is anxious to see the application of the principle of equality for men and women in regard to nationality, and whereas, unfortunately, in Egypt, under the regime of Capitulations, the application of this principle would imply the creation of new inequalities and a source of discord for the Egyptian family thus under the control of two different jurisdictions :

Resolution No. XVII.

Whereas it is the duty of the Alliance to help all its affiliated societies,

The Congress expresses the wish that this regime, which is opposed to the principles of equality adopted by modern States, should be abolished in Egypt, the only country in the world where it exists, and believes that its abolition would enable the women of Egypt to claim complete equality for both sexes as regards nationality.

Resolution No. XVIII.

This Congress protests against the practice of polygamy and recommends to the Governments of those countries where it is practiced to abolish it by law.

These two resolutions show to what extent the woman in the East realizes the importance of her task as an active member of the community. Anyone who is aware to any extent of the political movement in Egypt will realize the value of the ventilation of the age-long grievance of Egypt with regard to Capitulations through the International Congress of Women, which was attended by representatives of forty nations.

These women's movements, however, which swept most of the Moslem or Arab countries with anything like an independent form of government, did not have a corresponding effect in countries under British or French mandate. The reason is simple : such measures of reform can only be introduced by National Governments, or by persons deriving their authority from the people. A mandatory Power finds itself unable to embark on any scheme of reform which in its opinion may arouse the least religious susceptibility of any community.

In Palestine, to quote an example, the Administration published some three or four years ago a draft Criminal Code in substitution for the archaic Ottoman Penal Code. This code prescribed the age of fourteen as the minimum age for a girl before she can be allowed to marry.

The intention is clear. It was desired to prevent child marriage by legislation. Under the Moslem law marriage is allowed at a younger age, although consummation is not permissible. This Bill, which is an attempt to bring Palestine in matrimonial matters into line with the more

civilized countries, could not until now be put into force as law. This is one of the many instances which may explain the value of some form of legislative body. If Palestine had a legislative council elected by the people, it could introduce any such reformatory measure without making itself liable to or risking any criticism or attack.

The question of child marriage is not peculiar to Palestine, but is practised in many other countries. It was raised on more than one occasion during the consideration of the Reports of the Palestine Administration by the Mandates Commission of the League of Nations. It was even brought to the notice of the International Women's Congress at Istanboul, with the result that an appeal was made to Government to suppress "this evil custom" in the form of the following resolution :

Resolution III.

"That this Congress protests against the custom of child marriage, wherever it prevails, as being inconsistent with the true ideals of marriage, as destructive of health and happiness, and as injurious to the vitality of the race.

This Congress urges the Government of every country where this evil custom prevails, to suppress it by laws carefully safeguarded and vigorously enforced, and to use its educational and health service for the purpose of enlightening the people as to the dangers."

Any such reforms in mandated territories will have to remain unenforced for the simple reason that the authorities are reluctant to deal with matters which may arouse any objection on the part of any religious authority. This is one of the evils of the Mandate system.

It is therefore difficult for any women's organization in Palestine or Syria to obtain any legislative sanction for matters of which the country may be in need. For this similar reason, the activities of many women's organizations in Syria were restricted to social and charitable matters.

In Palestine, however, owing to the prevalent peculiar circumstances which are discussed elsewhere, Arab women's activities were developed into a widespread movement of a general political character, under the auspices of a women's executive. But, nevertheless, there are many women's organizations whose activities during the last decade were not limited to matters of political nature, although the peculiar position of Palestine makes it incumbent upon people of public activities to indulge in politics. Indeed, their scope of activity has been extended to many an important enterprise of social and economic nature.

ARAB WOMAN IN THE HOLY CITY

In accordance with a resolution of the First Arab Women's Congress, an Arab women's society of Moslem and Christian members was established in Jerusalem in 1930. Its objects were, as declared by its by-laws, to assist the Arab woman in her endeavours to improve her standing, to help the poor and distressed, and to encourage and promote Arab national enterprises. But this women's society of mixed membership was not the first to be established in the Holy City. As early as 1919 an Arab ladies' association was formed for similar purposes. Madame Faiz Bey Haddad, one of the leading promoters and organizers of this society, was delegated to Damascus in 1919 to convey to King Feisal the congratulations of the Arab women of Jerusalem on his accession to the

throne, and to seek his assistance in aid of the society. Madame Haddad is still taking immense interest in women's activities.

Since the inception of this society, under the chairmanship of Madame Jamal Husseini, it has done much towards the relief of the poor. Seeing the bad conditions under which Arab children are brought up, particularly in the old city, it established an infant welfare centre for their benefit. It was formally opened on July 24th, 1931, by Lady Chancellor, the wife of the former High Commissioner in Palestine.

An Executive member of the society said in her opening address, after welcoming Lady Chancellor and the guests :

"I feel it incumbent upon me to refer, at the outset, to an assumption which, unfortunately, has gained ground in the minds of many people.

It has been assumed that the Arab woman was, to say the least, unprepared to share with the man the actual discharge of his duties towards home and country. Very little, perhaps, is known of the significant part the Arab women have played in the early stages of the Arab Era. But history has numerous illustrations which testify to the perseverance, courage and loyalty of the Arab woman.

If until now the Arab woman of Palestine has preferred to work unobserved it is because she felt that the time was not yet ripe for her to emerge from her home. But events of late prompted her to step forward with a determined effort to do her share in the upbuilding of the Arab Palestine and to work side by side with the man towards the attainment of its objective.

This centre, at the opening of which we now officiate, is the fruit of the continuous labour of the Arab Women's Association of Jerusalem during the last two years. Since its constitution, the Association has endeavoured to work unceasingly towards the relief of the distressed. In various spheres it has done what it considered to be its duty within the limited resources at its disposal, and it has resolved to continue in its activities irrespective of the many obstacles which are placed in its way.

It is common knowledge that such centres have proved to be of great assistance to the community, and we trust that in the Holy City this centre will prove to be a valuable asset to the existing medical and charitable institutions, and will enable us to assist, though on a small scale, in bringing up well-built citizens."

This centre continued to do its work until the society was assured that corresponding arrangements were made by Government. Experience during the last few years has shown that in towns as well as in village the Arab women lack in certain centres the fundamental principles of infant care according to modern practices. In Jerusalem the society tried its best to help the mothers, especially those living within the walls of the Old City, to bring up healthy children, but in the long run it was found that the state of poverty prevalent amongst the mothers makes it essential to assist them in their livelihood as well. It was found necessary, at least temporarily, to do work in the way of distributing food commodities to needy mothers. Two members of the society make at present two rounds a week by rotation in every quarter of the old city, so that

nearly every family on the society's list is visited. A qualified trained nurse—and sometimes a medical practitioner—accompanies members of the association during their round. The mother is taught how to take proper care of the child and is given milk and other nourishment, and in certain cases a little money and clothing.

These visits have proved to be of great help to many families, and were received with much appreciation and encouragement. Sir Arthur Wauchope, His Majesty's High Commissioner, once accompanied some of the members on an afternoon round and saw the work which was being done by the society, and expressed his satisfaction by making a generous contribution to its funds.

I cannot, I am afraid, do justice to the splendid achievements of this society without quoting part of an address made by Miss Badra Canaan, one of its active and zealous members, at a recent reception given in honour of a deputation of the International Women's Alliance. Miss Canaan said :

“When we first started our work the society organized a bazaar in order to raise some funds for its various charitable undertakings. It happened that in the year 1930 three prisoners of the disturbances of 1929 were sentenced to death, and in order to assist their families the society purchased two plots of land at Hebron and dedicated them as a trust for the benefit of their families.

Since 1930 the society has been holding annual flower days, the proceeds of which are used for charitable purposes ; it also holds bazaars and lotteries for similar purposes.

The number of the families which are visited by

our society amount to nearly two hundred, and we are glad that we are able to extend such relief to this poor class of our people. It also pleases me to announce that we have a special committee, which has organized a useful library for the benefit of the members of the association. Hundreds of old magazines and books were collected and sent for use by Arab prisoners.

We have participated in the first and second Arab Fairs, which were held in Jerusalem, and are determined to do our duty irrespective of the many obstacles which may be placed in our way. . . .”

In the promotion of the affairs of this society Mrs. George Antonious, of Jerusalem, is taking more than a personal interest. Many of the society's bazaars owe their success to her untiring energy and persistent efforts.

It should not be understood that the Arab Women's Association is the only society in Jerusalem which is doing such benevolent work. The Society for the Needy and Sick, which is presided over by Mrs. De Mitri Salameh, is also doing much valuable work. Although its scope is limited to members of the Greek Orthodox community, it has helped hundreds of poor sick people, especially those who are suffering from tuberculosis.

I will leave it to Mrs. Kath. G. Siksek, the able secretary of this association, to explain the range of this society's work. Mrs. Siksek said at the same reception of the International Women's Alliance, after a few words of introduction :

“It is true that Palestine is a small country, but her position in history gives it great importance. Jerusalem being the centre of these activities, our work among the destitute and sick of our community

demands wider attention and responsibilities. This society extends its help to the Arab Orthodox in Jerusalem, as it is also maintained by the community itself. But we are very often called upon to help pilgrims who are taken sick and have lost what they have treasured for their pilgrimage. Also destitute Orthodox villagers residing for their daily work in Jerusalem benefit freely from our society, similarly to the actual residents. . . .

We help financially patients at their homes who have no support and are half bedridden, for we feel there is no use in treating patients, giving them free medicines when they have nothing to eat. A considerable sum goes monthly to cover medicine expenses. We never could refuse a special medicine, however high its cost, when our doctors believe it to be the means of saving a patient's life. . . .

A brief statistic for the last year will suffice, I believe, to give a idea of the work that has been done: 933 persons were treated in hospitals; 243 persons were treated at their homes; 754 persons were treated at the doctors' clinics; and 166 orders were issued for nourishing food.

According to doctors' orders, 977 prescriptions were spent by our pharmacies, hospital prescriptions not included.

We are hoping to have in future a home for chronic and bedridden cases, as the hospitals in general always refuse such cases. . . ."

The benevolent work of the society and its executive officers will always be remembered in the history of Jerusalem.

Another society which is doing similar work amongst members of the Latin community in Jerusalem is the Mar Mansour Society, of which Mrs. Lufti Abu Sowan is the President. Many measures of relief work were and are still being carried out by this society to the poverty-stricken members of the Latin community.

Again, in the field of education a well-established society, under the name of "Tahzib Al Fata" (the education of girls) has been for many years extending educational facilities to girls who, owing to poverty or for other reasons, are unable to attend school. Mrs. Shukry Deeb is the President of this society.

OTHER WOMEN'S ORGANIZATIONS

Similar women's organizations exist in other cities and larger towns in Palestine, some of which were even established many years before the War. As early as 1911 a women's society was established in Haifa under the name of the Christian Public Charity Society for Ladies, the objects of which were as stated in Article 2 of its Constitution: "To do public charity and to establish and maintain a home for old-aged and depressed persons of all the Christian communities in Palestine without any discrimination." Madame Fuad Bey Sa'd, the President, Madame Ibrahim Eff. Sahyoun and Madame Theophile Boutagy are the chief promoters of this society, which has done much, especially during the War, in the way of charity. It is unfortunate that until now the establishment of the home for the aged, which is one of the main objects of this society, has not as yet been achieved. But from conversations which I had recently with Medames Sa'd and Sahyoun I am convinced that the project is not

altogether abandoned. Lack of funds was one of the many reasons which prevented the realization of this useful and humanitarian project.

The Arab Union of Haifa is another useful women's organization in the country. Its list of members includes Moslems and Christians, and it has more than justified its existence by the many useful enterprises on which it embarked, in many cases with admirable success. Although established comparatively recently, this society has helped to create a *liaison* between most of the women's organizations in Haifa and the north, and takes an active interest in matters of national importance. Much of the success which it has achieved should be attributed to the energetic and untiring efforts of its secretary, Madame Sadij Nassar, granddaughter of *Al Baha'*, the founder of *Baha'ism*, a lady of standing, culture and experience. Madame Nassar has signalized herself as an ardent Nationalist. She is also a co-editor with her husband, Nejib Eff. Nassar, of *Al Carmel Newspaper*, a paper of nearly thirty years' standing and highly respected by the Arabs.

In Jaffa, the Arab women can rightly boast that they have the oldest women's organization. The society, of which Madame Ephtime Azar is the President, was established over twenty-five years ago. During all this long period this society, with the many active members of which it is formed, has concerned itself mainly with the education of girls. It has achieved much success in its deserving enterprises. The Infant Welfare Centre, which is maintained by another Arab ladies' society in which Madame Massad Eff. Saygeh and Madame Elias Burdcosh are directly associated, shows the success of the persistent efforts of women.

Another no less important women's organization in Jaffa is the Arab Women's Society, whose objects are political as well as charitable. It has a mixed membership of Moslems and Christians, which includes many of the distinguished ladies of Jaffa, such as Madame Omar Bey Bitar, Madame Esa Effendi Al Esa, Madame Ragheb Effendi Abou As-Soud, and Madame Tewfik Effendi Zareefeh and others.

It is a source of gratification that this women's movement was not limited to the three larger cities in Palestine. In Nablus, Tulkarem Jenin, Acre, Ramallah, Bethlehem and other smaller centres similar societies exist, and are doing a great deal towards the education of girls and the relief of the poor and sick. They all joint without hesitation in matters of national importance.

In all cases the income of these Arab women's organizations is limited. It is generally formed of personal contributions and of the proceeds of bazaars and flower days, which are especially arranged to augment their revenues.

There is no doubt that, given more liberal assistance and more favourable circumstances, the women of Palestine will not fail to achieve more, but their achievements, limited though they may be, will always remain as a tangible example of the eagerness of the Arab woman to do her duty not only towards her country, but towards her less fortunate sister as well, and above all her charitable heart and highly commended activity.

ARAB WOMEN'S MOVEMENT IN SYRIA AND LEBANON

In Syria the women's movement took a different course. Largely influenced by the numerous educational institutions with which that country is endowed, the movement

was more social than political. It assumed wide dimensions and swept the most outlying districts. The percentage of literacy amongst women is comparatively high and exceeds the number in other Arab territories. The American Institution takes a large share in the extension of educational facilities to girls, and in the bringing up of a good number of educated and cultured women. Many of its graduates have already distinguished themselves in various spheres of life.

One of the prominent features of the feminist movement in Syria is the direct use of the medium of the Press for the purpose of propagating the women's cause. Mrs. Badr Eff. De Meshquie, a prominent woman worker of Beirut, owned and edited for many years a monthly magazine entitled *The New Woman*, which had a large circulation. Other prominent writers made similar attempts with success.

The Union Feministe Arabe of Beirut, a women's organization of wide influence, was admitted to the membership of the International Congress, and was very well represented during its recent session at Istanbul. It has extended its activities to all questions which affect or relate to women, home, happiness and comfort. It has more than sixteen women's societies affiliated with it. It has convened up to now five congresses, which were attended by delegates of nearly fifty societies, including delegates from Palestine and Egypt. A record of the resolutions which were taken at a recent Congress shows the extent to which the activities of this union have been enlarged :

“(i) To secure the inclusion of political economy and housekeeping in the curriculum of girls' schools.

(ii) To promote national industry and persuade the public to buy national goods.

(iii) To examine matters affecting public morality, and to endeavour to secure the non-exhibition of films of immoral character, and to show the evils of the use of narcotics and intoxicating liquors.

(iv) To examine the condition of woman and child labour in factories and industries.

(v) To endeavour to reduce illiteracy amongst women and to elevate the position of women.

(vi) To study the conditions of prisons and child and women prisoners. . . ."

The above resolutions include, as the reader will observe, matters of a purely public character which in many independent countries are undertaken by the State.

My personal interest in the women's movement has enabled me to know and to come in contact with many women leaders in Syria, such as Madame Beder De Meshquie, an able writer and woman leader ; Madame Rose Shuhfeh, an active feminist worker ; Madame Amira Zein Ed-Din, the leading and moving spirit of the women's movement in Lebanon and Beirut ; her daughter, Madame Selim Bey Saab, and Mlle. Ibtihaj Kaddoura, both leading figures and social workers ; Madame Selma Saygeh, the popular and much admired writer. These distinguished ladies and many others of their co-workers and friends have shown by their acts and deeds what an Arab woman could attain in the East to promote the welfare of her sex and country without trespassing on her traditions and customs.

I have been led to know, above all, the difficulties, not easy to overcome, under which these ladies are compelled

to work. But the cause justifies the sacrifice which is being freely made by one and all of them, and there is not the least doubt that, with the persistent efforts they are exerting, their fundamental aims will be realized sooner, I hope, than they expect.

CHAPTER IV

STRUGGLE FOR NATIONAL RIGHTS

No human being conscious of his duties as a citizen of any country can endure a continual molestation of his rights and a permanent trespass on his national prerogatives. The difference between an active opponent to an undesirable form of government and a peaceful worker for securing a change in such a form rests upon the view which each one takes in asserting his rights as a citizen. There appears to be no line of distinction between the two except in the manner in which each endeavours to attain his objective.

For twelve years or more the Arab women of Palestine, especially in the urban districts, took a passive attitude towards the peculiar situation in which the country was placed. For obvious reasons an Arab woman, especially a Moslem, could not until then take a direct and open action in the National Movement.

Although fully aware, as she was, of the position of the future of her children in their own country, threatened by an alien race, and of the destiny of the future generation, she did not consider that the time was ripe, as yet, for her to step in. She preferred—perhaps under pressure of uncontrollable circumstances—to rely upon the endeavours of the man in the national field and to restrict her activities to what may be called the social side of the problem. Palestine, it will be remembered, was, and is still, a Moslem

country in population, in religion and in traditions. The Moslem section forms the overwhelming majority of the population, and the traditional social order of such a majority must always be given due consideration.

The Christian Arab woman, though not under the same handicap, has kept herself within the limits beyond which her Moslem sister could not well go. They both worked hand in hand in societies of social, charitable or educational character, and their humane touch has been a relief to many a bleeding heart and broken soul.

It should be remembered that even until now Moslem women in the East, and in Palestine in particular, have no free social association with men. Western influence and education have failed to alter the social customs which have been transmitted from generation to generation. Arab women have not as yet been granted political suffrage, although they have taken a keen interest in politics. It is true that there are now many highly educated Arab women, yet no Arab Moslem woman could until now speak publicly before a mixed gathering.

These as well as many other reasons prevented the Arab women, Moslem and Christian, from taking an active part in the political movement of the Arab national bodies. But in the history of every nation there are deciding moments which leave their permanent mark in the formation of its future. By force of circumstances a nation is compelled to follow without any previous determination a course in which it had no choice.

In August, 1929, Palestine suddenly emerged into a state of disorder. The deplorable disturbances which marked the history of that year will not be easily eradicated from the memory of the present generation, not only for their de-

structive consequences and losses in life and property, but for the bold step which was taken by the Arab women in organizing their ranks.

The Arab women could no more keep aloof ; they found themselves unable to shirk the responsibility which was thrust upon their shoulders. Hundreds of men were sent to prison, hundreds of homes unmercifully destroyed, hundreds of children became orphans, without parents to whom they could turn for care and affection. Be it as it may, the responsibility lies somewhere. Someone must be held responsible to answer before God and man for all these consequences. Someone must remove the stain that has been added to the history of the Arab people, who were described in a proclamation issued by the British High Commissioner soon after his return from leave on September 1st, 1929, as "ruthless and bloodthirsty." Someone will have to pay the blood money for all the innocent blood that was shed on the altar of "Imperialism." Someone must be held responsible, at least in the annals of history, for all such atrocities of the twentieth century.

The defence by any person of the cause of his country, though perhaps it may be unintentionally accompanied by acts of violence, is considered under many laws a criminal act, although it may appear to the perpetrator as the highest degree of duty as a citizen. It was not strange, therefore, that such distressing circumstances as those in which Palestine was found in 1929 should have resulted in the greatest change in the life of the Arab women in Palestine and in the concentration of their forces.

THE FIRST WOMEN'S CONGRESS

These factors, amongst other things, moved the Arab

woman to the front, and to seek a remedy for the situation. It was thought that to consolidate the endeavours of all forces, individual or collective, the first step would be to convene a general women's congress. It was a bold step to take in view of the traditional restrictions which, until then, prevented the Arab woman in Palestine from taking part in any movement which might expose her to the public eye. But the endeavours which were exerted by the organizing ladies, strengthened by the support of the leaders of political parties, were sufficient to overcome such difficulties.

Eventually, on October 26th, 1929, the Arab Women's Congress of Palestine was held. It was the first of its kind to be held in the Holy Land, and was attended by over 200 delegates, both Moslem and Christian, from the various cities, towns and the larger villages. Madame Kazem Pasha Husseini, wife of the late President of the Arab Executive, was elected to the chair. During the sittings of the Congress the deplorable situation was the main topic of discussion. Many speakers considered the Mandatory Power, as represented by the Palestine Administration, to be solely responsible for all that took place, and a national movement for consolidated action on the part of all women's organizations was earnestly urged. At last the heated discussions resulted in the adoption of the following resolutions, which, taken alone, will indicate the depressed atmosphere under which the Congress was held. These memorable resolutions were in the following terms :

(i)

The Balfour Declaration

“Considering the Balfour Declaration to be detri-

mental to the rights and position of the Arabs of Palestine and an unprecedented act in history,

Believing that such Declaration is a deliberate violation of all the pledges given to the Arabs before and after the Armistice, and that it contains two contradictory and irreconcilable parts, as experience has shown during the last twelve years,

Considering further that the Declaration means, in letter and spirit, the destruction of the Arab nationality in Palestine with a view to reviving Jewish nationality,

The Palestine Arab Women's Congress calls upon its members to resolve on oath to severally and collectively make every possible effort, with full force and determination, to secure the abrogation of that Declaration and to see to it that their children and relatives should adopt such ways and means as will prevent its realization.

The Congress further considers that every Arab who does not abide by this resolution should be deemed a traitor to his country and nation."

(ii)

The National Government

"Whereas, all the promises made to the Arabs in consideration of which the Arabs fought side by side with the Allies in the World War included, amongst other things, the recognition of the independence of this country, and

Whereas the bitter experiences of the Arab people during the last twelve years have shown the futility of the present policy, and

Whereas, this age is one in which the principles of

democracy are sufficiently protected, and Palestine has a natural right to enjoy such principles,

The First Palestine Arab Women's Congress, held at Jerusalem on this the 26th day of October, 1929, pledges all its members in conference assembled to support severally and collectively the Arab National bodies in their efforts to secure the establishment of a National Government, responsible before a Representative Council in which the population will be represented in proportion to their numerical strength.

The Congress further urges every member to accept this resolution as a national trust and persistently to work for its enforcement.

(iii)

Development of National Industries and Economics

"Considering the development of national industries and trade as one of the effective means for the defeat of the policy underlying the Balfour Declaration, and believing that independence in trade and commerce is an effective and essential step to the achievement of political independence,

The Congress urges every Arab to buy nothing from the Jews but land, and to sell them everything but land.

The Congress calls upon every member present to endeavour to have this principle adopted, in letter and in spirit, by all and any of her relatives, friends and other persons, within the sphere of her influence, and to consider any violence of this resolution as an act of treachery to her country and nation."

(iv)

“The Congress resolves that resolutions (i), (ii), (iii) be transmitted, by cable, to His Majesty’s Prime Minister and Colonial Secretary, and that a detailed statement embodying these resolutions be also forwarded to the Commission of Enquiry, to the High Commissioner and to all members of the Consular Corps, the local and foreign Press, and the Women’s National League in London. . . .”

The Congress also passed a vote of thanks to Lord Rothermere for his promise to assist the Arabs of Palestine, and to the National Women’s League for the help and assistance they rendered to the Arab cause during that period.

The Congress also pledged its support to the Arab Executive Committee in all its decisions.

These resolutions are self-evident of the manner in which these representative women had attempted to embark upon their national duty. They were anxious to ensure that, through such endeavours as they may be able to exert in supporting the National bodies, they will acquaint the Mandatory Power and other Powers of the injustice done to the Arab, and explain the basis of their National demands so that Palestine, the land of peace, may again enjoy peace and harmony.

The Congress further decided to communicate a record of these resolutions in person to the representative of the Mandatory Power in Palestine, and nominated a delegation to wait on the High Commissioner.

At first it was considered desirable to see Lady Chancellor, as Moslem members of the delegation could not properly

appear before the High Commissioner. But in answer to a request made to Government it was stated that "Lady Chancellor will not be able to receive ladies proposing to submit resolutions of political character, but that His Excellency is prepared to receive the Executive Committee of ten members for that purpose."

Eventually the deputation had no other alternative but to wait upon the High Commissioner at Government House, and to ignore all traditional restrictions.

The deputation explained to the High Commissioner the reasons which moved the Arab women of Palestine to hold this Congress, and handed him the following Memorandum for transmission to His Majesty's Government on behalf of the Congress :

October 26th, 1929.

"We, the Arab women of Palestine, having been faced with great economic and political difficulties and seeing that our cause has not so far received the sympathy and assistance of which it is worthy, have finally decided to support our men in this cause, leaving aside all other duties and tasks in which we have hitherto engaged ourselves.

This deputation of all the Arab women in Palestine has now come to lay before Your Excellency their protests and resolutions passed in their first Congress and to ask, as of right, that our demands be granted.

The following is a brief summary of the resolutions of the Congress :

(i) To protest against the Balfour Declaration, which has been the sole cause of all the troubles that took place in the country, and which may arise in future. We consider that this country will never

enjoy peace and tranquillity so long as this Declaration is in force.

(ii) To protest against Zionist immigration in view of the political and economic situation of the country.

(iii) To protest against the enforcement of the Collective Punishment Ordinance.

(iv) To protest against the maltreatment by the police of Arab prisoners.

In view of the above, the Congress unanimously decided :

(1) To submit the above Memorandum to Your Excellency for submission to His Majesty's Government, praying that a more reasonable and equitable policy be adopted in the country towards the Arabs.

(2) To thank Lord Rothermere for his distinguished and honourable activities for our cause.

(3) To support all resolutions, decisions and demands of the Arab Executive.

In conclusion the Arab Women's Congress sincerely hopes that Your Excellency will be sympathetic to our cause and will assist us in the realization of our just and legitimate demands."

Sir John Chancellor received the deputation very cordially and assured them of his good intentions.

When the deputation returned to the Congress, which was still in session, and conveyed the proceedings of its interview with the High Commissioner, it was decided that all the members of the Congress should hold a demonstration, which should proceed through all the leading streets of Jerusalem, stopping at the Consulates of the various foreign Powers, where a Memorandum embodying the resolutions would be handed to the Consul.

The demonstration proceeded in about 120 cars, starting from the place of the meeting, through Damascus Gate and other streets and presented the Memorandum at the various Consulates. The Consul of the Turkish Republic, of all the foreign Consuls, greeted the demonstrators and wished them every success in their movement.

Before the session of this historical Congress was closed, an Executive Committee of fourteen ladies was elected and entrusted with the execution of its resolutions and the administration of the Arab Women's Movement. The following ladies were among those who were elected to this committee: *President*, Madame Dr. Khalidi; *Treasurer*, Miss Shahinda Duzdar. *Members*: Mesdames Jamal Husseini, Mousa Alami, Ouni Abd El Hadi, Shukry Deeb, Boulos Shihadeh, Subhi El Khadra; Misses Zahia Nashashibi, Fatma Husseini, Khadijeh Husseini, Zleigha Shihabi.

It has been the privilege of the author to be the general secretary of this committee.

In discharge of the task entrusted to it by the Congress, and in pursuance of its resolutions, the Women's Executive commenced its activities by sending the following telegram to Her Majesty the Queen, the Colonial Secretary and the National League in London :

"Two hundred Palestine Arab Moslem and Christian women representatives met on twenty-sixth instant in Congress Jerusalem, unanimously decided demand and exert every effort to effect abolition Balfour Declaration and establish National democratic Government deriving power from Parliament representing all Palestinian communities in proportion to their numbers; We beseech assistance in our just demands."



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Above : FIRST WOMEN'S DEMONSTRATION IN CARS, 1929

Below : ARAB WOMEN'S DEMONSTRATION

But this was not all. Energetic steps were at once initiated to concentrate women's activities in all parts of the country and to deal with the difficult situation which had arisen. Societies were immediately established in conformity with the resolutions of the Congress, first at Jerusalem, and later at Acre, Nazareth, Haifa, Jaffa, Ramallah, Tulkarem, Safed and other important centres.

It may be of some interest to quote Article 2 of the Regulations of the Jerusalem Society to show the trend which this movement was taking :

“ *Article 2.*—The objects of the Society shall be to work for the development of the social and economic affairs of the Arab women in Palestine, to endeavour to secure the extension of educational facilities for girls, to use every possible and lawful means to elevate the standing of women, to promote national industries, to assist national institutions, and support any national body in any enterprise which may be beneficial to the country, whether economically, socially or politically.”

ACTIVITIES OF THE WOMEN'S EXECUTIVE

The Executive Committee embarked upon its task with an untiring energy. The fate of the prisoners who were sentenced to death or to imprisonment for acts which were attributed to them in connection with the deplorable disturbances engaged its foremost and earnest attention.

Repeated memoranda were addressed to the High Commissioner in an attempt to show that their acts were, in view of the particular circumstances in which they were committed, of a political character. A memorandum which the Executive addressed to Government on April

2nd, 1930, when application for leave to appeal to the Privy Council on behalf of these prisoners was not granted, contained the following statement :

“ . . . It is not within the scope of this Committee to discuss the question from a legal point of view, but it is certainly within our province to discuss it from a humanitarian point of view. . . . We abhor and deplore and condemn murder in whatever form it is committed. We regretted and shed tears of grief for all the blood that was shed in Palestine, irrespective of race or creed. The woman with her tender heart cannot feel otherwise.

The Executive Committee finds it incumbent upon itself, in these circumstances, to appeal to Your Excellency, in the name of the Palestine Arab women, to have mercy on the mothers, wives, sisters and dependents of those who have been condemned to death and whose sentences were confirmed on appeal to His Majesty's Privy Council.

“ . . . Your Excellency is aware that during the disturbances enough blood was shed in Palestine, and over two hundred and fifty souls have already been killed, and double that number were wounded on both sides. It is our humble submission that no useful purpose would be served by shedding more blood, even though it may be by means of a legal machinery.

The Executive Committee believes that in order to preserve peace in this country and to bring it back to its normal pre-disturbance conditions, it would be necessary for Government to consider seriously the consequences which these death sentences would bear should they be carried into effect. There is sufficient

sorrow, lamentation and racial hatred in the country. It would be a wise step indeed if a curtain is dropped on these cases and thus avoid fresh causes which might lead to the increase of racial hatred."

This and many similar memoranda remained unanswered, and as a last effort to save the lives of the three prisoners whose lot was death the following telegram was addressed to His Grace the Archbishop of Canterbury on June 14th, 1930 :

" Committee Arab Women's Moslem and Christians earnestly beg Your Grace's personal intercession with His Majesty on behalf remaining men under death sentence. Mercy now would go far to promote peace and goodwill among all communities."

These deplorable cases were never forgotten, and the committee persevered on behalf of the remaining prisoners, whose lot was the penalty of a life sentence. It was in June, 1935, at the anniversary of His Majesty's birthday, that the High Commissioner saw fit to exercise his prerogative of pardon in favour of the persons who remained in prison until then. Sir Arthur Wauchope very correctly stated in a communiqué which he issued on that occasion that : "... It is not too soon to endeavour by understanding and mercy to efface a memory that is best forgotten and to remove a possible cause of continuing bitterness."

It is the hope of every person who has the interest of Palestine at heart that no similar incidents will stain its memorable history.

Other matters of general public importance also engaged the attention of the women's Executive. As early as 1930 the committee depicted that the Jews were formulating

what they called a defence scheme. The fears which were then entertained by the Arabs were confirmed on more than one occasion. They were conveyed to Government in a lengthy Memorandum dated March 27th, 1930, of which the following may be quoted as an illustration of the energetic efforts of the Arab women towards the cause of peace :

“ . . . Your Excellency is no doubt aware that this is not the first occasion on which Jews attempted by various unlawful means, and in direct violation of the law, to import firearms to the country. These activities have not been limited to Palestine, but were extended also to Syria. Only recently two Jews, one of them an ex-officer of the Palestine Police Force, were brought before justice, convicted and sentenced by the French authorities in Beirut. The Executive Committee believes that certain Jews have been, and are still, actually engaged in smuggling firearms to Palestine with a view to the arming of Jewish youth and forming semi-military organizations.

The Arab Women's Executive takes leave to assure you that their only object is to see peace and order maintained in this country and to ensure that no blood be shed in future. . . .”

The question may be asked whether or not the fears of the Arabs were unjustified, especially as only recently a large quantity of arms and ammunition imported to Palestine, presumably by Jews, was accidentally discovered by Customs officers at Jaffa. These fears, however, were again asserted to Government by every Arab National body, including a deputation of Arab ladies which waited upon the High Commissioner when the incident was dis-

covered. Several months have already passed, yet Government has failed to discover and detect the offenders, although extensive inquiries were said to have been inaugurated locally and at Antwerp, the port of origin of the goods.

But that was not all that these ladies did or attempted to do for their country. They shared in every movement, political or national, which had any bearing on the Palestine Arab case.* They gave their unqualified support to the Delegation, which proceeded to London in 1930 to negotiate with Government, and when the Delegation failed in its mission owing to the uncompromising attitude of the British Government, they sent the following telegram on May 15th, 1930, to the Colonial Office, both Houses of Parliament, the League of Nations and the leading papers in London :

“Executive Committee Palestine Arab Women’s Congress greatly regrets policy taken by British Government towards Arab delegation. We appreciate Delegation’s noble stand, support Arab just demands of independence within Arab unity. We shall continue our struggle by peaceful means to the end.”

A similar telegram in almost identical terms was sent to the Delegation.

In 1930 the Executive Committee was invited by the National League to send a women’s delegation to London. In asserting the necessity for such a delegation, the Presi-

* In the disturbances of 1936 the task which had fallen upon the Arab women’s organizations in Palestine was by far more strenuous and exerting, in political as well as in charitable activity. In Jerusalem the Arab Women’s Committee, which replaced the Arab Women’s Executive, in addition to its various measures of relief, embarked on a political campaign of a wide nature. It issued two appeals, entitled “An Appeal to every British Woman, wherever she may be” and an “Appeal for Peace,” to the Peace Congress at Brussels, respectively, which were widely circulated.

dent of the National League said in a letter dated September 3rd, 1930: "... The more movement there is between the Arabs and their many friends and supporters in England, the more effective for the whole cause, and I am writing to ask whether it would not be possible for you with another elected representative to visit England for a few weeks, and as Arab women leaders come in contact with people here and from the women's point of view make another historic appeal in London such as you so effectively did last year to the High Commissioner."

It was not possible to send such a delegation, and it was decided to support the men's delegation, which was already in London.

The splendid work of the Arab Women's Executive had by that time reached distant countries. From America, Europe, and even India, messages were received and unqualified support pledged.

The necessity for the extension of legislative protection to the Fellah was strongly emphasized to the Government, as careful consideration of the position of the Fellah by special committee investigation revealed the deplorable conditions under which this class were living. In consequence, Government was urged "to take legislative action for the protection of this class of the Arab community, which forms the majority of the whole population."

"It has been commonly reported," the Committee added in the same Memorandum, from which I have already quoted (dated February 7th, 1930), "that the Fellah was for the last few years, and is at present, unable to pay either the capital loans . . . or the interest thereof.

The products of the Fellah are in most cases in-

sufficient for his upkeep, to say nothing of the settlement of his debts, and in the circumstances the Fellah is obliged to sell his land. . . . It is the duty of Government, as is the case in all civilized countries, to seek ways and means for the relief of this section of the community, who contribute the greater part of the revenue of the State."

The Executive took an interest in the agricultural community long before any serious consideration of its position was undertaken by Government. It was no doubt due to their persistent efforts amongst other National bodies that inquiries were undertaken by British experts.

Government, of course, replied to the above Memorandum in promising terms. In his letter dated March 22nd, 1930, the Chief Secretary assured the Executive that "His Excellency has submitted proposals to the Secretary of State for the establishment of an Agricultural Bank in Palestine with a view to assisting the Fellaheen with credit facilities for Agricultural purposes." But how slow Government business is transacted in Palestine is simply unimaginable. These proposals appear to be still under consideration, as no such bank has as yet been established.

The Arab women's organizations as a whole were anxious to assert Arab national demands before the Mandatory Power whenever an opportunity offered itself. They endeavoured to criticize quite frankly many Government measures which were, in their opinion, detrimental to Arab interests. Whether they succeeded or not, it must be a matter of satisfaction to them that they had shown so much concern in the affairs of their country, and preparedness to undergo any hardship for its cause.

THE MANDATES COMMISSION VERSUS THE ARAB WOMAN

More than any other Arab organization in Palestine, the Arab women had confidence in the League of Nations, as an international body responsible for the administration of the Mandate. It is true that the Arabs never accepted the Mandate, yet from time to time they were compelled, under pressure of circumstances, to place their hopes in the Permanent Mandates Commission. It is unfortunate that this international body, which was intended to do equity and justice to the peoples under Mandate, has proved to be of little value in relieving the Arabs of any of their grievances. In almost every case the deliberation of the Mandates Commission with regard to petitions from Palestine fell short of Arab expectations. The attitude seems to have been taken by the Commission that their principal task was to see to the proper enforcement of that part of the Mandate which embodies the Zionist policy. Whether this Commission is influenced by Jewish propaganda or not, it remains to be seen. The fact that in all its deliberations Jewish interests were given predominance gave rise to speculation. Nearly every year a report explaining the grievances of the Arabs and the shortcomings of the Administration was submitted by the Arab Executive, but the result had always left much to be desired of this international body.

The procedure which is followed for the consideration of petitions emanating from Palestine is in itself objectionable. It is laid down that every memorandum should be submitted through the Mandatory itself. Thus in almost every case the observations of the Mandatory are such as to outweigh the contents of the Memorandum.

No body, irrespective of its representative character, is allowed to be heard in person by the Mandates Commission, although a right of audience is granted to the Mandatory.

It is true that the inhabitants are "accorded the right of petition with a view to making it possible to correct all errors or abuse on the part of the Mandatory Power or her agents which may be detrimental to any individual group or community"; but how can this right be properly exercised or the aggrieved party redressed so long as the inhabitants are debarred from making any political criticism on the Administration of the Mandate, or so long as the observations of the Mandatory Power are accepted in direct contradiction to the substance of the complaint without giving both parties the right of appearance before the Commission.

Although conscious of these facts and well aware that its complaints would not have the desired effect, the Women's Executive thought it advisable, at one occasion, to address itself to this Commission on various points. Both the reply that was returned to the petition and the observations made by various members of the Commission during its consideration gave credence to the assumption that the Arabs cannot expect to obtain redress through this body.

The Executive's Memorandum dealt with various topics which were then engaging the attention of the people. Foremost amongst such matters were measures taken by Government to reduce its expenditure, which at the time included the termination of the appointment of many Arab officers :

"The Government of Palestine, however, soon after

the receipt of the Report,* embarked upon certain measures which purport to enforce the recommendations of the Commission. In doing so it has failed to solicit the advice of the representatives of the population and was led to commit, perhaps unconsciously, many irregularities. Among the recommendations of the O'Donnell Commission, we were given to understand that there were some dealing with the reduction in the expenditure of the Administration. It appears that Government adopted the easiest way and decided upon certain retrenchments in the Civil Service in the course of which many injustices were committed, especially against Arab officers. These injustices were severely felt and, in the circumstances, this Committee addressed a Memorandum to His Excellency the High Commissioner soon after his arrival drawing his attention, *inter alia*, to this vital matter, in which it said :

The Committee regrets to observe that the various measures taken by Government in connection with the retrenchments since the submission of this Memorandum have shown that no serious consideration was given to its representations.

In paragraph 5 it was stated :

‘ The list of officers retrenched as recently announced by Government shows that the majority of officers discharged were Palestinian Arabs. Many of such officers were in the service for over twelve years, and in some cases before the establishment of the Civil Administration. The valuable services which they

* By Sir Samuel O'Donnell and Mr. H. Britain, of the British Treasury, who conducted an investigation in January, 1931, into the general organization of the Palestine Administration. This Report has never been published.

rendered were completely ignored. The fact that they are entitled as of right to serve their own country and to be given preference in the Civil Service over non-Palestinians has not been taken into consideration.'

Asserting the obligations of the Mandatory under the Covenant of the League of Nations, the Committee added in paragraph 6 :

' This obligation does not imply that the Administration should fill nearly all the most important appointments and many of the junior offices with Britishers and non-Palestinians. It is the duty of the Mandatory to teach such Arab officers as are in the service in the various branches of the Administration so that in due course they may be able properly to perform their duties independent of any advice when the country attains a fuller measure of self-government.' "

These assertions were no allegations. They were actual facts. Nevertheless, the conclusion which was reached by the Mandates Commission in the course of its twenty-second session on the point was rather evasive. Although the Commission accepted the complaint as genuine, it showed an attempt to justify the action of the Mandatory.

In his letter dated February 10th, 1933, the Director of the Mandates Section of the League of Nations stated in reply :

" The Commission having noted the Petition dated January 28th, 1932, from the Executive Committee of the First Arab Women's Congress, and having examined the complaints contained therein. In the light of the observations submitted by the United Kingdom Government on June 22nd, 1932, their Annual Report on the Administration of Palestine and

the verbal declarations of their accredited representatives :

1. Considers that in point of fact the number of officials of non-Palestinian nationality in the service of Palestine Government is very large, particularly in the higher posts, as asserted by the Petitioners and admitted by the Mandatory Power. In the present state of the territory and its inhabitants, the Commission realized the necessity of entrusting the chief posts in the Administration to British officials, but it hopes that as education progresses and feelings become pacified in Palestine, it will be possible to employ in the Civil Service an ever-increasing number of Nationals of the territory ; not only does this evolution appear to be in accordance with the objects of the Mandate, but it would also lighten considerably the Budget of the territory in view of the considerable expenditure occasioned by the employment of a large number of British officials."

This conclusion contains an unrefutable admission by the British Government and the Commission that the number of non-Palestinian officials is very large, but the admission is qualified by a justification which the Commission attempted to find for this large number of foreign officers. In the opinion of the Commission, the present state of the territory and its inhabitants necessitates that the chief posts should be entrusted to British officers until education progresses and feelings become pacified. No reference was made, however, to the large number of non-British officials, as indeed the Palestine Civil Service includes, as it does, nationals of nearly forty different countries.

In the light of this resolution the Palestine Government embarked on a scheme of recruiting a number of Palestinians for appointments in the Land Settlement, which are of temporary nature, and in smaller offices in the Administration, but in doing so care was taken to select such officers from the leading families. In almost every case preference was given to members of influential families. The object is clear. It is for the purpose of securing, if not the co-operation of these families, at least their silence. This policy has given rise to much family schism and has revealed an inclination on the part of the present High Commissioner to arouse family jealousies which have long been forgotten. No sooner does a German or a Russian Jew arrive in the country than he is appointed, through some influence, to an office in the Government. It is urged that with its present stage of development Palestine still stands in need of the services of British officers. But the Arabs assert that the appointment of such British officers should be limited to purely technical offices, and should not extend to the more junior offices, which do not require any technical or expert knowledge. Even at the present moment no Palestinian officer, I am assured, has reached the office of Assistant District Commissioner or Assistant Director of any department. In the Secretariat, the central authority which controls the machinery of Government, there is only one senior Arab officer, while there are two Jewish senior officers.

The Memorandum dealt further with the position of the fellah, and explained the injustice done to him and the measures which are necessary for his relief. The Executive dealt at length with this matter and suggested the establishment of co-operative institutions from which the fellah

could obtain credit facilities, the reopening of the Agricultural Bank which existed under the Turkish regime, and which was closed by the Palestine Administration, and the abolition of the tithe, which is a form of direct taxation.

In answering these points the Commission stated :

“ The Commission, having noted the complaints of the petitioners relating to the position of the fellaheen, hopes that circumstances will shortly enable the Mandatory Power to improve their lot, chiefly by the development of co-operative societies and the establishment of a satisfactory agricultural credit system. As regards the tithe, the abolition of which is urged by petitioners, in which the action of the Mandatory Power is on the other hand being converted into a tax on land revenue. . . . The Commission appreciates the policy of the Mandatory Power, which, in view of the particularly acute distress, suspended during the past financial year the collection of the whole or part of the taxes payable by farmers, it hopes that a final and satisfactory solution of the question of the land tax in Palestine will shortly be found.”

The Commission definitely admitted the acute distress in which the fellaheen were found during that year, but it did not direct the Mandatory Power to abolish this form of direct taxation, which has no equivalent in any other civilized country. It is true that the Palestine Government had since then substituted this tax by a direct tax on land under the name of Rural Property Tax, and established a small department for co-operative societies, which succeeded during the short period of its existence in extending some help to the villages in which co-operative societies were established, but the fact still remains that these measures

failed to have a statutory effect in stopping the alienation of Arab land. Within less than two years over a million dunams of Arab land were transferred.

"The satisfactory agricultural credit system" to which reference was made in the Commission's reply has not as yet been established, while the tithe has been converted into a fixed tax on land and not abolished.

The blame does not lie with the Commission alone; it appears that this all-important international body, to whom the affairs of the people of mandated territories are entrusted, is not sufficiently informed of the actual situation.

Mr. Rappard, who acted as *rapporteur* on the Executive's Memorandum, reported :

"It is submitted in the Memorandum that, unless definite land policy was adopted which would aim at safeguarding the rights of the Arab population to their land . . . and unless some legislative measures were passed with a view to restricting the transfer of Arab land to non-Arabs, the Arab cultivators . . . would be doomed to misery, eviction and hardship. . . . This statement was curious," he said, "because the Commission was informed that the *Petition emanated from wealthy Arabs from the very circles which had themselves gained considerable financial advantage from the sale of land in the past.* They now seem to be desirous of prohibiting such sales."

Both the *rapporteur* and the Commission failed to remember that the *Petition* emanated from a ladies' committee, and not from persons who indulged in the sale of land to Jews.

It is no exaggeration to state that, had petitioners from

Palestine, individuals or bodies, the right of audience by the Commission to answer questions or to remove any unwarranted observations or allegations, the task of the Commission in seeing to the proper and equitable administration of the Mandate would have been much easier.

The Arabs, on the other hand, have another difficulty in seeking redress through this Commission. They have not the means to acquaint members of the Commission or the League of their actual position and grievances. They rely on general memoranda. In many instances the mere mention of the demand for the establishment of a National Government is taken by the Commission as a sufficient reason to prevent any serious consideration of Arab representations. Even to the women's memorandum such a reply was returned. In confirmation of national pledges, the Women's Executive found it necessary in its Memorandum "to give strong expression to the disappointment which was felt by the Arabs in general as a result of the policy adopted by His Majesty's Government as a Mandatory over Palestine in depriving the population of their Constitutional and National Rights as an Independent Nation."

To this the Commission wished "once again to stress the fact that it is unable to consider petitions for the abrogation of the regime the application of which it is its duty to supervise."

CHAPTER V

THE ARAB WOMAN LOSES FAITH

IN the long and varied history of Palestine under the British Administration the year 1932 will be remembered as one of the most impressive years in the National Movement. On March 26th of that year a general conference of the Arabs of Palestine was held at Jaffa. It was a critical moment, and at last a resolution of non-co-operation with Government was adopted. The reasons for taking such a resolution and for the change which consequently took place in the attitude of the Arabs are many. The Arabs realized that, while no improvement in their position was contemplated, the number of immigrants who were admitted to the country was exceedingly high, and for that reason they decided to withdraw their confidence from Government. Various attempts were made by the Arab press and National bodies to make this movement a success, and this matter continued for over a year to be the main topic of discussion in the Press.

During this period of excitement and anxiety the late Field-Marshal Lord Allenby accepted the invitation of the Y.M.C.A. to dedicate its new building at Jerusalem, and by coincidence Lord Swinton, then Secretary of State for the Colonies, was also on a visit to Palestine at the time. It will be remembered that Lord Allenby was Commander-in-Chief of the Allied forces of Palestine during the Great

War, under whom the Arab forces, commanded by the late King Feisal, fought. The visit of this illustrious soldier brought back to the memory of the Arabs of Palestine that solemn proclamation which he made immediately after the occupation of the Holy City, in which he said on behalf of the Allied Powers :

“ The aims of Great Britain and her Allies in carrying on the War is to assure the complete and final liberation of the people so long oppressed by the Turks, and the establishment of governments and administrations deriving their authority from the initiative and free choice of the indigenous population.”

In him the Arabs were reminded of the pledges which were given to them by the British Government, but never fulfilled. It was not a surprise that his visit, and not his person, should have been received with resentment. All responsible Arab organizations joined in a decision to boycott the dedication of the Y.M.C.A. The Arab women in turn took a more courageous step. It was decided to hold demonstrations of protest on the occasion of the visit of these two British statesmen, which would proceed to the Mesjid of Omar, named after Omar Ibn Al-Khattab, the great Arab leader and conqueror, and then to the Holy Sepulchre. This mosque is not identical with the well-known Mosque of Omar or Al Haram Al Sharif. It is an historical monument which stands before the Holy Sepulchre, with an exceedingly high minaret. It was built in the place where Omar prayed when he entered the Holy City with Patriarch Sophronious, the head of the Christians.

The heavy rains which were falling on Friday April 15th, 1933, and the watchful eyes of the police failed to deter these ladies and to stop them from executing their pro-

gramme in full. At 10 o'clock in the morning the ladies' procession left the offices of the Women's Executive and passed through the streets of Jerusalem to the Masjed of Omar, where for the first time in history a Christian lady delivered a political speech from the pulpit of the mosque. The speaker compared the pledge given to the Patriarch Sophronious by Omar Ibn Al-Khattab when he conquered Jerusalem in the fifteenth year after the Hujra (A.D. 632), and the pledge given by Field-Marshal Allenby when he officially entered Jerusalem.

It will be remembered that, when the invading Arab forces under the command of the great Khalif Omar reached the outskirts of Jerusalem, Sophronious, Patriarch of the Melkite community, sued for peace but refused to surrender the city except to the Khalif in person. Before entering Jerusalem, Omar was received by the Patriarch, and the chief of Islam and the head of the Christians entered the Holy City side by side.

Omar's pledge shows the true traditions of tolerance which are characteristic of the Arabs. The great Khalif accorded to the Christians who were dwelling in the Holy City a free exercise of their religion, and undisturbed possession of their churches. This pledge is so interesting and historical that I produce a translation of it in full :

OMAR'S PLEDGE TO THE CHRISTIANS

“ In the name of God, the most merciful. This is a pledge from Omar, servant of God, Prince of the believers.

To the people of Ælia (Jerusalem) : To you I give a complete security for your person, your property,

churches, crosses and the sick and healthy amongst you as well as any member of your community. Your churches shall not be diminished or reduced in area, nor their crosses or property be affected. You shall not be prevented from the free exercise of your religion, and no prejudice shall be done to any one of you. No Jew shall be allowed to live with you in Ælia (Jerusalem). The people of Ælia shall pay tribute in the same manner as the people of other cities, and shall drive out all Romans and thieves. Any person who decides to leave will be accorded full protection until he reaches his place of safety, and any one who decides to remain shall be safe and subject to the same liabilities as the people of Ælia.

Any person who desires to go with the Romans (Crusaders) will be allowed to do so, or else shall remain with his people, and nothing shall be collected from them until they reap their harvest.

God is my guarantor for the fulfilment of this pledge."

After entering Jerusalem, Omar declined to perform his devotions in the Church of the Holy Sepulchre, in which he chanced to be at the hour of prayer, but prayed on the steps of the Church of Constantine, "For," said Omar to Sophronious, "had I done so, the Moslems may in future infringe the treaty under colour of imitating me."

The visit of Field-Marshal Allenby was considered a proper occasion for the Arab women to make a comparison between these two pledges. Secretly and without allowing the police to know anything about their arrangements, they managed to hold a demonstration which was unprecedented in the history of Jerusalem.

IN THE MOSQUE OF OMAR

The procession reached the Mosque of Omar, the same place where Omar offered his prayer near the Holy Sepulchre, and a Christian lady delivered from the pulpit a lengthy speech, part of which is reproduced here in translation :

“ This is the second time in the history of our movement that we hold such a demonstration. In doing so we wish to bring home to the world at large the desperate position which we have reached, owing to the oppressive and unfair policy meted out to us under the Colonial Administration which has been set up in the country under the disguise of the Mandate. It is the second time that we proclaim through such a silent demonstration that the Arab nation which lives in the neighbourhood of these two Harams, the Mosque of Aqsa and the Holy Sepulchre, held in veneration and sacredness by both the Eastern and Western worlds, will not tolerate any such injustice or submit to such humiliation. We wish to make it known to all nations in the East and West that, notwithstanding such imperialistic administration, we will continue to work, fully united, until we attain our national pledges.

The Allies entered into an alliance with us when they were in need of our help. We fought with them side by side. Many of our men met their death as martyrs on the battle-field, and their blood covered many a place in order to restore our lost freedom and regain our violated rights. But when the Allies attained their aim they disregarded us and infringed the pledges which they gave us. In this country, the

Holy Land, they endeavoured to apply an unfair policy which will have the result of annihilating the Arab nation, dispossessing it of its land and depriving it of its resources. A mixed Administration of Colonial and Zionist tendencies was set up in the country contrary to the wishes of the people. Our bitter experience has shown that as a result of the policy of this Administration the National structure of the Arabs was undermined and their aspirations frustrated.

We see before us the shadow of our complete extermination as a nation, and eviction from the land on which we and our fathers and ancestors have lived for centuries. Nevertheless, we do not give up hope. We are still confident that, once they realize their mistake, the British Government will find a remedy for a change of this deplorable situation.

For fifteen years we have made repeated appeals to the Mandatory Government for a change of its destructive policy, but it appears as if they have *'ears and hear not, and they have eyes and do not see.'* It is now common knowledge that independence is taken and not granted, and that the struggle of any nation to obtain its infringed rights and to restore its usurped sovereignty must ultimately bear some fruit. Let not that day come when effective and more sweeping and collective action will be pledged by every Arab in this country, as the consequences of that day will not be so desirable.

It is befitting us, my dear sisters, now that we stand reverently in the Mesjid of Omar Ibn Al-Khattab, the great Arab Conqueror, to review for a while our past and to draw from our glorious history a lesson for our

future work and an incentive for our national struggle. Let us pray to the Almighty to bestow upon this nation enough strength and courage so that it may stand as a mighty rock against all temptations and its efforts be crowned with success." *

IN THE HOLY SEPULCHRE

The procession then continued to the Holy Sepulchre, and was cheered by thousands of Christians who were on pilgrimage to the Holy Land, where Madame Ouni Abdul Hadi, a Moslem member of the Women's Executive, delivered a speech before Christ's Tomb, in which she said :

"Yesterday Lord Allenby, the Commander-in-Chief of the British Armies in Palestine during the Great War, arrived in Jerusalem. It will be recalled that fifteen years ago this great soldier made his official entry into Jerusalem after its capture by his troops, to whom the Arabs rendered their ready assistance. The Arab women still recall the Proclamation which was made by Lord Allenby, and his appeal to the Arabs to join his forces against the Turks for their liberty and independence, but they have seen the extent to which the British have violated their pledges, divided their country and enforced a policy on the people during the last fifteen years, which will inevitably result in the annihilation of the Arabs and in their supplantation by the Jews through the admission of immigrants from all parts of the world. To-day we stand in the Holy Sepulchre, before the Tomb of Christ, and denounce before God and man, on the occasion of Lord Allenby's visit to Palestine, the calamities

* This speech was delivered by the author.

which have befallen the Arabs in this country and the sufferings which they underwent in consequence of the unjust British policy. We wish to remind this Great Soldier of the British pledges and of the blood which the Arabs shed in response to his appeals.

The Arab women of Palestine trust that Lord Allenby will not be forgetful of these facts during his stay in Palestine, the Holy Land, and will convey to the British nation the message which is given to him to-day by those now present in this Holy Place, who represent the mothers, sisters and daughters of those who fell victims of the British policy and of the unfair treatment extended by the British Government to the Arabs and their failure to keep their promises to them."

This demonstration had its desired effect in stimulating public opinion. It was received by the Arab people as an expression of their general feelings. The details of this expressive demonstration, unique in the history of Palestine, and the reasons which called for it, must have been sufficiently stated to these British statesmen, and if any of them were to read this book he would find for himself the reasons which prompted the Arabs with much reluctance to extend such a reception to the late Lord Allenby and to boycott the opening of the Y.M.C.A., and would I am sure feel sorry for the manner in which his Government has dealt with this nation.

CHAPTER VI

ARAB WOMAN'S BID FOR PEACE

PALESTINE is, perhaps, the only country which is designed to inspire a message of peace. It is held in deep veneration by followers of the three Great Faiths. From it many a prophet gave his message to the world. To many millions of the Christian faith in the East and West Palestine is considered as the most precious of all religious sanctuaries. It contains the Holy Sepulchre and the Church of the Nativity and many other places of sanctity with which the name of Jesus Christ is associated. By the Moslems it is held in no less veneration. It contains the second of the three great mosques in Islam, and the faces of the faithful are turned to it in prayer five times a day.

A country with such characteristics should serve as a centre of culture and knowledge and inspire peace amongst all men. It is unfortunate that this unique position by which Palestine is blessed has been a cause of continual unrest to its population. For centuries Palestine was the subject of competition between European Powers, each one endeavouring to obtain wider concessions or more liberal privileges from the Sultan. It is this position perhaps, amongst other factors of strategic importance, which moved the Allies during the Great War to organize a special campaign for its deliverance from the Turks which ended with its occupation.

But has such occupation and the Administration which was set up thereafter under the British Mandatory assisted in securing the maintenance of peace in the Holy Land ? It would be a repetition to state the reasons which have made Palestine a scene of continual unrest and repeated disturbances. It suffices here to say that during a period of less than eighteen years since the British Occupation no less than four sweeping riots have taken place, the last of which, in April, 1936, culminated in considerable loss to life and property. Indeed, in no other land in the world does one feel so unsafe or insecure as in Palestine, not owing to the insufficiency of forces to maintain public security, for such exist in large numbers, but because a riot is liable to take place for the smallest reason and might be accompanied by acts of violence on either side, irrespective of the consequences.

This state of uncertainty derives its origin from the peculiar circumstances under which the country is now placed. It is due in no small measure to the attempts which are being made to establish a National Home for an alien race in a country which is already populated.

The contribution made by the Arab women to the dis-closure of the evils of such policy has not been insignificant. Their efforts to secure an undisturbed future have been continuous. They directed their endeavours to one end : to remove all causes of unrest and bloodshed, and in that they made their message quite clear.

In their appeal for peace and the protection of the rights of their nation they wish to rely upon the unfailing support and co-operation of the true citizens of all nations, so that this Holy Land will be once again the birthplace of everything that is good and noble.

BOOK TWO

THE PALESTINE PROBLEM

CHAPTER VII

THE ARAB CASE IN PALESTINE

PALESTINE before the War formed part of the Ottoman Empire. It covers an area of 10,000 square miles. Its population at present is estimated at 1,350,000, compared with 1,035,821 according to the Census of 1931.

Before the War its population was estimated at 850,000. Apart from the 60,000 Jews who, according to recent estimates, were living in the country before the War and the small minority of foreign Christians, the overwhelming majority of the population was Arab: Moslem and Christian. For 1,300 years Palestine was administered by the Turks, the Arabs retaining, nevertheless, their national entity. Like almost all other peoples who were under the Ottoman rule, the Arabs in Palestine enjoyed a large measure of self-government. Administrative councils, in which the elective principle was recognized, existed in the chief towns and under the chairmanship of the Governor (*Mutassarif*), who in many cases was an Arab.

For administrative purposes the Empire was divided into *Vilayets*, *Mutassarifias*, *Kazas* and *Nahias*. The *Nahia* was the smallest administrative unit. According to this organization, Palestine was divided into three *Mutassarifias*, namely, Jerusalem, Nablus and Acre, but, owing to its special religious significance, Jerusalem was

accorded a special privilege. It was considered a *Vilayet* and, as such, dealt directly with Constantinople, and not through the *Vila* of Beirut.

The revolution which swept the Ottoman Empire in 1908, as an attempt to overthrow the despotic rule of Sultan Abdul Hamid, culminated in the forcible grant of a Constitution by the Sultan. The Young Turks' Society, which by then gained considerable power, succeeded in establishing a parliament, to which Palestine returned six members: three representing the *Mutassarifah* of Jerusalem, two the *Mutassarifah* of Acre, and one the *Mutassarifah* of Nablus. In addition, Palestine had municipal councils elected by the people for the administration of their internal and local affairs. These councils the Turks inherited from the Arabs, as a somewhat similar system, which was known as *Hisbah*, existed long before that date under the Arab rule,* but their inception could not be traced to any date earlier than the latter half of the nineteenth century. The Turks were liberal in establishing these councils, with a concealed intention of checking a tendency of separation which had found its way to the hearts of the Arabs.

This tendency existed, in fact, previous to the grant of the Constitution of 1908. The Arabs had already formed secret societies in many important Arab centres to consolidate their efforts and to strengthen the ties of nationalism between them, as a step towards their ultimate separation from the Turkish Empire. In these movements the Arab Christians, like the Moslems, were directly associated.

Secret meetings were continually held in Beirut, Damascus, Jerusalem and Baghdad. Even in Paris and

* "Khutat Al Sham," by Muhammad Kurd Ali, Vol. V, pp. 136 *et seq.*

other European capitals meetings and conferences were held for the purpose of co-ordinating measures which would insure success.

The "Fata" Society, an influential Arab body, was established by Arab leaders in Paris, and transferred its headquarters to Damascus at the beginning of the Great War. This society included amongst its members many ardent and influential Arabs, who were preparing and waiting for a suitable opportunity to revolt against the Turks.

When Sherif Hussein discerned the seriousness of this movement and realized the national aims of the "Fata" Society, he at once instructed his son Feisal, who was on his way on a visit to Constantinople, to meet in Damascus some of the leading members of this Society and ascertain to what extent the national movement had affected the Arab people in Syria. Soon after Feisal arrived at Damascus, a meeting was held at the residence of the late Atallah Pasha Al-Bakri, the host of the Amir, which was attended by many members of "Al Fata" Society from all parts of Syria, including Palestine. Then and there Feisal was assured that the Arab people were prepared to revolt against the Turks under the guidance of Sherif Hussein and his sons.

A programme for future activities was planned and the various branches of the Society were secretly informed of the support which Sherif Hussein and his sons were prepared to give to an Arab revolt. It was decided that the revolution should have as its aim the establishment of an Arab kingdom to include Hijaz, Iraq and Syria, which included Palestine, under the sovereignty of Sherif Hussein, as King of the Arabs.

Inspired by his impressions at Damascus, Feisal de-

manded during his visit to Constantinople, as a pretext, that the Turkish Vali of Hijaz, who was undesirable to his father, be withdrawn and that Hijaz be recognized as an independent administrative unit under the rule of his father. But, in order to throw dust in the eyes of the Turks, he agreed that the Military Command in Hijaz be retained by the Ottoman Government, and that court judgments should continue to be pronounced in the name of the Sultan. The Turks, however, not completely unaware of the underlying object of such a demand, returned to Feisal not a negative but a diplomatic reply. The question of recognizing Hijaz as an independent unit, Feisal was told, would be seriously considered after the War.

On his return from Constantinople the Amir passed through Jerusalem, where he was royally met. From the speeches which were made in his presence, and through his private conversations with the leaders, the Amir realized that the Arabs of Palestine were equally aggrieved and similarly prepared to take arms against the Turks when the opportunity offered itself. When he reached Damascus, another secret meeting of the "Fata" Society was held, at which he made a large contribution of money in furtherance of the Arab cause. Feisal thereafter returned to Mecca and conveyed to his father the result of his mission.

When the preparations for the Turkish campaign against the Suez Canal were in full swing, Jamal Pasha, Commander-in-Chief of the Turkish Army in Syria and Palestine, insisted upon the mobilization of soldiers from Hijaz. In order not to arouse the suspicion of the Turkish authorities, who by then began to suspect his movements, Sherif Hussein sent some fifty leading sheikhs of Mecca, headed by his son Feisal, as the first contribution.

For nearly five months Feisal remained in Damascus in continual touch with Arab leaders, although he was placed under strict supervision by Jamal Pasha. During that period charges of treasonable acts were made against many leading Arabs, and after a *pro forma* conviction by a court-martial they were publicly executed in the important public squares in Beirut and Damascus. These atrocities had the effect of increasing the indignation of the Arabs and of stimulating their efforts for a general revolution.

It is noteworthy that the Arab leaders who met their death at the hands of the Turkish commander were loyal to the Arab cause until the end. Though facing the penalty of death, they refused to disclose the names of other members of the Society. The least reference to the association of Feisal with this Society would have inevitably resulted in the loss of his life. Fearing the results, Feisal succeeded in convincing Jamal Pasha of the necessity of proceeding to Medina at the head of a deputation to meet his brother, Amir Ali (subsequently King of Hijaz), who was coming at the head of a small detachment of volunteers.

When Feisal arrived at Medina, he pretended that it was necessary for him to overstay the other members of the deputation in order to arrange for the transport of the troops, and agreed with Nesib El Bakri, an Arab member of the deputation, on the manner in which they would exchange messages as to the date on which the revolution should start simultaneously in Hijaz and Syria.

A PLEDGE OF A GREAT NATION

At this stage negotiations were proceeding on the other side between Sherif Hussein and Sir Henry MacMahon, British High Commissioner in Egypt. It will be remem-

bered that the Arabs in almost every Arab country were directly associated with the preparation for a general Arab revolution against the Turks long before negotiations were commenced between Cairo and Mecca.

These negotiations, which continued for a considerable time between the British Government, through its High Commissioner in Egypt and Sherif Hussein, ended with the conclusion of an agreement between both parties in January, 1916. Under that agreement, which formed the basis of the *rapprochement* between the Arabs and the British people, the British Government definitely pledged itself to assist in the formation of an Arab empire which, according to the interpretation attached to it, was to include Palestine, Syria and Iraq. It is true that the correspondence which was exchanged between both parties was never published officially, yet such parts as were made public have not been denied. Article I of this agreement, which deals with this point in particular, reads :

“The British Government agree to help in the formation of the Arab Empire completely independent in its internal and foreign affairs, bounded on the East by the Red Sea, the Egyptian Frontier and the Mediterranean, and on the north by the boundary lines of the two Vilayets of Aleppo and Mosul to the Euphrates and Tigris and down to the Persian Gulf. The colony of Aden shall not be included in this State.”

Interpret it as you may, this Article definitely includes Palestine. It cannot be argued that this agreement was superseded. The Sykes-Picot Agreement of May, 1916, under which Syria was recognized as a sphere of French influence, and Iraq as a sphere of British influence, was not made known to King Hussein, who was a principal party to

the first agreement of January, 1916, and could not be considered as binding.

Acting under the influence of the Hussein Agreement and other inducements, the Arabs in general took arms against the Turks and contributed materially to the victory of the Allies. It is a matter of surprise to the Arabs of Palestine that such a writer as Mr. Philip Graves should allow himself to ignore the part played by them in the Palestine campaign. In a book which he recently published Mr. Graves refers to this matter in the following terms :

"Most annoying to anyone who has served with the British and Sherifian forces in the Palestine campaign, are the pretensions of the Arabs of Palestine to have rendered important military services to the Allies in the Great War. Many of the Hijazians and Transjordanians . . . played their part right well under the inspiring leadership of Amir Feisal and Colonel T. E. Lawrence." *

Such a statement, based, as it appears, on a biased personal assumption, is unwarranted. It is definitely refuted by the conclusions of the Military Court which was appointed to enquire into the disturbances at Jerusalem in April, 1920. This Military Court concluded that :

"The general result of this (i.e., the *rapprochement* effected with King Hussein in 1915) was to convert any feeling the population (and this is true of the Christian population as well as the Arab majority) may have had in favour of the Turks into one of friendliness towards the British Occupation. There is no question but that this was encouraged during the War by every kind of propaganda available to the

* "The Land of Three Faiths," by Philip Graves (London, 1932).

War Office. For instance, they were promised in pamphlets dropped from aeroplanes peace and prosperity under British rule. As late as June, 1918, active recruiting was carried on in Palestine for the Sherifian Army, our Allies; the recruits given to understand that they were fighting in a National cause and to liberate their country from the Turks. These men, it is believed, actually took part in the offensive against the Turk. The tendency of the evidence is to show that, in spite of the fact that nothing had been said about Palestine being included in the Hijaz Empire, and the fact that the Balfour Declaration had been published in 1917, the real impression left upon the Arabs generally was that the British were going to set up an independent Arab State which would include Palestine."

It is now no more a denied fact that the Arabs of Palestine responded readily to the appeal which was made to them. They joined the Sherifian army in the same way as in the other Arab territories. A Palestinian Arab had reached the high military rank of colonel in the Sherifian Army.

That the Arabs took up arms against the Turks in order to obtain independence may be evidenced from the following extract from a proclamation issued by King Hussein :

"The Arab Kingdom has been for a long time in bondage to the Turks, who have killed your brethren and crucified your men, and deported your women and families, and have altered your religion. How then can you stand this and bear the bitterness of continuing with them and agree to assist them? Come and join us who are labouring for . . . the freedom of the Arabs, so that the Arab Kingdom

may again become what it was during the time of your fathers."

"The Arabs argue," to use the words of the Shaw Commission, "that if these proclamations and appeals did not constitute a pledge, then they were a deception practised in the moment of her need by a great nation upon the credulity of a trusting and confiding people." *

The Arabs carried out their part gallantly in driving the Turks especially from that part on the eastern side of the Jordan in order to protect the right wing of the British Army which was operating in Palestine. It can be safely asserted that, had it not been for the assistance which they rendered to the Egyptian Expeditionary Force, both through the organized Arab Army, under the command of Feisal, and through the rural population, who gave every facility to the advancing British Army, the fate of the Palestine campaign would have been different.

The result of the revolution, however, was heartbreaking to the Arabs, especially in Palestine and Syria. It culminated in the creation of many so-called Arab kingdoms and States, chiefly through French or British design. In Syria three or four different States were set up, while Palestine was made a National Home for the Jews.

From the outset such parcellation was considered as repugnant to the Arabs and their cause, and strongly resented by them. They sent their delegation to the Peace Conference, through the person of the late King Feisal, to plead the justice of their cause. It seems, however, that the fate of the Arabs of Palestine was in the balance, as at that time the question of the declaration which was made by the British Government to the Jews, and which has

* Report of the Shaw Commission, pp. 126-27.

since been known as the Balfour Declaration, proved, amongst other things, an obstacle to the realization of the Arabs' national hopes.

When, however, the Zionist policy was made fully known in Palestine, the political future of the Arabs appeared to be quite uncertain. What would the future be, they asked, if they were outnumbered by the Jews and a Jewish majority was established through immigration? How far would it be possible to safeguard their rights and position, which were supposed to be guaranteed by the second part of the Balfour Declaration?

Did not the Arabs as a whole, it was argued, take up arms against the Turks, their co-religionists, for a common cause? Did they not respond freely and willingly to proclamations which were dropped down by British aeroplanes over the signature of King Hussein, appealing to them to desert the Turkish Army and join the British forces? Were they wrong in expecting that, after making such a sacrifice in men and property, they would be able to enjoy the privileges of free citizens as members of an independent kingdom? There is no doubt that such expectations were entertained by every Arab. The Arab Kingdom was to the cultured as well as to the common people a reality, and no longer a dream.

ARABS APPEAL FOR FREEDOM

In the midst of this political tumult an All Palestine Arab Congress was immediately convened to consider the situation. The Peace Conference in Paris was still in session, discussing the question of Mandates. Reports were current that the Peace Conference intended to entrust the Mandate over Palestine to Great Britain, on the under-

standing that it would undertake to establish a Jewish National Home on the basis of the Balfour Declaration.

This Congress was actually held at Jerusalem on the January 31st, 1919. It was presided over by the late Aref Pasha Dajani, a leading notable of Jerusalem, and a man of long and admirable career in the Civil Service of the Ottoman Empire ; and its deliberations ended in the adoption of the following resolution, which was immediately communicated by cable to the Peace Conference :

“The Arab inhabitants of all parts of Palestine, including the Lewas of Jerusalem, Acre and Nablus, Moslem and Christian, now represented by their accredited delegates at this Congress, held in Jerusalem, having been made aware of an alleged promise given to the Zionist Jews insuring for them the establishment of a National Home and free immigration and settlement, reject categorically and unreservedly such declaration in respect of which they were not consulted.

They further consider such declaration as repugnant to the aspirations which they entertained as an outcome of the War, in which they shed their blood in furtherance of the cause of their independence, freedom and unity ; and prejudicial to their national, political and economic interests.”

On the following day, February 1st, 1919, the Congress issued the following, now historical, declaration, which was similarly conveyed to the Peace Conference :

“The principles which were propounded by President Wilson and accepted by the Great Powers as the basis for the conclusion of peace provide for the liberation of the peoples who were under the Turkish rule and for the revocation of every secret Agreement

made during the War. Accordingly every nation was given the option to choose the form of government most suitable to its needs. These principles, which were adopted by the representatives of the Great Powers, prompt us, we the undersigned, delegates of the various towns of southern Syria, commonly known as Palestine, to submit this Declaration to the Peace Conference on behalf of the Arab inhabitants of this country, Moslem and Christian, of nearly one million in number, as an expression of their hopes and aspirations with regard to the future of their country and its destiny. Placing our full confidence in the Peace Conference and trusting that you will recognize our aspirations :

(i) We demand that Palestine be considered as an integral part of Syria, from which we were never severed, and with which we are united in race, religion, language and economics.

(ii) We declare that the statement made by the Foreign Minister of the French Republic in his address on December 29th, 1918, to the effect that France has a right of possession of part of our country derived from the wishes of the people, is completely unfounded. Our only aim is to have an Arab unity and complete independence ;

(iii) In view of the above, we ask that our territory, Palestine, be attached to the Independent Arab Government of Syria within an Arab Union, free from any foreign influence or protection.

(iv) In accordance with the principles propounded by President Wilson and accepted by the accredited representatives of the Great Powers, we consider that

every promise (reference is here made to the Balfour Declaration) or treaty which was given or made with regard to our country and its future as null and void and unenforceable."

It will be remembered that at the suggestion of President Wilson at the Peace Conference held at Versailles in June, 1919, it was decided that a plebiscite should be taken in the countries which were detached from Turkey, with a view to ascertaining the true wishes of the people as to the form of Government acceptable to them, through an International Commission. The Government of the United States of America, Great Britain and France were to be represented on this Commission. It appears that at the last moment the British and French Governments decided not to nominate their representatives. Eventually a Commission wholly composed of American members, headed by Mr. Crane, proceeded on this Mission. Before its arrival the Arab Government, which had already been established in Damascus, on the request of Amir Feisal, convened a general Congress to discuss and formulate the demands of the people of Syria, including Palestine, which should be conveyed to the Commission, and to prepare a draft constitution.

THE CONGRESS OF DAMASCUS

This Congress was actually held on July 2nd, 1919, at Damascus, under the Presidency of Mohammed Fouzi Pasha Al Adem, and attended by Syrian and Palestinian delegates. The lengthy and heated deliberations of the sessions resulted in the adoption of the following resolutions:

"We the undersigned, now assembled at Damascus, in the form of a general Syrian Congress, as accredited

representatives of the peoples of the Southern, Eastern and Western territories, Moslem, Christian and Jews, resolve at this meeting held on Wednesday, July 2nd, 1919, that this Memorandum embodying the demands of the people, whom we represent, be laid before the American members of the International Commission.

(i) We demand complete political independence for our country, Syria, which is bounded on the north by the Taurus Mountains, on the south by Rafah and the line passing from the south of Al Jauf to the Syrian Aqaba and Hijazian Aqaba, on the east by the Euphrates River, Al Khabour, and a line running from a point to the east of Abu Kamel to an eastern direction from Al Jauf, and on the west by the Mediterranean Sea, provided that such independence be not subject to any protection or mandate. (These boundaries include Palestine.)

(ii) We demand that the Government to be established in Syria should be monarchical, extending to all the provinces, on the basis of a wide system of decentralization in which the rights of the minority will be fully protected, and that Amir Feisal, who struggled for the liberation of this nation, and consequently won our confidence, be proclaimed as King over us.

(iii) As the Arab people of Syria are not lower in civilization than any of the more advanced nations, or less civilized than the people of Bulgaria, Serbia, Greece or Rumania as far as their claim to independence is concerned, we protest against Article 22 of the Covenant of the League of Nations, whereby our country was included amongst the countries to be administered under Mandate.

(iv) In the event of the Peace Conference refusing to accept these just demands for reasons of which we are unaware, then, having due regard to President Wilson's declaration, we ask :

That the Mandate system, for which provision is made in the Covenant of the League of Nations, should be limited to assistance in technical and economic affairs and should not affect our independence.

Further, being fully anxious to ward off the dangers of colonization and fully confident that the American people are averse to the theory of colonization and have no political designs in our country, we ask that such technical and economic assistance be rendered to us by the Government of the United States of America, on the understanding that nothing will be done which will prejudice the complete independence and unity of our country, and, further, that the duration of such assistance will not exceed twenty years.

(v) In the event of the Government of the United States finding herself unable to accept this mission, we ask that such assistance be given to us by Great Britain on the understanding that nothing will be done which will affect the complete independence and unity of our country, and further that the duration of such assistance will not exceed twenty years.

(vi) We do not admit that the French Government has any claim to any part of our country, Syria, and we do not accept that such assistance be rendered to us through France, or that France should have any hand in the administration of our country in any way whatsoever.

(vii) We condemn the demands made by the Zionist

Jews that the southern part of our country, i.e., Palestine, be made a National Home for the Jews, and that Jews be allowed to immigrate to any part of our country, as they have not the least claim thereto and their immigration is extremely dangerous to our people and will prejudice our economics, nationalism and political structure.

As regards our brethren the Jews, who originally inhabited the country, they shall have the same rights and be subject to the same obligations as ourselves.

(viii) We demand that the southern part of Syria, which is commonly known as Palestine, and the coastal Arab territory which includes Lebanon, be not separated from Syria. We further demand that the country be considered as one territorial unit without any division in any manner whatsoever.

(ix) We demand complete independence for Iraq and the non-establishment of any economic barrier between the two territories.

(x) The principal doctrine propounded by President Wilson, whereby all secret treaties are to be abolished, prompts us to protest strongly against any treaty, which aims at the division of our country, Syria, and against any specific promise which would enable the Zionists to take possession of the southern part of our country, and we demand the abolition of such treaties and promises.

Therefore, inspired by the high and noble principles which were enunciated by President Wilson, we are confident that our aspirations will be fully realized, and that President Wilson and the liberal American people will extend to us their support in the realization

of such aspirations, and thus prove to the world the genuineness of their noble intentions towards humanity in general and our nation in particular.

We trust that the Peace Conference will realize that we were moved to revolt against the Turks, with whom we equally participated in all representative, civil and political rights, owing to their trespass upon our national rights, and will consequently assist us to realize our aspirations, so that the rights which we enjoyed before the War, after shedding so much of our blood in the cause of our liberty and independence, will not be decreased or violated.

We further demand that we may be allowed to send a delegation to represent us at the Peace Conference in order to defend our established rights and to seek the grant of our demands."

These resolutions were handed over to the American Commission on its arrival at Damascus on July 3rd, 1919, by a deputation of twenty-one members of the Congress, headed by the President.

It must be stated that the Congress was completely representative in character; in Syria, which was then under an Arab Administration, the delegates were elected by the secondary electors of the Ottoman Parliament, while in Lebanon and Palestine, which were under the French and British Military Administrations respectively, the delegates were nominated by societies and political bodies, enjoying general and unanimous public support. The importance which should be attached to these resolutions cannot be too much emphasized.

The American Commission spent forty-two days in its mission, of which fifteen days were spent in Palestine.

During its tours it received 1,836 petitions and heard many representative bodies. About 74 per cent. of the petitions were categorically opposed to the Zionist policy, the rest being of Jewish origin. In general the demands of the people were in favour of a united Syrian State, failing which an American Mandate, or as an alternative a British Mandate limited to technical advice and assistance.

Whatever was the nature of the conclusions and recommendations of the Commission, its report was never officially published nor acted upon. When it arrived at Paris in September, 1919, to submit its report, the Commission found that everything had already been changed.

In complete defiance of the wishes of the people, the Peace Conference ultimately decided to place Palestine, Syria and Iraq under the Mandate system.

In the adjourned Conference which was held at San Remo in April, 1920, the Mandate over Palestine was assigned to Great Britain and over Syria, to the French Republic, and what hopes were entertained by the Arab people in these territories were completely frustrated.

CHAPTER VIII

THE BRITISH MANDATE

THIS step had the effect of increasing the tension in Palestine. The Arabs were led to believe that they were being sacrificed to the Jews by the British Government in consideration for some help which they received from them during the War. The Balfour Declaration, which was to be the deciding factor in the constitution of the Administration under the Mandate, was to them a fatal blow.

From the outset the Arabs felt that the introduction into their country of an alien Jewish element, which has proved to be a strong economic competitor to other nations amongst whom they lived, would no doubt be the cause of continual racial conflicts. They realized that, in their attempt to establish themselves in a new country, already populated, the Jews would eventually undermine the foundation of the Arabs' national structure. Land, which is in this country the main source of living to the majority of the Arab people, would by the process of time be alienated, as without land there cannot be a National Home. It was feared that the Jews, owing to their financial resources, would succeed in obtaining the upper hand in all matters affecting the development of the natural resources.

These considerations, amongst others, engaged the serious attention of the Arab people, who left no stone unturned in their attempt to show the injustice which was

being done to them. Notwithstanding the fact that they were definitely severed from Syria, where a French Mandate was already in existence in Lebanon, and an Arab regime established in Syria, the Arabs of Palestine were inclined to ignore these facts and continued to demand that Palestine be considered as part of Syria.

This tension was given expression in the first riot which broke out in Jerusalem in April, 1920, and later in the disturbances at Jaffa which took place in May, 1921.

On March 7th, 1920, about one month before the Jerusalem riots, the Syrian Congress held a further session in Damascus, which was attended by delegates representing Lebanon, Palestine and Syria, and at which Amir Feisal was proclaimed King. The Military Administration existing in these three territories was declared to be substituted for a democratic Government, responsible to the Congress, until such time as the Government was able to convene an elected representative council, with the proviso that these territories should be administered under a system of decentralization.

The Congress appealed to the Allies to recognize this declaration of independence and to withdraw their military forces from the territories affected. It is stated that British and French representatives and Consular officers were present at the ceremony of the Proclamation of Feisal as King.

Whether or not the Allies gave any consideration to the wishes of the people, as expressed in this historic resolution, is a matter which must be determined in the light of the events which followed.

Shortly afterwards, on July 28th, 1920, King Feisal was forced to leave Damascus, and the Administration was



A DEMONSTRATION IN JAFFA

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taken over by the French authorities. The failure of the Arabs to prevent the fall of the Government which they established in Syria, against French military forces and pressure, had the effect of discouraging the Arabs in Palestine and led them to despair.

In order to make their position clear, a general Congress for Palestine was convened at Haifa, which has since been known as the Third Palestine Arab Congress. The resolutions which were adopted at that congress were successively confirmed by the four other congresses which were held subsequently.

THIRD PALESTINE ARAB CONGRESS

This Congress, historical as it was, was attended by representatives from almost all parts of the country, Moslem and Christian. It was held at Haifa on December 13th, 1920, under the presidency of the late Musa Kazem Pasha Husseini, and, in view of the importance which has since been attached to the resolutions adopted by it, I quote those resolutions in full :

“ This Palestine Arab Congress, lawfully representing all classes and creeds of the Arab people of Palestine, is now convened at Haifa on this the 13th day of December, 1920,

Basing itself on the Treaty entered into between Great Britain and her ally, His Majesty King Hussein, King of Hijaz, in 1915, and on the declarations made by the head of the various Governments of the Allies to the effect that the peoples who were severed from the Turkish Empire should have the right to determine their future and to choose the form of Government most suitable to them,

Demands of the British Government in the name of international honour and humanity, and in the name of the Moslem and Christian faiths, to embark on the establishment of a National Government in Palestine responsible to a representative council, to be elected by the Arabic speaking people who were living in Palestine at the outbreak of the Great War, on the same lines and principles which are being applied in Iraq and Transjordan, in furtherance of the friendly relations which long existed between Great Britain and the Arab Nation,

The Congress, being fully confident that these just demands will receive favourable consideration, desires to confirm that any delay in their execution will mean the continuation of the present undesirable situation, the increase of the disappointment of the Arab people, and the incurrence of exorbitant expenditure on the maintenance of internal and external peace.

Further, the Congress, speaking in the name and on behalf of the Arab people, declares its dissatisfaction with the present form of Government in that it does not satisfy their wishes and fails to safeguard their interests for various reasons, the most important of which are the following :

(a) Government exercises the power of legislation without a representative Council and before the final decision of the League of Nations is given.

(b) Government recognizes the Zionist organization as an official body.

(c) Government proceeded with the application of the Zionist policy by allowing the admission of Zionist immigrants, recognizing the Hebrew language as an

official language and permitting the use of the Zionist flag.

(d) Government established an Advisory Council in a false attempt to show that there exists in Palestine a council with legislative powers representing the population.

(e) Many Jews of standing in Zionist circles were appointed to various offices of Government, although Palestine, the Holy Land, belongs to the Christian and Moslem worlds, and the administration of its affairs should not be entrusted to non-Moslems or non-Christians."

To recapitulate, this representative Arab Congress laid down the following National doctrines, from which the Arabs have not since deviated :

- (i) The condemnation of the Zionist policy which embodies the establishment of a National Home for the Jews, based upon the Balfour Declaration.
- (ii) The non-acceptance of the principle of Jewish immigration.
- (iii) The establishment of a National representative Government.

Before the Congress was adjourned an Executive Committee, under the presidency of Mousa Kazem Pasha Husseini, Chairman of the Congress, was elected and entrusted with the execution of the resolutions until such time as a future congress is convened.

It is a fact, however, that no serious consideration appears to have been given to these resolutions by the Mandatory Power, either in Palestine or in London.

In August of the same year the Mandate over Palestine was entrusted to Great Britain in accordance with the

terms of the Treaty of Sevres. It will be interesting to quote here Article 95 of that Treaty, which has a direct bearing upon this question. It reads :

“The High Contracting Parties agree to entrust by application of these provisions of Article 22, the Administration of Palestine within such boundaries as may be determined by the principal Allied Powers to a Mandatory to be elected by the said Powers.

“The Mandatory will be responsible for putting into effect the declaration originally made on the 2nd of November, 1917, by the British Government and adopted by the other Allied Powers in favour of the establishment in Palestine of a National Home for the Jewish people, it being clearly understood, that nothing shall be done that may prejudice the civil and religious rights of the existing non-Jewish Communities in Palestine. . . .”

Although Syria and Iraq were Ottoman territories similarly detached from Turkey, yet special provisions were made for their administration. Article 94 of the same Treaty, which deals with these territories, lays down :

“The High Contracting Parties agree that Syria and Mesopotamia shall in accordance with the 4th paragraph of Article 22, Part I of the Covenant of the League of Nations, be provisionally recognized 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.”

Both these two systems of Mandate were based on paragraph 4 of Article 22 of the Covenant of the League of Nations, which reads in part :

“Certain communities formerly belonging to the

Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such a time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."

A comparison between these two Articles, which derive their authority from the same Article of the Covenant, will reveal an inherent contradiction between them. The people of Iraq and Syria were provisionally recognized as independent nations, while in the case of Palestine the Allied Powers entrusted the Administration thereof to a Mandatory. No reference was made to the state of independence which Palestine had reached, although, the Arabs assert, when Article 22 of the Covenant of the League of Nations was made, provisional recognition of Palestine as an independent nation was ensured subject, of course, to the rendering of administrative advice and assistance by a mandatory. The reasons which must have actuated the Allied Powers to place a different construction upon this Article is expressly stated in Article 95 of the Treaty of Sevres, which makes the Mandatory "responsible for putting into effect the Declaration originally made on the 2nd of November, 1917, by the British Government." It is clear, therefore, that, were it not for this Declaration, Palestine, like Syria and Iraq, would have been recognized as an independent State subject to administrative advice and assistance by a Mandatory Power it is able to stand alone.

Even Article 22 of the Covenant of the League of Nations as it stood was not received with satisfaction by the Arabs.

It will be remembered that at the Congress held in Damascus on July 2nd, 1919, the resolutions of which have been quoted, serious objection was made to its terms.

Notwithstanding the obligation laid down in Article 22 of the Covenant, that the wishes of the people should be a principal consideration in the selection of the Mandatory, the British Mandate was *imposed on the Arabs without their consent*.

A LEGAL VIEW

It has been the considered opinion of Arab statesmen that the terms of the Mandate were repugnant to the principles laid down in Article 22 of the Covenant, and therefore *ultra vires*. On this important point the Arabs' argument runs as follows : *

“The Mandate for Palestine was issued by virtue of Article 22 of the Covenant of the League of Nations, and especially of paragraph 4 thereof.

This is clear from the preamble of the Mandate, which reads in part :

‘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. . . .’

It is clear that the fundamental authority on which the Mandate was based is paragraph 4 of Article 22 of the Covenant.

It is also clear that the provisions of the Mandate

* From a memorandum by the National Defence Party.

cannot be repugnant to the basic authority on which it is based, similar to the proposition that no law or Ordinance can be repugnant to the terms or provisions of the Constitution of the State which enacts it.

Many provisions of the Mandate are, in fact, repugnant to the provisions of Article 22 of the Covenant, under which Palestine's existence as an independent nation was provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory.

Article 1 of the Mandate gives full powers of legislation and administration to the Mandatory Power. Such powers cannot come within the term 'Administrative advice and assistance.'

Article 2 of the Mandate entitles the Mandatory to 'secure the establishment of the Jewish National Home,' which power does not come within the term referred to, and is inconsistent with Article 20 of the Covenant of the League of Nations, under which members of the League severally agreed to accept the Covenant as 'abrogating all obligations or undertakings *inter se* which are inconsistent with the terms thereof. Such obligations or undertakings should include the Balfour Declaration of November 2nd 1917, which was ratified and embodied in the preamble of the Mandate, which is an obligation inconsistent with the terms of the Covenant of the League of Nations, especially of paragraph 4 of Article 22, which gives Palestine provisional independence.

Article 3 of the Mandate is also repugnant to Article 22 in that local autonomy need not be encouraged, but the Article should be so worded as to

provide for provisional independence in accordance with the terms of Article 22.

Articles 4 and 5 also give certain powers to the Mandatory and to the Jewish Agency which are repugnant to the principles referred to above.

Articles 9, 12, 15 and 16 give power to the Mandatory which does not come within the term 'Administrative advice and assistance.'

In general the Mandate as a whole, in letter and in spirit, vests powers in the Mandatory Power, which by law and by virtue of the authority on which it was based cannot be conferred, and their inclusion in the Mandate is *ultra vires*."

Dealing with Article 2 of the Mandate, for the purpose of this discussion it would appear that this Article makes the Mandatory equally responsible "for the development of self-governing institutions, and also for safeguarding the civil and religious rights of all inhabitants of Palestine, irrespective of race and religion."

IRRECONCILABLE OBLIGATIONS

Two distinct obligations are imposed upon the Mandatory which are by no means reconcilable: the creation of a Jewish National Home, which the Jews assert is the primary obligation under the Mandate, and the safeguarding of the civil and religious rights of the other communities, which the Arabs assert are fundamental and should not be affected.

It has been suggested that, in order to fulfil the first part of this obligation, the British Government has failed, rather wilfully, to establish self-governing institutions. This suggestion is strengthened by the fact that for nearly

eighteen years the country has been administered without any elected legislative body.

The position is that, from an Arab point of view, the Mandatory Power is deemed to have failed to carry out the obligations imposed upon it by the Mandate, although the Arabs have never accepted this instrument as binding upon them. Their hopes in the Mandates Commission as an international body constituted to supervise the working of the Mandate are shaken, if not altogether withdrawn. The procedure of submitting annual reports to the Commission under Article 24 of the Mandate has proved to be of little or no value to the Arabs. In most cases, the Commission found it sufficient to state that it could not consider matters which are inconsistent with the terms of the Mandate. But, granted that the working of the Mandate has proved to be, as it actually did, prejudicial to the rights and position of the Arab people, the question may be asked whether in that case it should continue to be enforced by the League of Nations, without any modifications or alteration.

The function of the League of Nations as far as the Palestine Mandate is concerned has been reduced to the confirmation of the acts of the Mandatory. It has not been able to ward off any of the dangers which threatened the Arabs, or to remove any of the causes of their grievances, which have been repeatedly put before it.

The Mandate is a temporary measure. It was to continue until such time as the people were able to stand alone. But it does not appear that this view is held by the Mandatory or by the Jews. The Jews' aim is that the Mandate should continue until such time as the Jewish National Home is established. But when such home would be

completely established no one seemed to know. Even Mr. Sacher, a leading Jewish English lawyer, and at one time Chairman of the Jewish Agency, was of the opinion, in his evidence before the Shaw Commission, that the British Mandate should be maintained indefinitely.*

Great Britain is under an obligation of a dual nature, negative on the one side and positive on the other. She is required to administer the country as a trust on behalf of the League of Nations, and not to assume therein an administration of a colonial nature. In fact, the Administration of Palestine is actually under the direct supervision of the Colonial Office, and the country is considered and treated as a colony to all intents and purposes. Whether this is consistent with the Mandate is a matter for the League of Nations to decide. It is difficult to say whether the Mandates Commission has found it necessary at any time during the eighteen years of the administration of the Mandate to inquire into this point.

* Minutes of Evidence before Shaw Commission, Vol. II, pp. 789-90.

CHAPTER IX

VIA DOLOROSA

WHILE the Arab revolution was in full swing and the Arab volunteers were doing their brilliant part in contributing to the defeat of the Turkish armies, the British Government had seen fit—perhaps under the pressure of circumstances—to give a declaration which had the effect of determining the future of Palestine. That declaration was given in the form of a letter from Lord (then Mr. Arthur) Balfour, as Foreign Secretary, to Lord Rothschild, as the head of the Jewish community in England, and couched in the following terms :

“ 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 the existing non-Jewish communities in Palestine, or the rights or political status enjoyed by any other community.”

The country was still under a Military Administration when the British Government embarked on the first step of giving effect to this declaration. Upon the representation of the Zionist organization in London the British Government agreed to the despatch of a Zionist Commission to Jerusalem, under the chairmanship of Dr. Ch. Weizmann,

for the purpose of forming a link between the British authorities and the Jewish population of Palestine, assisting in the restoration and development of the colonies, and in organizing the Jewish organizations and institutions in Palestine on the resumption of their activities ; and also collecting information and reporting upon the possibilities of the further development of the Jewish settlements and the country in general.

This Commission arrived in Palestine early in April, 1918, and at once set itself to its task. These movements naturally further aroused the fears of the Arabs.

Later, in the early part of 1920, Sir Herbert Samuel was delegated to Palestine by Great Britain under the disguise of an advisor to the Administration on financial and economic matters, but actually to sound the situation in the country as a prospective High Commissioner. His presence immediately aroused the feelings of the Arabs, as manifested during the celebration of Easter in April, 1920, when the tension became so acute that it resulted in riots which swept over the city of Jerusalem.

During this period Jews were accused by Arabs of being in possession of concealed arms, and of preparing an armament scheme. Mr. Norman Bentwich, late Attorney-General of Palestine, who then held the office of legal adviser to Government, admits that * "certain of the Jews . . . had in fact prepared a scheme of self-defence and obtained firearms for the purpose."

As a measure of calming the already agitated feelings of the Arabs and of ascertaining the causes of these disturbances, the Commander-in-Chief appointed a special Commission to inquire into the causes of the riots. An extract

* "England in Palestine," by Norman Bentwich, p. 39.

from the Report of this Commission has already been quoted, but the Report in full was never made public. Evidently it was not in favour of the Zionist policy. It is unfortunate that the representatives of the principal Allied Powers, who were then discussing at San Remo the terms of peace with Turkey, should have failed to take the conclusions of this Commission into consideration.

The country at this time was passing through an abnormal period. Meetings of representative bodies were held here and there in important centres to discuss the situation. The expectations of the Arabs and the Jews had been raised to a high pitch, while racial feelings were inflamed.

The Jews went so far as to assert, even publicly, that the Balfour Declaration was a pledge by the British Government to set up a joint Government in Palestine with the intention that Palestine might become as Jewish as England is English.

"There were some among the Jews, scattered throughout the world," Sir Herbert Samuel said, "who, inspired by the hopes of two thousand years and filled with enthusiasm at the prospect now opened before them, expected to see immediately a mass movement of the people into what was once again the Promised Land . . . and fervid imaginations saw a rapid occupation of the country by great numbers of Jews, hurrying from the lands in which they were oppressed, *the consequent creation, within a few years, of a Jewish State*, the sudden fulfilment in almost apocalyptic fashion of the most far-reaching of the ancient prophecies." *

* "Five Years' Report," by Sir Herbert Samuel, p. 25.

The Arabs, however, were aware that these views were even entertained by Sir Herbert Samuel and other leading Zionists. Before the assumption of his office as High Commissioner, Sir Herbert Samuel had already expressed his political views with regard to Zionism at a meeting held at a London opera house on November 2nd, 1919, under the auspices of the English Zionist Federation. He said in part, "the policy propounded before the Peace Conference, to which the Zionist leaders unshakably adhere, is the promotion to the fullest degree that the conditions of the country allow, of Jewish immigration and of Jewish land settlement, the concession to Jewish authorities of many of the great public works of which the country stands so greatly in need, the active promotion of Jewish cultural developments and the fullest measures of local self-government, in order that *with the minimum of delay the country may become a purely self-governing commonwealth under the auspices of an established Jewish majority.*" *

THE CIVIL ADMINISTRATION

Subsequent to this visit, Sir Herbert Samuel eventually returned to the country as High Commissioner and assumed office on June 30th, 1920. His appointment does not appear to have been received at the time with satisfaction in British military circles. General Sir Louis Boles, Chief Military Administrator, found it necessary to retire a day before his arrival in order to avoid meeting him. It was natural, therefore, that the Arabs should have received his appointment, professed Zionist as he was, as a constructive step towards the enforcement of the Zionist policy.

There is little doubt that many Jews considered his

* "Zionism, its Ideals and Practical Hopes," by Sir Herbert Samuel, p. 2.



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A DEMONSTRATION IN 1919. THE INSCRIPTION ON THE BANNER READS " PALESTINE IS PART OF SYRIA "

appointment as the foundation of the establishment of a Jewish kingdom. He was addressed by Jews as the "King of Israel," and his name was invariably written in golden ink by the more orthodox Jews. He was occasionally hailed as the Messiah.*

The Arabs' position was at the time rather ambiguous. They were not aware to what extent they could rely upon the second part of the Balfour Declaration, which says "that nothing shall be done to prejudice the civil and religious rights of the existing non-Jewish communities." This part, vague as it appears, was not considered as a sufficient safeguard of the rights and interests of the Arabs. "The country was then," to use the words of Sir Herbert Samuel, "still disturbed by the ground-swell that followed the storms of the War. It had for some years been the scene of the operations of great armies. Villages had been destroyed; the stock of cattle and horses had been depleted; olive trees had been cut down in great numbers for fuel for the Turkish troops and military trains; many orange groves, left without irrigation, had ceased to bear fruit; there was a general air of poverty and depression." †

The Arabs were not aware, or did not at least expect, that the first step of the Mandatory Administration would be to embark on the establishment of the Jewish National Home to the prejudice of their rights and position.

HIS MAJESTY'S MESSAGE

Fearing the consequences of an outburst, the High

* "And when a few days later, in the second Sabbath after his arrival, Sir Herbert Samuel walked down the Mount of Olives to the morning prayer at the synagogue in the Old City, the whole of the Jewish population turned out in the streets and welcomed him almost as if he were the Messiah" ("England in Palestine," by Bentwich, p. 50.

† "Five Years' Report."

Commissioner was provided with a message from His Majesty the King "To the People of Palestine," which it was thought would reassure the Arabs. This message was read out by Sir Herbert Samuel one week after his assumption of office to a representative assembly of all communities, and, although it contained a confirmation of the Balfour Declaration, it continued for some time to be considered by the Arabs as a solemn pledge by His Majesty that their rights would not be infringed. I quote this Royal message in full in view of the importance which has since been attached to it :

To the People of Palestine :

"The Allied Powers, whose arms were victorious in the late War have entrusted to my Country a Mandate to watch over the interests of Palestine and to ensure to your Country that peaceful and prosperous development which has so long been denied to you.

I recall with pride the large part played by my troops, under the Command of Field-Marshal Lord Allenby, in freeing your Country from Turkish rule, and I shall indeed rejoice if I and my people can also be the instruments of bringing within your reach the blessings of a wise and liberal administration.

I desire to assure you of the absolute impartiality with which the duties of the Mandatory Power will be carried out, and of the determination of my Government to respect the rights of every race and every creed represented among you, both for the period which has still to elapse before the terms of the Mandate can be finally approved by the League of

Nations, and in the future when the Mandate has become an accomplished fact.

You are well aware that the Allied and Associated Powers have decided that measures shall be adopted to secure the gradual establishment in Palestine of a National Home for the Jewish People. These measures will not in any way affect the civil or religious rights or diminish the prosperity of the general population of Palestine.

The High Commissioner, whom I have appointed to carry out these principles, will, I am confident, do so wholeheartedly and effectively, and will endeavour to promote in every possible way the welfare and unity of all classes and sections among you.

I realize profoundly the solemnity of the trust involved in the Government of a Country which is sacred alike to Christian, Mohammedan and Jew, and I shall watch with deep interest and warm sympathy the future progress and development of a State whose history has been of such tremendous import to the world."

In his inaugural address which followed, the High Commissioner announced his intention to constitute an Advisory Council, on which the inhabitants of the country would be represented, to consult with the Administration upon questions of legislation.

The country then had no organic law to regulate its administration, and the Mandate was not yet ratified.

The Advisory Council was ultimately convened in October, 1920, and was composed of eleven official and ten non-official appointed members. It continued to exist for

two years, and, though it included prominent Arab members, yet it was not considered representative of the Arabs.

THE PALESTINE CONSTITUTION

In the meantime steps were taken in London for the ratification of the Draft Mandate by the League of Nations, and the framing of a constitution in the form of an Order-in-Council for Palestine. The Mandatory did not find it necessary to consult the Arab people in the drafting of these two constitutional documents, although the Jews were continually kept acquainted with the developments through the Zionist organization in London. The first official information which reached the Arabs in Palestine with regard to the proposed Constitution was through a statement made by the High Commissioner at a meeting of the Advisory Council in November, 1921, in which he said : " It has been publicly announced that I have been engaged in co-operation with His Majesty's Government in London in the preparation of a draft Constitution for Palestine."

Even the Advisory Council was not given an opportunity to exercise its advisory capacity in framing, or expressing an opinion on, such an important document as the Constitution.

It may be recalled that early in 1922 an Arab delegation, headed by the late Musa Kazem Pasha Husseini, late President of the Arab Executive, proceeded to London for the purpose of conducting negotiations with the British Government with a view to effecting a change in the British policy which was considered inconsistent with Arab interests. This delegation was unofficially given an opportunity to see the draft Constitution. It was the considered

opinion of the delegation, after a careful study, that the proposed Constitution was wholly unsatisfactory and unacceptable by the Arabs in that it included in its preamble the Declaration of November 2nd, 1917, "in favour of the establishment in Palestine of a National Home for the Jewish people." "The people of Palestine cannot accept this declaration as a basis for discussion," * the delegation argued.

In dealing with the Order-in-Council itself the delegation put forward the following reasonable suggestions as a basis for the Palestine Constitution.

They requested that the Constitution should :

- (1) Safeguard the civil, political and economic interests of the people.
- (2) Provide for the creation of a national independent Government in accordance with the spirit of paragraph 4, Article 22, of the Covenant of the League of Nations.
- (3) Safeguard the legal rights of foreigners.
- (4) Guarantee religious equality to all peoples.
- (5) Guarantee the rights of minorities.
- (6) Guarantee the rights of the Assisting Power.

The delegation made every endeavour to acquaint the British Cabinet with the point of view of the Arabs quite frankly and sincerely. In the correspondence which was exchanged between them and the Secretary of State for the Colonies the Arab case was fully explained. None of these sound proposals were accepted. The negotiations, which covered a period of nearly six months, ended with the issue of a statement embodying the British policy in Palestine in an endeavour to remove the apprehensions of

* Command Paper No. 1700, p. 4.

the Arabs as regards the Jewish aims and aspirations in Palestine.

This statement was prepared by the Colonial Secretary in consultation with Sir Herbert Samuel, and continues up to now to be considered as the basis of the British policy. It may serve the purpose of this discussion to quote here such part of it as has a direct bearing on the Zionist policy :

“ During the last two or three generations the Jews have re-created 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 organization 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 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 formerly 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.

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

It is clear that the main object of this statement was to reaffirm the Balfour Declaration of November 2nd, 1917, "which is not susceptible to change," and to assert that "the Jewish people will be in Palestine as of right and

* Command Paper, No. 1700, p. 19.

not on sufferance," and to remove the assumption entertained in certain quarters that the British Government contemplate "the disappearance or subordination of the Arab population, language or culture." It further provided that "immigration will not exceed the economic capacity of the country at the time to absorb new arrivals," and declared His Majesty's Government's intention to foster the establishment of a full measure of self-government in Palestine. But, nevertheless, the Arab Delegation found itself unable to agree with this policy, and consequently the negotiations broke down and the delegation returned to Palestine.

The Constitution as proposed provided, amongst other things, for a legislative body composed of official and elected members in place of the Advisory Council, with "full powers and authority, without prejudice to the Powers inherent in, or reserved by this Order to, His Majesty, and subject always to any conditions and limitations prescribed by any Instruction under the Sign Manual and Signet, to establish such Ordinances as may be necessary for the peace, order and good government of Palestine." *

The part which deals with the Legislative Council provided that the Council "shall consist of twenty-two members in addition to the High Commissioner, who shall exercise a casting vote, besides the power of veto, of whom ten shall be official and twelve non-official, to be elected in accordance with a special law."

It was held by the Arabs that the powers which were vested in the High Commissioner were excessive: that it

* Palestine Order in Council, 1922, Part III, Art. 18. This part, however, was amended by the Order in Council of 1923, under which the legislative Council was suspended.

was contrary to all constitutional practices to appoint the head of the Executive as the head of the Legislative authority and to include in the Council official members, who are bound to side with the Administration in cases of dispute. In prescribing that the quorum should be constituted of ten members—which is less than half the total number of members—and considering that four members were Jews, the Arabs were of the opinion that they would not have any effective say in legislative matters and their powers would be no more than advisory in character.

The Arabs demanded that the Constitution should not only safeguard the civil, political and economic interests of the people, but should also provide for the establishment of a National Government in accordance with paragraph 4 of Article 22 of the Covenant of the League of Nations.

In the absence of such stipulations, the Legislative Council was considered as incomplete and inconsistent with the declared views of the Arabs.

The Constitution, however, was ultimately promulgated and declared in Palestine in an official ceremony which was held on September 11th, 1922, to mark the occasion. Preparations were at once made for the holding of a general election, and a Census was taken for the purpose of obtaining reliable information and providing material for the electoral registers.

The system of primary and secondary elections which was enforced under the Turkish regime was adopted. The basis of election was that every two hundred primary electors should elect one secondary elector. All Ottoman subjects permanently resident in Palestine who made a declaration before the Register was compiled renouncing their foreign nationality were made eligible to vote and be

elected. In fairness to their national cause, the Arabs found it incumbent upon them not to take part in the election of a council which in no way satisfied their demands.

In consequence of the somewhat general boycott with which the elections of the Legislative Council were met by the Arabs, the British Government suspended that part of the Constitution which deals with its establishment and authorized the High Commissioner to act in the meantime in consultation with an Advisory Council as before. The necessary amending Order in Council was issued. Acting upon the powers vested in him in the amending Order, the High Commissioner proceeded to nominate members of the new Advisory Council, the number of which was to be similar to that proposed for the Legislative Council. Ten leading Arabs, including two Christians, were offered appointment as members, but these Arab gentlemen were reluctant to accept the responsibility of serving on such council, and in nearly every case a refusal was returned to Government.

THE ARAB AGENCY

Failing in its endeavours to secure the co-operation of the Arabs on these lines, the British Government decided to adopt another course, by offering the Arabs the establishment of an Arab agency similar to the Jewish Agency. It may be stated, in passing, that, irrespective of the declarations made by the British Government that the special privileges enjoyed by the Jewish Agency do not entitle it to share in any degree in the Government, the Arabs were, and are still, of the opinion that the special position accorded to it is used invariably in matters affecting, sometimes adversely, Arab interests. Owing to

the official recognition accorded to this agency, its representatives have an easy access to the High Commissioner, and confer with him on public matters—a position which is not equally enjoyed by the remaining sections of the population. The treatment which is so accorded to the Jews is considered by the Arabs as an act of discrimination.

In order to meet the situation, Government declared its willingness to favour the establishment of an Arab Agency in Palestine which should occupy a position exactly analogous to that accorded to the Jewish Agency under Article 4 of the Mandate, in that it would be recognized 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. The composition of the Arab Agency was left to the discretion of the High Commissioner, who was to nominate suitable persons in consultation with local leaders. It will be remembered that Article 6 of the Mandate does not make provision for the establishment of an Arab Agency, but of a Jewish Agency. The establishment of such an agency would have, no doubt, required ratification by the Council of the League of Nations.

The Arab demands were mainly limited to the establishment of a National Government, and it was not unexpected that this proposal also would meet with categorical refusal. Nevertheless the High Commissioner, in execution of the decision of the British Government, invited twenty-four leading Arab representatives to a meeting which was held at Government House on October 11th, 1923, for the purpose of communicating to them a statement on the Arab Agency on behalf of the British Government. In the course of his speech the High Commissioner said :

"The British Government, as you have been informed, has lately given very careful consideration to the question of the Administration of Palestine, and it has come now to certain definite decisions. As you will have no doubt anticipated, it has adopted the same views as its predecessors with respect to what is generally known as the Balfour Declaration, and does not see its way to recede from it. . . . An examination of the numerous representations made by or on behalf of the Sections of the Arab community shows, however, that the special position accorded to the Jewish Agency under Article 4 of the Mandate has been the subject of frequent complaint.

It was hoped that a Legislative Council would act as the spokesman of the population as a whole, but the Legislative Council has not yet come to be. His Majesty's Government has been considering in what way the objections of the Arab population with regard to the Jewish Agency could be met. . . . It is not possible that the Mandate . . . can be altered, but the Government will be prepared to recognize an Arab Agency under the Mandate. . . ."

In explaining the objects for which the Arab Agency was proposed, the High Commissioner added :

"The Arab Agency would fulfil similar functions to the Jewish Agency with respect to the Arab population. It would occupy a similar position to that of the Jewish Agency under the terms of Article 11 of the Mandate. With regard to immigration, it would have the right to be consulted with reference to the execution of the provision of Article 6 of the Mandate

that the rights of the non-Jewish population are not to be prejudiced. Further, the Agency would participate in fulfilling the functions in respect to the control of immigration which were intended to be fulfilled under Article 84 of the Palestine Order in Council, 1922, by a Committee of the Council."

The High Commissioner, in referring to the attitude of the Arabs, in refusing the Legislative Council, appealed to the Arab leaders to accept this proposal as a settlement of the points which had been in controversy. The Arab leaders, however, did not hesitate in giving their considered reply. They said that they were unanimous in declining to accept the offer of an Arab Agency which fails to satisfy the aspirations of the Arabs. It was added that, the Arabs having never recognized the status of the Jewish Agency, it would be impossible for them to accept a similar body as a solution.

Consequently the British Government was faced with two problems: either to accede to the demands of the Arabs, which included the abandonment of the policy of the Balfour Declaration and the establishment of a National Government, or to continue to administer the country without the co-operation of the Arabs. The latter course was, unfortunately, adopted, notwithstanding the undesirable consequences which it had entailed.

CHAPTER X

A DIRECT RULE

It is clear that the Administration of Sir Herbert Samuel ended without any noticeable development in the constitutional organs of the country, the Government refraining from taking any further step towards meeting the Arab demands and the Arabs maintaining their position of non-co-operation.

The news of the Druze revolution which broke out in 1925 in Syria was received with much enthusiasm and had its reaction in Palestine. The revolution offered a new opening for political speculation. This peculiar situation and the repeated state of disorder which prevailed from time to time during the regime of Sir Herbert Samuel were instrumental, perhaps, in the selection of the late Field-Marshal Lord Plumer, a great soldier of brilliant career, as successor to Sir Herbert Samuel.

Soon after his assumption of office Lord Plumer directed his attention towards the maintenance of public security, which was threatened. He at once proceeded with the establishment and organization of a defence force under the name of the Transjordan Frontier Force, which was designed to check any insurrection on the Syrian border. Not long after his arrival meetings were arranged between him and M. De Jouvenal, then French High Commissioner

in Syria, and the measures for combating the spread and success of the Druze Revolution were agreed upon between them.

The British High Commissioner, it was stated, pledged himself not to allow any propaganda to be circulated in Palestine in favour of the Druze Revolution, which at that stage was strongly supported by Arab political leaders in Palestine, Egypt, and to a small extent in Iraq. No ammunition or firearms were to pass through Palestinian territory, and Syrian persons politically active were to be kept under watch.

Lord Plumer's Administration was marked by the military measures which were adopted to show the people of Palestine that the British Government would not endure any untoward occurrence in Palestine or any movement towards the furtherance of the Syrian Revolution. Hence the country emerged into an Administration of direct rule.

FOREIGNERS TO THEIR LAND

An important Legislative Act was made during Lord Plumer's administration in the form of an Order-in-Council which dealt with the question of Palestinian nationality. This law prejudicially affected the rights of thousands of Palestinian emigrants abroad. The case of these emigrants is very interesting, and the manner in which they were dealt with deserves special mention. They were considered foreigners to their own land.

Emigration from Syria and Palestine dates back as far as the latter part of the nineteenth century. From that time there has been a stream of emigration from these countries to America, notably to the Argentine, Mexico, Brazil and the United States. This emigration was not

limited to any particular people, but included all classes alike, farmers as well as merchants, doctors, young men and women. There was also a tendency during that period for emigration from Syria and Palestine to Egypt and the Sudan in consequence of the British occupation in 1882. Many young men streamed into the neighbouring country in search for employment in the military and civil service.

Of the emigrants to America the majority were from Bethlehem and Ramallah and other Christian centres. It is estimated that nearly one-fourth of the population of these two towns are immigrants resident abroad. Reliable statistics of such emigrants are not available, but it may be safely estimated that at the end of the Great War no less than 50,000 Arabs of Palestine were wanderers in foreign lands.

Palestine Arab emigrants, it may be noted, preferred trade to agriculture and have prospered tremendously. They own at present large and well-organized business establishments and have acquired wealth on a large scale and large estates of considerable value. Nevertheless, the majority of them still retain their connections with their native country, and were instrumental in introducing fundamental improvements in their home towns. Ramallah, for example, from which a good number of young men emigrated to the U.S.A., can be favourably compared with many of the more advanced or modern towns in the country. It was due to the untiring efforts of these emigrants and the material and moral contributions which they continually made that it has reached its present state of development, both materially and culturally. The degree of absorption of emigrants in the countries in which they settled is not at all consistent. In general a great

percentage of them return and take up their permanent residence in Palestine.

The causes of such emigration are many and variable. It was notably due to the state of poverty of the people under the Turkish regime, and to the somewhat oppressive attitude of the Ottoman Government towards the Arabs, and, above all, lack of sufficient means of livelihood.

These Arab emigrants were considered Ottoman subjects before the British occupation of Palestine. They enjoyed before the War the protection of the Ottoman Government. When, however, Palestine was taken over by the British Government as a mandated territory, it was natural that they should expect to enjoy the nationality of their own country. The Palestine Government appears to have taken a different view. It refused to consider as Palestinians all Arabs who were born in Palestine but now resident abroad who left the country before 1919 and have no intention of returning in the near future. At the same time Jewish emigrants were allowed to acquire Palestinian citizenship after a residence of two years. This citizenship law was made possible by the ratification of the Treaty of Lausanne, Article 34 of which reads :

“ Subject to any agreement which it may be necessary to conclude between the Governments exercising authority in the countries detached from Turkey and the Governments of the countries where the persons concerned are resident, Turkish Nationals of over eighteen years of age who are natives of a territory under the present Treaty, and who on its coming into force are habitually resident abroad, may opt for the Nationality of the territory of which they are natives, if they belong by race to the majority of the population

of that territory, and subject to the consent of the Government exercising authority therein. This right of option must be exercised within two years from the coming into force of the present Treaty."

Article 2 of the Palestine Citizenship Order-in-Council, which was based on this Article, allowed persons who were over eighteen years of age and who were born in Palestine and acquired on birth, or subsequently, Turkish nationality, and are habitually resident abroad, to opt for Palestinian citizenship.

However, on November 12th, 1925, the period during which the right of option was to be exercised was extended for two years from the coming into force of the Treaty of Lausanne. Many persons of Ottoman nationality who were born in Palestine were unable to opt within the prescribed period, either through their ignorance of the law or their failure to get in touch with the British Consuls abroad. In many cases the options were rejected by Government, either because applications were received after the prescribed period, or else the applicants were considered to have failed to maintain connection with Palestine since they left, or had no intention of returning to take up permanent residence in Palestine at a near future date. In consequence, hundreds of persons were denied the right of enjoying the nationality of their own country. Much damage was done to these emigrants owing to the refusal of the Palestine Government to confer upon them the status of citizenship. Left without nationality, and wandering men without a country, they were, and are still, debarred from returning to their own land without hardships, or from having any travel facilities which would enable them to travel from one country to

another in pursuance of their trade or calling. They themselves were reluctant to retain their Turkish nationality so long as the Arabs severed their relations from Turkey.

In certain States in South America laws were issued providing for the expulsion of every foreigner who failed to prove his nationality by valid documentary evidence. Many Palestinians were consequently deported from such States owing to their inability to prove their nationality and the refusal of British Consuls to recognize them as Palestinian subjects. They had to leave their places of business or trade, which they had established for years, and to sever their commercial relations at short notice, thus undergoing heavy losses.

On the return of such emigrants to Palestine after going through an intricate procedure, they are not considered as Palestinian citizens and are required to undergo the process of naturalization similarly to ordinary immigrants who arrive in the country for the first time as foreigners. There were cases where such persons were not even given a *laissez-passer* by the Palestine Government after their return to Palestine, but were advised to seek remedy through the Turkish Consul, who in turn refused to recognize them as Turkish subjects.

The Government's attitude in refusing to grant protection to Palestinian emigrants abroad is based on the general principles that it is "undesirable to create a large class of persons who, though permanently resident in foreign countries, are entitled to British protection.*"

From the Arab point of view Government, in taking such an attitude, is considered to have failed in one of its primary duties, and to have acted in particular contrary

* Shaw Commission Report, p. 133.

to the spirit, if not the letter, of Article 12 of the Mandate, which provides that :

“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 territorial limits.”

Although the Mandatory Power is exercising the powers vested in it under this Article, it is claimed that it has failed to carry out its duty under the second part towards Arab emigrants resident abroad who were compelled by force of circumstances to seek means of livelihood in other countries, and who continually kept connection with and owned property in Palestine and contributed considerably to the development of the welfare of the Arab community.

NATIONAL RESOURCES ALIENATED

Another feature which marked the Administration of Lord Plumer was the final grant of the concession for the generation of electricity and supply of electrical energy in Palestine, excluding Jerusalem and its neighbourhood, to an alien subject, a Russian Jew, and the issue of another concession to a certain Mr. Novomesky and Major Tullock for the extraction of salts and minerals from the waters of the Dead Sea.

These concessions were not advertised or offered for public tender. They were, above all, granted to foreigners and not to Palestinians. The Arabs were not consulted. They were not aware of the conditions of the concession before they were made public by the Government. In the company which was formed for the purpose of taking

over the Rutenburg Jordan Concession the Arabs had no say, and up till now the list of shareholders does not show any Arab members. In the declared view of the Arabs such concessions, which affect the best natural resources of the country, should not have been given to individual foreign Jews ; the capital of these companies should have been raised in the country so that local people, and not foreign capitalists, may benefit from the enterprise, failing which Government should have endeavoured to work these resources for the common benefit of the people.

The Arabs entertain the idea that Government is gradually alienating, perhaps unintentionally, the most important resources of the country, ignoring Arab interests. It is not in the interest of the community that any individual should be given the sole control over such enterprises, which, if worked in the common interest of all, would result in much advantage to a population whose welfare and interest should be the first consideration.

There are some people who go so far as to suggest that an application for the Jordan concession which was made by an Arab capitalist in Palestine was rejected mainly on ground of policy, and that an application by the Jaffa Municipal Council was also similarly refused. It appears that the Mandatory Power, in giving its assent to the grant of these concessions to foreign Jewish individuals, acted under the influence of the policy of the Jewish National Home as well as of Article 11 of the Mandate, which in its latter part provides that :

“ 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 undertaken by the Administration."

But, reading this Article carefully, it does not appear that it makes it obligatory upon the Administration to entrust the development of the natural resources to the Jewish Agency. It only makes it possible for the Administration to arrange with the Jewish Agency for the development of such resources. Even if this Article is given a liberal interpretation it will appear that the Administration failed to comply with its terms, as the concessionaires in each case were not official representatives of, or in any way connected with, the Jewish Agency. It was alleged that at the time there was no person or body amongst the Arabs in Palestine capable of undertaking such enterprises unaided, but it may be argued that these concessions should have been offered for tender in London and other European capitals with a view to granting the concessions to British or foreign capitalists, who would be expected to act without discrimination and to secure the participation of both parties, the Arabs and the Jews. In fact, some British capitalists offered to work these concessions, but their offer was, for obvious reasons, rejected. On more than one occasion the matter was raised in the House of Commons, but in each case the Secretary of State was able to give an evasive reply.

The grant of these concessions to individuals, and the procedure which was followed in connection therewith, will continue to be one of the strong grievances of the Arabs.

AN ECONOMIC SETBACK

The last part of the Administration of Lord Plumer was not at all prosperous. The economic condition of

the country began in 1926 to undergo unfavourable changes, and a complete reversal of fortune followed. These adverse conditions were reflected in the revenue returns for that year. In August, 1927, Government was forced to issue instructions restricting immigration. These instructions continued to be in force until the end of 1928, when Government was compelled to give way to the incessant demands of the Jewish Executive and permitted immigration again.

Notwithstanding these restrictions, 4891 persons were permitted to enter the country as immigrants according to Government returns, although at the end of August, 1927, the number of Jewish non-employed, according to the estimate of the Zionist Executive, reached as high a figure as 8440.

Unemployment amongst the Arabs was estimated at the time at nearly 50,000. In the absence of reliable statistics, accurate figures of labour amongst the Arabs are not available, and any figure given is only an estimate.

Naturally it fell upon the Government to take measures for the relief of those unemployed immigrants. It granted the municipality of Tel Aviv a long-term loan of £10,000 for public works. Again, at the insistence of the Zionist Executive, Government entrusted the construction of many public buildings to Jewish labour exclusively. It also carried out afforestation schemes for the sole purpose of employing Jewish labour and reducing Jewish unemployment. The whole cost of the works which were carried out by Government during that period, on which Jewish labour was employed exclusively, amounted to £65,600.

Government also allocated special sums for the drainage work at the mouth of the Kishon River for the same

purpose. In 1928 the position was aggravated to the extent that "Government issued special orders to its various departments to *employ Jewish labour exclusively*." * In all these measures of relief Arab interests were ignored.

This state of unemployment had its reaction on the mentality of the people, and in consequence of unemployment and the sharp depression in trade and commerce there was a considerable movement, even amongst the Jews, to emigrate, and a general feeling of anxiety throughout the whole country prevailed. Although measures of relief were being taken by both the Zionist Organization and Government, the strain weighed heavily on the people as a whole.

By 1927 the country was passing through a period of acute financial crisis, which was aggravated by the effect of an earthquake shock which resulted in the loss of life and property in many towns and places, notably in Arab centres. Several villages were almost completely destroyed. Consequently Government felt the necessity for future restriction of immigration, and came to the conclusion that :

" Palestine could not in a short time absorb so large a number of immigrants, and that existing sources of supply were inadequate to meet the economic demands of the population." †

During this economic crisis the grievances of the Arabs were more sharply felt. Notwithstanding the heavy strain which such a situation placed on the people, the Zionist Executive made every effort to compel Government to withdraw the restriction on immigration and to stimulate public opinion in England towards the Jewish cause. As

* Report of Zionist Organization, 1929, p. 198

† Report on the Administration of Palestine, 1927, p. 5.

a result of persistent endeavours, the Palestine Mandate Society was formed in London under the presidency of Lord Cecil of Chelwood, the aims of which were "to make known throughout the British Empire the steps which are being taken to give effect to the co-partnership created between the British Empire and the Zionist Organization in accordance with the terms of the Mandate for Palestine."

The list of members of the society included such British statesmen as the late Lord Balfour, Mr. Ramsay MacDonald, Mr. Philip Snowden, Mr. Josiah Wedgwood, Mr. Lloyd George, Sir Wyndham Deedes, formerly Chief Secretary to the Government of Palestine, and many others.

This society took upon itself the advancement of Zionist endeavour, and started its activities by addressing a letter to Dr. Ch. Weizmann, while the fifteenth Zionist Congress was in session in Basle, signed by many leading public figures in London, in which the signatories pledged themselves to assist in the advancement of the Zionist cause. It was stated that "the purpose of this letter is to assure you that we stand ready, and indeed anxious, to give what assistance we can." *

These manifestations of sympathy and expressions of assurance by such leading British statesmen had their effect on the Arabs, and led them to a state of despair, so that when the term of office of the late Lord Plumer came to an end on July 30th, 1928, the country was not only undergoing an economic setback, but was suffering from a general feeling of grave anxiety.

There was a general movement amongst the Arabs for a change from the autocratic form of Government into one

* *The Times*, March 13th, 1928.

of a representative character. The opportunity was taken to submit to the High Commissioner, before his departure, a general statement of the Arab point of view, and to convey the wishes of the people for the restoration of their denied rights. These demands were included in a memorandum by the Arab Executive dated July 23rd, 1928, in which the High Commissioner was reminded of his words on his arrival, when he hoped that his work would gain for him many friends. "One of the most astounding features of the present system of rule of Palestine," it was stated in the Memorandum, "is the amalgamation of the Executive and the Legislative powers into one body. It is needless to say that this practice is contrary to the well-known principles of the separation of powers. . . . The present system of Government in Palestine in no way agrees with the world-wide established principle of 'no taxation without representation.' It seems very strange that Great Britain, the foremost Power in the world, which guaranteed and upholds these two mentioned principles, should fail in applying them in Palestine and thus inflict upon the people the injustice of depriving them from being represented in their Legislative and Executive Departments." It was argued that Palestine should not be deprived of the same rights enjoyed by Iraq, Syria and Transjordan, especially as these countries cannot be considered and are not in any way of a higher standing than Palestine, with which they were in the same position before the occupation.

The High Commissioner was requested to recommend to the British Government while in London a change in the policy and the development of self-governing institutions.

A SIGN OF GOOD HOPE

In the change of Government which took place with the appointment of Sir John Chancellor as High Commissioner, who assumed office on December 6th, 1928, and Commander Luke, as Chief Secretary, who arrived in Palestine on July 19th, the Arabs saw a prospect for their relief, both politically and economically.

Palestine, however, was still suffering from the repercussions of the economic crisis of the preceding years. It was natural, therefore, that the High Commissioner should direct his earnest attention towards dealing with the situation, especially as the Government "was faced with the prospect that the revenue for 1928 would fall short of the estimates and that retrenchment and curtailment of Public Service might be necessary." *

In January, 1929, nearly one month after the High Commissioner's arrival, a delegation of the Arab Executive, consisting of the late Musa Kazem Pasha Hussieni (President) and Yacoub Eff. Faradj (Vice-President), and Ouni Bey Abdul Hadi, Mogannam Eff. Mogannam and Jamal Eff. Hussein (joint secretaries), waited upon him. These Arab representatives submitted a memorandum in which they requested that negotiations should be inaugurated with Government for the establishment of a representative assembly fully protecting the rights of the people. Like his predecessors, the High Commissioner "reminded the delegation that Government had already made a beginning in the direction of popular representation in the shape of elective municipal councils. He also reminded them that offers of elective representation on a legislative body had

* Annual Report.

been made on previous occasions by the Government and rejected. Nevertheless, he recognized the question to be one of paramount importance, to which he would give his earnest and careful consideration, and expected, after the necessary study and consultations, to have formulated his conclusions upon the subject by the time that he went to England on leave in the summer of that year, so that he might then discuss them with the Secretary of State."

During the few months which followed the Arab Executive, and the Arabs in general, were anxiously awaiting the result of the High Commissioner's study. An impression was formed that Sir John Chancellor was serious in his endeavours to find a solution for the Palestine problem.

Before his departure on leave the same members of the Arab Executive again called upon him on June 18th, 1929, and reminded him of their previous meeting with him and submitted a further Memorandum. The High Commissioner informed the delegation that in the months that had elapsed since his last meeting with them he had given serious consideration to this question, and intended to discuss this important matter with the Secretary of State, as he was leaving for London the following day, and to consult with him as to any proposal that Government might be able to formulate on the subject. It will be seen in a later chapter that, in a proclamation which he issued on his return from leave, the High Commissioner declared that these discussions were suspended.

CHAPTER XI

THE CUP OVERFLOWETH

THE memory of the 23rd day of August, 1929, will not be so easily eradicated. The deplorable events which marked that day continue to be the cause of grief to many people. Numerous as they are, the details of these events cannot be stated here, yet a discussion of the Palestine problem would not be complete if it failed to contain some reference to the effects which these events left in their wake.

These disturbances were not, as it was presumed, the result of a dispute over the place generally known as the Wailing Wall, or Holy Buraq. It has since been definitely established that they were due to "a racial animosity on the part of the Arabs consequent upon the disappointment of their political and national aspirations and fear for their economic future." * The question of the Wailing Wall, among other factors, contributed, no doubt, to the disturbances, but was not the direct cause.

No such racial antipathy existed in Palestine before the Great War. It was not even felt under the autocratic Hamidian rule, which was noted for its political intolerance. The relations between the Arabs on the one side and the Jews on the other have undergone a material change during recent years. The change in the attitude of the Arabs towards the Jews in Palestine after the British occupation must be attributed to the policy of the National Home.

* Shaw Commission Report, p. 150.

The Balfour Declaration was primarily instrumental in causing such a change.

The question of one race overpowering the other, whether politically or economically, never arose. But with the announcement of the Zionist policy the political grievances of the Arabs were implemented by a genuine fear that eventually they would be subordinated as a race, so that when the question of the Wailing Wall came to the surface it was just like "adding water to an overflowing cup." *

A HOLY RELIC

Reverting to the question of the Wailing Wall, it will be recalled that the British Government made an attempt to determine the dispute over the Wall in the form of a White Paper which was issued in November, 1928, defining the *status quo*. In general the right of the Jews to visit the Wall was recognized.

It was during this stage that Jewish authorities converted this purely ceremonial issue into a political one. They refused to abide by the Government's decision as approved by the Council of the League of Nations.

Extensive efforts were made by Government to reconcile the two points of view. On the one part the Moslems, in exercise of their proprietary right, desired to make certain repairs near or adjacent to the Wall, but on many occasions they were stopped by Government in order not to cause

* A striking example was given by the late Haj Tewfic Hammad before the Shaw Commission. This gentleman, when asked for his opinion as to the causes of the disturbances in August last, replied, "I would make an example of this glass full of water, and this water might overflow, by which I mean that the country must overflow, and that would absolutely answer about the future existence of the country." Report of the Shaw Commission, p. 98. Command Paper, No. 3229.

any action on the part of the Jews. Government suggested "both to the Zionist Executive and to the Supreme Moslem Council that it would be a convenience to all parties concerned if a protocol could be mutually agreed upon between the Moslems and the Jewish authorities regulating the conduct of the services at the Wall without prejudice to the legal rights of the Moslem owners, and in such a way as to satisfy normal liturgical requirement and decency in matters of public worship." *

The year 1929 opened with little prospect of reaching a settlement between the two parties. It was believed in certain quarters that Jewish bodies intended to make a political issue of this question in order to win the sympathy of world Jewry, which had been fading away during the past five years. The Zionist movement itself in Palestine was facing hardship, if not bankruptcy, and it was thought that by focusing the mind of Jewry in the world on Palestine the situation would be saved. It was in furtherance of this view that the following telegram was sent, on July 29th, 1929, on behalf of the Zionist Executive in Palestine to the Thirteenth Zionist Congress, which was sitting at Zurich :

"Public agitation growing. Must absolutely make some statement about steps undertaken by Executive *re* Kotel (Wailing Wall). Cable immediately." †

During the same week the Jewish Press was giving violent expression to the feeling of agitation on the subject of the Wailing Wall with a view to reversing the decision of Government, not only in Jerusalem but in London as well. It is believed that it was for this reason found necessary that the agitation on this trivial matter should

* Command Paper, No. 3229.

† Shaw Commission Report, p. 44.

be continually growing in order to stimulate the sympathy of Jewry in Europe and America. When, however, the agitation reached an alarming state it was too late to check it.

This view may be construed from the following telegram which was sent to Jerusalem by the Zionist Executive in London, received in Jerusalem on August 1st, 1929 :

“Regarding *Kotel* (Wailing Wall) can see no prospect reversing Government ruling, which apparently based London legal opinion and *Yishuv* (the Jewish people in Palestine) agitation should be damped down accordingly represented Colonial (Office) resulting danger free exercise Jewish worship and requested assurance no interference will be permitted.” *

The agitation, however, was increasing daily, and on August 12th, 1929, an “Appeal to the people of Israel in all parts of the world” appeared in the *Daor Hayon* (a Jewish newspaper), which included, *inter alia*, the following :

“Ye Jews and National Jews in all parts of the world ! Wake up and unite ! Do not keep silent or rest in peace until the entire Wall has been restored to us ! Form yourselves into pro-Wailing Wall societies ! Hold meetings of protest ! Go and demonstrate before the British Consuls in all countries on behalf of the Wall ! Submit protest memorials to them ! Explain to the Jewish masses and to the young generation what the *Kotel* has been and is to Israel in the past and at the present ! Explain to the righteous and the pious among the nations of the

* Shaw Commission Report, p. 45.

world what is the national insult which we have suffered at the hands of the British officials without justice or right!" *

This and similar other statements were issued by the so-called Pro-Wailing Wall Committee, which was formed for the purpose of defending the claims of the Jews to the Wall. It was natural that a similar body should have been established by the Moslems for defending Moslem rights and holy places.

It was held by Moslems, and indeed established later by the International Commission, that the wailing Wall was an integral part of the area of the Mosque Al Aqsa, in addition to its being the place of *Al Buraq Al Sharif* mentioned in the Holy *Koran*, and sanctified and venerated by over 400 million Moslems the world over. In the face of this announcement, by which the Jewish bodies and Press asserted their title to the Wall, one cannot expect that the Moslems in Palestine should have kept silent and taken no action to protest at what they considered as one of the most holy relics of Islam.

It so happened that the Jews took the opportunity of the Feast of the Jewish Fast of Tisha B'ab, which fell on August 16th, 1929, also the eve of the birthday of the Prophet, to assert their rights, by forming a large demonstration from a central place in Jaffa Road to the Wailing Wall, stopping on their way at Government offices. This demonstration was received with resentment on the part of the Arabs and caused great agitation, as it was accompanied by the raising of the Zionist flag at the Wall and the singing of the Jewish National Anthem (*Hatikva*) and by shouts, such as "The Wall is ours, shame on those who

* *Ibid.*, p. 49.

profane our holy places!"; "Shame on the Government!" *

The Arabs even to-day cannot help entertaining the belief that Jews seriously aspire to restoring the site of King Solomon's Temple, on which now stands *Al Haram Al Sharif*, which is one of the three sacred shrines of Islam. Going back into the causes which led to this belief, we find that as early as the year 1921 the late Lord Melchet, then Minister of Health, proposed at a meeting of the Palestine Foundation Fund that a great temple be erected on the site of the Temple of Solomon. This statement aroused Moslem feelings, and, although it was denied by the Secretary of State in the House of Commons and was referred to as a figurative speech, it left its mark on the minds of the Arabs, coming, as it did, from a leading English statesman.

In 1920, when a great deal of propaganda was being disseminated in the world to excite sympathy in favour of the Jewish National Home, a pictorial representation of Herzl, founder of Zionism, and a stream of people going into the Mosque of Omar, depicting in the distance the city of Jerusalem with the Zionist flag over it, appeared in a Jewish paper in New York.

These representations, illustrating, as they did, Jewish designs, stimulated no doubt bitter grievances, not solely against the Jews themselves but against the British Government as the Mandatory Power, so that, when the time came in 1929 for the expression of the inner feelings of each side, the disturbances, by nature of the prevalent circumstances, spread from one part of the country to another. In fact, the disturbances were not directed

* Report of the Shaw Commission, p. 54.

against the British Government as such, but against the policy adopted by the Administration in favour of the Jewish National Home. Above all, the "outbreak was not, nor was intended to be, a revolt against British authority,"* the Shaw Commission asserted.

It was then racial animosity that played its part in kindling these deplorable occurrences, while the disagreeable policy which was forced on the Arabs was the fundamental cause of the outbreak.

The position of the Arabs as regards their constitutional grievances was summed up by the Shaw Commission in a nutshell. "Recent Constitutional developments in Iraq and Transjordan have shown," said the Commission, "that, when their obligations permit the adoption of such a course, His Majesty's Government are willing to grant a wide measure of self-government to Arab peoples with whose welfare they have been charged. Those who wish for similar developments in Palestine have grounds for their opinion that, were it not for the obligations cast upon His Majesty's Government by the policy contained in the Balfour Declaration, their hopes and aspirations might to some extent have been realized."†

The Commission went on to analyze the consequences of the failure of His Majesty's Government to grant the Arabs some measure of self-government. "If there was in Palestine in August last," the Commission argued, "a widespread feeling of resentment amongst the Arabs at the failure of His Majesty's Government to grant some measure of self-government, it is at least probable that this resentment would show itself against the Jews, whose

* *Ibid.*, p. 149.

† *Ibid.*, pp. 124-125.

presence in Palestine would be regarded by the Arabs as the obstacle to the fulfilment of their aspirations." •

To that extent the Commission was successful in analyzing the feelings of the Arabs.

On the second day of the outbreak "A Manifesto to Our Brethren" was issued by Arab leaders, including the late Musa Kazem Pasha Husseini, President of the Arab Executive Committee; Rageb Bey Nashashibi, then Mayor of Jerusalem and now President of the National Defence Party; Haj Amin Eff. Husseini, President of the Supreme Moslem Council; Mustapha Bey Khalidi, member of the Court of Appeal; and the late Aref Pasha Dajani. This Manifesto had the desired effect in calming the excited public and in reducing the consequences to a minimum. It shows at least how sincere the Arabs were in their attachment to the cause of peace. It had the effect of partially dispelling the current rumour that Government was arming Jews.

In refuting this rumour the Arab leaders said :

"On inquiry into the truth of such reports Government assured us, and we are satisfied, that they are altogether unfounded and that Government have not armed any Jews, and that it has not taken sides with one party as against another; but that they are performing their duty, as an impartial Government, of maintaining order. They do not fire at Arabs exclusively. What they do is to protect the lives of people without any distinction."

Propagating the cause of peace, the Manifesto ended with the following appeal :

"Therefore, in order to spare bloodshed and protect

• *Ibid.*, pp. 124-125.



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life, we call upon you O Arabs in the interest of the country, which you place above all other considerations, to strive sincerely to quell the riot, avoid bloodshed and save life. We request you all to return to quiet and peace, to endeavour to assist in the restoration of order and turn a deaf ear to such unfounded reports and rumours. Be confident that we are making every possible effort to realize your demands and national aspirations by peaceful methods.

Arm yourselves with mercy, wisdom and patience. For verily God is with those who bear themselves in patience."

The High Commissioner, Sir John Chancellor, was on leave when the occurrences took place, and hastily returned to Palestine before his leave expired. Before he had sufficient opportunity of carefully studying the situation he issued a manifesto in the form of a proclamation couched, as it was, in terms highly offensive to the Arabs. It aroused a strong indignation and resulted in persistent demands by the Arabs for an inquiry to be made into the causes of the disturbances, so that the Arabs would either be found blameworthy and submit to the consequences, or else be absolved of the responsibility and be saved such accusations.

As an example of the violent indignation with which this proclamation was received, it may be well to quote part of a manifesto of protest which was issued by leading Arab advocates of Jerusalem on the same day as its publication :

"It is with great regret and astonishment that we read your proclamation of the first of September, 1929. The least that can be said about it is that it is

premature and does not accord with the spirit of justice and equity. You will undoubtedly agree that the value of proclamations lies much more in the amount of truth and of the incontestable facts they contain than with the importance of those who issue them, for 'justice knows no rank and equity requires no pompous titles.' "

An endeavour was also made by the Arab Executive to explain the position of the Arabs and to rebut the charge of brutality and other unqualified accusations which were made against them in the proclamation.

It appears, however, that the High Commissioner felt at this stage that he had gone beyond the limits of equity. Protests were being continually made to him against the tone and terms of the proclamation, which had the effect of exciting the feelings rather than calming the agitation.

On the other hand, rumours were current that trials of persons charged with criminal acts were confined to the Arabs alone. All these factors must have moved the High Commissioner to recommend to the Secretary of State the appointment of a Commission of Inquiry. The Secretary of State appreciated the situation and on September 4th, 1929, issued an announcement in which he said that "at the request of the High Commissioner he was appointing a Commission of Inquiry, which will proceed to Palestine this month to inquire into the immediate causes which have led to the recent outbreak, including the extent to which it may be regarded as having been preconcerted or due to organized actions."

The Commission was eventually formed of Sir Walter Shaw, late Chief Justice of the Straits Settlements, Sir Henry Betterton, M.P., Mr. R. Hopkins Morris, M.P., and

Mr. H. Snell, M.P. (now Lord Snell). This Imperial Commission arrived in Palestine on October 24th, and remained until December 29th, 1929.

Six representatives were allowed to appear for each party, the Arabs and the Jews respectively: Mr. W. H. Stoker, K.C.; Mr. Reginald Silly, Barrister; Mogannam Eff. Mogannam, Advocate, and Ouni Bey Abdul Hadi, Advocate, appeared for the Arab Executive. Sir Boyd Merriman, K.C., Viscount Erleigh, K.C., Mr. Horowitz and three other junior advocates represented the Palestine Jewish Executive.

The Commission had 47 sittings in open session and 11 in camera, and heard the evidence of 110 witnesses during the open sessions and 40 witnesses during the sessions in camera.

The result of this inquiry was impatiently awaited in Palestine as well as in England.

The Commission ended its report with general recommendations for the future. It definitely established that the outbreak was not premeditated.

“The charges of premeditation and organization of the disturbances are not proved against the Palestine Arab Executive,” the Commission asserted, “and if made in relation to the actual events of the 23rd of August and the following days, are negatived by the known facts. The charge of deliberate incitement to disorder has not been substantiated against the Palestine Arab Executive.” *

With regard to immigration, it was the considered opinion of the Commission “that the claims and demands which from the Zionist side have been advanced in regard to the

* Shaw Commission Report, p. 159.

future of Jewish immigration into Palestine have been such as to arouse among the Arabs the apprehensions that they will in time be deprived of their livelihood and pass under the political domination of the Jews." *

The Commission further added that "there is an incontestable evidence that in the matter of immigration there has been a serious departure by the Jewish authorities from the doctrine accepted by the Zionist Organization in 1922, that immigration should be regulated by the economic capacity of Palestine to absorb new arrivals."

This tendency on the part of Jewish authorities was not unknown to the Arabs, and coupled with their belief in the influence and pressure which the Zionist Organization has upon the acts of His Majesty's Government and the opposition of leading Jews to the establishment of self-government, were some of the reasons which caused the general feeling of uncertainty among the Arabs as to their future existence as a nation.

The Commission then dealt with the land problem, which is inter-related with immigration, and, after dealing with the question at length and discussing measures taken by Government after the inception of the Civil Administration to protect the rights of the tenants and cultivators in the issue of the Land Transfer Ordinance and the amendment thereto, it came to the conclusion that there was no alternative land to which the Arabs who were evicted from their land could be removed. In discussing the deplorable position of the landless class which was being created as a potential danger to the country, it asserted that, "unless some solution can be found to deal with the situation, the question will remain a constant

* *Ibid.*, p. 161.

source of present discontent and a *potential cause of future disturbance.*"

"*Palestine cannot support a larger agricultural population than it at present carries, and unless methods of farming undergo a radical change, with more intensive cultivation, should this prove possible, room might be found for a number of new-comers in certain districts.*" *

As a proposal for finding a solution for this intricate problem, the Commission recommended the appointment of experts to undertake scientific inquiries into the prospects of improving methods of cultivation. "When this is done a land policy could then be regulated in the light of facts which may be ascertained, and pending the result of such inquiry the tendency which was then prevalent towards eviction of the fellaheen should be checked."

The Commission further dealt with Arab constitutional grievances, and expressed its belief that "a feeling of resentment amongst Arabs of Palestine consequent upon their disappointment at continued failure to obtain any measure of self-government is greatly aggravating the difficulties of the local Administration. The position to-day," the Commission added, "is that the Arab people of Palestine are united in their demand for a measure of self-government. This unity of purpose may weaken, but is liable to be revived in full force by any large issues which involve racial interests." *

The British Government realized at last the importance of the situation and, acting upon the recommendation of the Commission, they appointed Sir John Hope Simpson, an eminent British expert, to inquire into the question of land settlement and immigration, and, although consider-

* Shaw Commission Report, p. 162.

able pressure was brought by the Jews to bear upon the British Government to issue a declaration of policy before the receipt of his report, it must be stated in fairness that the British Government adhered to their decision that no such policy should be declared until after the receipt of the Report.

TO LONDON AGAIN

In the meantime, the Arab Executive decided to send an Arab delegation to London with a view to initiating direct negotiations with the British Government on constitutional and other questions. The decision was necessitated by the publication of the Shaw Commission Report, which showed a tendency of confirming the justness of the Arabs' case.

The Arab delegation, as in the previous case, was under the presidency of the late Musa Kazem Pasha Husseini, and included amongst its members Rageb Bey Nashashibi, Haj Amin Eff. Husseini, Ouni Bey Abdul Hadi, Jamal Eff. Husseini, and Alfred Eff. Rock.

The Delegation arrived in London on March 30th, 1930, and was received in audience by the Prime Minister on the following day. During this meeting, at which Lord Passfield, the Colonial Secretary, was present, a detailed Memorandum was submitted to Government giving expression to the grievances of the Arabs and demanding the issue of a law prohibiting the alienation of Arab lands to Jews, and the establishment of a National Government responsible to a representative council.

It appears, however, that these demands were not consistent with the views of the British Government. The question was eventually brought up in debate in the

House of Commons in April, 1930. After giving a short survey of the history of the Palestine question during the past ten years, the Under-Secretary of State, answering for the Government, pointed out that the policy announced by His Majesty's Government had been generally misunderstood. It had always been the intention of His Majesty's Government to consult both Jews and Arabs before deciding detailed measures for practical application of these principles.

Dr. Shiels emphasized the importance of the figures relating to land in the Report of Sir John Hope Simpson, and went on to explain in some detail the Government development schemes under which a loan of £2,500,000 was to be raised by the Palestine Government under the guarantee of the British Treasury, in the first place, for the resettlement on the land of any cultivators who could be shown to have been rendered landless as a result of land purchases by Zionist agencies. "Any balance of the loan," he added, "would be available for both Jews and Arabs. The provisions of the Mandate regarding the Arabs would be given equal weight by His Majesty's Government with those regarding the Jewish National Home."

In conclusion, Dr. Shiels made an appeal for co-operation between the two races, as offering the only true prospect for the future prosperity of Palestine.

The Prime Minister, speaking subsequently, endorsed the views expressed by the Under-Secretary of State.

Statesmen, it must be admitted, are bound sometimes to conceal their personal convictions. The experience of the British Government in Palestine within the preceding ten years should have prompted a more just exposition of the Palestine question. The question is not one of

enunciating principles which are never applied or of making inquiries without giving effect to the recommendations of the investigators. It is one which affects the life and future of a race. If any mistakes were committed, they should be rectified by practical and equitable remedies, and not through mere declarations or enunciation of policies.

This announcement by the Under-Secretary of State had an adverse effect on the Arabs. It showed to what extent their demands were being ignored, and led them to the belief that the British Government was not desirous of departing from the Zionist policy, detrimental though it was to the Arabs.

The position of the delegation in London became more critical. They considered themselves to have failed in their mission. Before leaving London they made a last effort to make their position and that of the people whom they represented quite clear to the English people. They issued a statement setting forth the Palestine question from the Arab point of view, which was published by the leading newspapers in England, Egypt and Palestine. To this the British Government replied again in the form of an official announcement which was published in London and issued as an official communiqué in Palestine on May 20th, 1930, in the following terms :

“The conversations which have taken place in London between members of the Government and the Palestine Arab Delegation are now at an end. The delegation have expressed their views on a number of subjects, particularly land, immigration and the grant of a constitution. His Majesty's Government have taken note of their views on these subjects. 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.

" 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 Minister, the delegation could not see their way to modify their attitude, it became evident that this matter could not usefully be pursued further. The conversations, which throughout were frank and friendly, accordingly ended, with, however, the intimation that, having taken note of the Arab views, His Majesty's Government would apply themselves, in the light of the first-hand information obtained from these conversations, to the problem of safeguarding, in every way compatible with their Mandatory obligations, the interests of the non-Jewish communities of Palestine. They are determined not to allow the policy to be pursued in Palestine to imperil the future of these communities, and it was on this account and in view of the recommendations made by the Shaw Commission, that Sir John Hope Simpson has been sent to Palestine to examine and report upon the problem of land and immigration. In order that non-Jewish interests may not be prejudiced by the delay which must necessarily occur before a definite decision can be taken in the light of Sir John Hope Simpson's report,

special measures are now under examination with a view to early action for the protection of the interests of the agricultural population, and temporary measures have already been taken with a view to ensuring that immigration in the intervening period should not be such as to endanger the economic future of the country.

The fears which have been expressed in some quarters that the policy of His Majesty's Government is likely to endanger the existence of the Arab community in Palestine are not justified, and it is important that it should be widely known in the general interests of the people of Palestine that attempts on the part of misguided persons, of whatever race or community, to disseminate misleading information regarding the intentions of His Majesty's Government to the prejudice of law and order in Palestine, will be severely punished, and that it is the intention of His Majesty's Government, as announced by the Prime Minister of Great Britain in the House of Commons on the 3rd of April to apply all the resources at their command to carrying out the duties imposed upon them by the Mandate."

Both the Arabs and Jews were eagerly awaiting clear enunciation of the views of the Mandatory Power, but both sides were greatly disappointed.

THE STATEMENT OF POLICY

In fairness it must be stated that the British Government showed a genuine tendency, after the disturbances, to introduce a change in its policy with regard to immigration, land and other matters of equal importance, which bear upon the general situation in Palestine. They were

anxious on the one hand not to deviate from the policy of the Balfour Declaration, and on the other to dispel the fears of the Arabs. A difficult task no doubt. These resolutions were at last reduced into writing in the form of a Statement of Policy which was published in October, 1930.

The difficulty of making a declaration of policy which will fully satisfy the aspirations of both parties "in a country such as Palestine when the interests and aims of two sections of the community are at present diverse and in some respects conflicting," was fully admitted.

The Statement of Policy, however, primarily confirmed the policy which was enunciated in 1922,* especially with regard to the meaning attached by His Majesty's Government to the Jewish National Home contained in the Mandate, and the principles which govern the position of the Jewish Agency provided for in Article 4 of the Mandate. An attempt was also made to remove grounds of misunderstanding and to explain the meaning of Articles 2, 6, 9, 13 and 15 of the Mandate with regard to the position of the non-Jewish communities in Palestine and affirmed the following two assertions :

"(i) That the obligations laid down by the Mandate in regard to the two sections of the population are of equal weight.

(ii) That the two obligations of the Mandatory are in no sense irreconcilable."

It further dealt with "the practical problems with which His Majesty's Government are faced in Palestine," such as security, constitutional development, economic and social development.

In dealing with the question of Constitutional develop-

* Command Paper, No. 1700.

ment the British Government admitted that, "the time has now come when the important question of the establishment of a measure of self-government in Palestine, must in the interest of the community as a whole, be taken in hand *without further delay*." It was further stated that they have carefully considered the question in the light of the present stage of progress and development, with special regard to their obligation to place the country under such political administrative and economic conditions as will secure the development of self-governing institutions. . . . His Majesty's Government intends to set up a Legislative Council."

In dealing with the third problem, that of economic and social development, it was stated that the practical problems to be considered under this head were mainly concerned with the questions relating to land, immigration and non-employment. It will be remembered that these questions formed the subject of a thorough investigation by the Shaw Commission, and of a detailed investigation by the Johnson-Crosbie Committee in April, 1930, in addition to Sir John Hope Simpson.

As a result of these extensive investigations the British Government definitely admitted that "at the present time and with the present methods of Arab cultivation there remains no agricultural land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish agencies hold in reserve." *

There is no doubt that the situation as revealed by these detailed investigations made it clear that Palestine was emerging into a critical moment in its development. For

* Command Paper, No. 3692, p. 16.

the purpose therefore of insuring the co-operation of both sections, the Jews and the Arabs, the British Government appealed to the Arabs "for the recognition of the facts of the situation, and for a sustained effort at co-operation in obtaining that prosperity for the country as a whole by which all will benefit." From the Jewish leaders the British Government asked "a recognition of the necessity for making some concessions on their side regarding the independent and separatist ideas which have been developed in some quarters in connection with the Jewish National Home." *

The White Paper, taken generally, was intended to dispel the fears of the Arabs as regards matters which in the opinion of the Shaw Commission were contributory to the outbreak and to the general discontent amongst the Arabs. In Arab circles it was impatiently awaited, and although it failed to satisfy the aspirations of the Arabs with regard to questions of land, immigration and constitutional developments, yet the Arabs observed a tendency on the part of the British Government to follow a policy more consistent with their obligations towards them. Other matters which were not cleared or expressly settled in favour of the Arabs were considered of subsidiary importance, and would be settled later through negotiations. But no sooner had the White Paper been published than the Jews claimed that the British policy as enunciated in the White Paper "involves a serious departure from the obligations of the Mandate as hitherto understood; that it misconceives the Mandatory obligations and foreshadows a policy which is inconsistent with the obligations of the Mandatory to the Jewish people."

* Command Paper, No. 3692, p. 23

These matters formed the subject of a debate in the House of Commons on November 17th, and were fully dealt with in a Memorandum by the Jewish Agency.

"The Jewish Agency and the Jewish people at large," it was stated, "sincerely hoped that the policy announced by His Majesty's Government would be such as to command their whole-hearted co-operation. It is deeply regretted that these hopes have not been fulfilled, and that in its spirit, no less than in its substance, the Statement of Policy has proved to be a document to which the Jewish reply can only be an emphatic protest." *

It was emphatically stated that the British Government, by accepting the Mandate, voluntarily undertook not merely to tolerate but to facilitate the establishment of a National Home for the Jews.

On the other hand, the Arab Executive, speaking on behalf of the Arabs, said :

"If this White Paper is designed to remove some of the apprehensions of the Arabs with regard to these questions (land, immigration and unemployment), we are unable to say that it has really dispelled such apprehensions, or some of them, in view of the reputed ability of the Jews to spread misleading propaganda and the weakness of His Majesty's Government in the face of such propaganda." †

A RETREAT

These fears on the part of the Arabs appear to have been well-founded to some extent, for no sooner had the

* Memorandum by the Jewish Agency, November, 1930.

† Memorandum by the Arab Executive Committee, December, 1930.

White Paper been published than the Jews carried out a world-wide campaign of propaganda which resulted in what appeared to be a retreat on the part of the British Government.

It appears that it was the considered opinion of Lord Passfield, then Secretary of State for the Colonies, that "the intention of the White Paper was to make the possibility of the suspension of Jewish immigration contingent upon unemployment upon such a scale as would have a serious effect in preventing the Arab population from obtaining the work necessary for its maintenance." * It was intended, of course, that the Arabs should not only be protected from being thrown out of work in consequence of the increase of Jewish employment, but to be able to obtain as of right the work necessary for their maintenance.

That this was the meaning attached to the White Paper on this important question can be seen from a statement which Lord Passfield again published in *Reynold's Illustrated News* of November 2nd, 1930. Lord Passfield explained that "what is meant is that, if it can be shown that any particular immigration is calculated greatly to increase unemployment amongst the Arabs, then, in accordance with the very words of the Mandate, that fact must be observed in settling the numbers to be admitted." However, the Jewish Agency held a different view. In its opinion, "to say that Jewish immigration must not be permitted greatly to increase unemployment amongst the Arabs" is clearly quite different from saying that "Jewish immigration must not result in preventing the Arab population from obtaining the work necessary for its maintenance." The difference between the two versions is quite

* *The Times* of November 6th, 1930.

clear. It was therefore necessary, or at least the Jewish authorities thought so, that a wide measure of propaganda be instituted, both on the Continent and in the United States of America, with the sole object of reversing the British policy. It appears that these concerted efforts had, to a great extent, their desired effect, for a few weeks after the publication of the White Paper the Prime Minister addressed a letter to Dr. Ch. Weizmann dated February 13th, 1931, reversing in effect the statement of policy enunciated in the White Paper of November 1930.*

In this letter Mr. MacDonald gave a different interpretation to the Mandate, in that it was, he stated, an undertaking to the Jewish population of Palestine. He quoted a speech which he made on April 3rd, in which he referred to the double undertaking involved, to the Jewish people on the one hand and to the non-Jewish population of Palestine on the other. That declaration, the Prime Minister added, was in conformity not only with the Articles, but also with the preamble of the Mandate. He desired to remove the apprehensions which were shown in various Jewish quarters that the British Government foreshadowed in the White Paper a policy which is inconsistent with the obligations of the Mandatory to the Jewish people.

Mr. MacDonald then dealt with perhaps one of the most important questions referred to in the Mandate, namely, the civil and religious rights of other sections of the population, which were dealt with in particular in paragraph 21 of the Statement of Policy which defined the meaning of Article 6 of the Mandate in the following words :

“ It is the duty of the Administration under the

* Middle East, No. 39.

Mandate to insure that the position of other sections of the population is not prejudiced by Jewish immigration. Also, it is its duty under the Mandate to encourage close settlement of the Jews on the Land, subject always to the former condition." *

It was held by the Jewish Agency that this paraphrasing of Article 6 was unreasonable and perverse. All the more so since that Article is preceded by Article 2, which, in laying down the general principles on which the Mandated territory is to be administered, begins by making the Mandatory responsible "for placing the country under such political and administrative and economic conditions as will secure the establishment of the Jewish National Home. It was further alleged on the Jewish side that it was not the intention of the framers of the Mandate to say what was in paragraph 21 of the White Paper, and that they had used language conveying entirely different implications.

It is quite clear, they argued, that the main purpose of Article 6 was to impose upon the Mandatory the positive and affirmative obligation of facilitating the immigration of Jews and close settlement by the Jews on the land.

Far from imposing on the Mandatory, they asserted, any special obligations in respect of the Arabs, the real meaning of this provision is merely that, so far as their civil and religious rights are concerned, all inhabitants of Palestine, Arabs and Jews alike, are to be treated on a footing of complete equality. This has clearly no bearing on the question of immigration.

The views which were held by the Arabs on this point outweigh the above interpretation. In the opinion of the

* Command Paper, No. 3692, p. 18.

Arab Executive, the term "civil and religious rights" was mentioned in one sentence only in Article 2 of the Mandate, together with the term "self-governing institutions." *

Article 6 of the Mandate makes His Majesty's Government responsible for safeguarding the rights and position of the Arabs.

The contention of the Jewish Agency that the position of the Arab section of the population to which reference is made in that Article connotes its political position, cannot be supported. It cannot be alleged that the Mandatory is under an obligation to safeguard the political position of the Arab section, though their social and economic position may be endangered as a result of Jewish immigration and the acquisition of the land by Jews. The two obligations laid down by the Mandate with regard to the establishment of the Jewish National Home on the one hand, and the safeguarding of Arab interests in Palestine on the other, cannot be stated to be of equal weight, inasmuch as the obligation with regard to the establishment of the Jewish National Home is qualified by a condition that the "rights and position" of the Arabs "should not be prejudiced thereby."

In confirmation of their views, the Arab Executive added that the establishment of a Jewish National Home in Palestine not only prevented the Arabs from enjoying such political rights as are enjoyed by their brethren in Iraq, Syria and even Transjordan, but had prejudiced the social and economic life of the country.

In other words, no matter how large their numbers may be, or how vast the area of land in their possession in Palestine, the Jews should not be allowed to subordinate

* Memorandum by the Arab Executive, pp. 12-18.

the Arab communities or to enjoy a position superior to their position. The Arabs have had severe economic detriments, considered individually, as a result of the Jewish National Home policy, and not only lost vast areas of their land, irrespective of the circumstances in which such alienations took place, but most of the industrial enterprises in the country are held by Jews owing to the resources which they have at their disposal.

In paragraph 6 of his letter to Dr. Weizmann, the Prime Minister did not overlook this point, but naturally gave a different and wider view.

Mr. MacDonald said that the words "safeguarding the civil and religious rights" occurring in Article 2 cannot be read as meaning that the civil and religious rights of individual citizens are to be unalterable.

Reverting to the words "rights and position" occurring in Article 6, Mr. MacDonald was of the opinion that "these words plainly refer to the non-Jewish community. These rights and position are not to be . . . impaired or made worse . . . but the words are not to be read as implying that the existing economic conditions in Palestine should be crystallized. On the contrary, the obligation to facilitate Jewish immigration and to encourage close settlement by Jews on the land remains a positive obligation of the Mandate." This interpretation is completely different, both in spirit and in words, from the meaning given to Article 6 in paragraph 21 of the White Paper, which definitely insures that the position of the other sections of the population should not be prejudiced by Jewish immigration.

Mr. MacDonald then dealt with the contention of the Jewish Agency that the Mandate has been re-interpreted

in a manner highly prejudicial to Jewish interests in the vital matters of land settlement and immigration. It will be remembered that the Jewish Agency in its Memorandum on the White Paper contended that the interpretation given to Article 6 of the Mandate in the White Paper never occurred before to the Mandatory Power, and is no more than a mere after-thought. In fact it was alleged that "the policy of the White Paper would place an embargo upon immigration and would suspend if not indeed terminate the close settlement of the Jews on the land."

This contention arose out of the passage of the White Paper referring to State lands, where it was stated that it would not be possible to make these areas available for Jewish Settlement in view of their actual occupation by Arab cultivators, and of the importance of making available additional land on which to place this class of landless Arabs. But this measure, fair as it may appear to be to any reasonable person, was received with bitter resentment by the Jewish Agency.

Mr. MacDonald dealt further with the question of congestion amongst the fellaheen in the hill districts, and with the improvement and intensive development of the land under some centralized control of transactions relating to the acquisition and transfer of lands during such interim period as may reasonably be necessary to place the development scheme on a sure foundation. He rebutted the implication that the Statement of Policy implies a prohibition of acquisition of additional lands by Jews. "It contains no such prohibition," Mr. MacDonald said, "nor is any such policy intended." What it does contemplate is such temporary control of land disposition and transfers as may be necessary not to impair the harmony and

effectiveness of the scheme of land settlement to be undertaken.

The letter further deals with the control of immigration, which is cognate to this question, and ended with expressing the need "for co-operation, confidence and readiness on all sides to appreciate the difficulties of the problem." But this letter widened, instead of narrowing, the gap between all parties to the issue, and was no less than a flagrant retreat by the British Government from the enforcement of the policy as originally enunciated in the White Paper of 1930.

CHAPTER XII

THE LAND PROBLEM

THE question of land has, perhaps, in Palestine more significance than in any other country. It is to the Jews the corner stone of their National Home, and to the Arabs the basis of their national existence. Without acquisition of land the Jewish great experiment cannot be realized, and the hope of establishing a National Home will not be feasible or possible. The land problem is therefore one which rightly affects the "rights and position" of the Arabs.

Jewish immigration does not merely depend on the existence of employment in the various enterprises in the country, but must rely, as it does, upon the expansion of Jewish possessions for the purpose of establishing new Jewish settlements. In a country like Palestine, limited in area and already heavily populated, the introduction of new settlers must necessarily result in the replacement of present holders. The Arabs realize that the success of Jews in their scheme of land settlement means no less than their displacement. Before, however, going into the details of this intricate question, it may be advisable to give an approximate figure of the area of Palestine and the various categories of land.

There have been various estimates of the area, but a recent estimate of 10,000 square miles has been accepted as the most reliable. It includes the hills of Galilee and Judea, the Five Plains including the Jordan Valley, the

Beersheba area and the desert areas. Of the total area 8,044,000 metric dunums are cultivable land, and the remaining 18,114,000 metric dunums uncultivable land.

From this area should be deducted the uncultivable land available in the Beersheba tract, where exceptional circumstances prevail in connection with land tenure by the Bedouins. This being the case, the area of the cultivable land will amount to 6,544,000 metric dunums, of which in the year 1930 the Jews held 1,200,000 Turkish dunums excluding the Beersheba region. At the time of the inquiry held by the Shaw Commission the Jews held 14.4 per cent., but since then it is estimated that an additional area of over half a million dunums was acquired by Jews, either by complete transfer or by contract, especially during 1934, in which year land sales reached the highest mark.

In considering the land problem in Palestine the number of the population, especially that class which lives mainly on agriculture, must be taken into account. At the time of the inquiry made by Sir John Hope Simpson in 1930 the totals were, according to the records of the Department of Health, Moslems 692,195, Jews 162,000, Christians and others 91,727, of which the rural population amounted to 501,968.*

Since that inquiry was made, however, a more scientific and accurate census was taken, according to which the total population amounted to 1,035,821, of which 759,712 were Moslems, 174,610 Jews, and 91,398 Christians. But since then the population has increased considerably and is estimated to have reached approximately 1,400,000, of whom about 400,000 are Jews. The increase was partly

* Report on Immigration, Land Settlement and Development, by Sir John Hope Simpson, p. 24.

due to natural growth, but principally to mass Jewish immigration.

Sir John Hope Simpson came to the conclusion, basing himself on the information which was made available to him during the inquiry, that 29.4 per cent. of the rural Arab families were then landless, and that the whole of the cultivable land not already in the hands of the Jews would not afford an average lot in excess of 90 dunums were it divided among the existing Arab cultivators.

Had this estimate, however, been based on the Census of 1931, the lot which would be available for each family would be much less, taking into consideration the area which was then still in possession of the Arabs. Jewish bodies and individuals acquired since 1930 large tracts of land while the Arab population has considerably increased in numbers due to the natural excess of births over deaths.

The Johnson-Crosbie Committee, which inquired into the economic conditions of agriculturists in Palestine in 1930 came to the conclusion, after investigating the condition of 104 Arab families, that "in order to provide the minimum cost of living for a family, a holding of 75 dunums seems to be necessary for an owner-cultivator, while a tenant requires 130 dunums. The small-holder or tenant who has not the necessary minimum holding must supplement his income either by hiring himself out as a labourer inside or outside the village or by engaging in transport work, in charcoal or lime-kiln burning, or some such occupation." *

There was another estimate of the minimum area required for the maintenance of a farmer's family, which was given during the negotiations which took place a few

* Report of the Johnson-Crosbie Committee, p. 22.

years ago between the Palestine Government and the General Federation of Jewish Labour. Mr. Ben Zvi, representing this Federation on the subject of the grant of land at Tel Arad for Jewish ex-service men, stated that 200 dunums was the minimum that would suffice for a family. This basis was finally accepted by Government for that particular purpose. It was pointed out by the High Commissioner that in other cases 70 dunums had been granted to settlers. Mr. Ben Zvi maintained that this was where there were plantations, and that the P.I.C.A. allowed 250 dunums for each family.

Taking these conclusions as a whole, it would appear that the 75 dunums which remain available for each Arab family are not sufficient for its maintenance, and that there is a deficiency in the area of land available for the Arabs.

As has been already stated, following the recommendations of the Shaw Commission, the Mandatory Power appointed Mr. Lewis French to inquire into and report on agricultural development and land settlement. Mr. French submitted two valuable reports, in which he endeavoured to show the defects of the land policy which the Palestine Administration had pursued since the British occupation, and to suggest ways and means to prevent the Administration from falling into similar mistakes in the future.

He considered the decision of the Palestine Administration with regard to the resettlement of the Arabs who were dispossessed of their holdings, which they were cultivating before they were alienated by the Jews, as a recognition of and a move to retrieve the mistake which permitted the displacement to occur. "It needs no argument to prove," he said, "that the repetition of this case can only lead to a recurrence of the present situation."

It may be asked how this class of the community was allowed to be created? It really seems that things were allowed to take this course unchecked, or one may go still further in suggesting that the situation which has now arisen was foreshadowed even under the Military Administration, but no proper steps were taken to find a remedy for it.

In 1920—two months after the institution of the Civil Administration—an Ordinance was issued imposing some restriction on land transfer. It provided, *inter alia*, that in the case of agricultural land the tenant in occupation, if the property is leased, will retain sufficient land in the district or elsewhere for the maintenance of himself and his family, or else the Governor will withhold his consent to the proposed disposition.*

This Ordinance was amended in 1921. The Director of Lands was required, under the amended law, to satisfy himself that the transferer has title and that, in the case of agricultural land which is leased, he is well satisfied that any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family.

Again, in 1929 an Ordinance was issued repealing all the provisions of the 1921 Ordinance, which provide for the retention of a piece of land sufficient for the maintenance of the family of the dispossessed tenant. It entitled the tenant, nevertheless, to one year's notice and to some compensation in respect of his disturbance. In 1933, another amending Ordinance was issued containing restrictions somewhat based on the provisions of the Land Transfer Ordinance of 1920-21. It provides that the

* Land Transfer Ordinance, 1920.

tenant should retain sufficient land for his maintenance. But, notwithstanding all these restrictions, land sales continued on a large scale without any hindrance, and various methods were used to defeat the law.

These Ordinances were either of no effect or were not vigorously or properly enforced. When asked as to the number of cases in which the provisions of the first two Ordinances were applied, the Director of Lands to the Government of Palestine, in his evidence before the Shaw Commission, did not think that there was any case, and that the Ordinance had, in fact, proved unworkable.

Explaining the reasons, Mr. Stubbs added :

“A vendor would come along and make a contract for sale and purchase with the Jews. We would know nothing of this until four, five or six months later, when the transaction would come to the office. We would then instruct the District Officer to report on the tenants. He would go to the village, and in some cases he would find the whole population had already evacuated the village. They had taken certain sums of money and had gone, and we could not afford them any protection whatever. In other cases it was found that a large percentage of the population had already gone before the transaction came to us, and we could not find out who the tenants were ; they had no written contracts, and we did not know what compensation they were getting, and that was a reason for the introduction of the Ordinance of 1929, so that we could be able to supervise their compensation to be settled by an organized body, a board under the Ordinance.” •

• Shaw Commission Report, p. 115.

That section of the law which provides for the retention of a sufficient area of land sold for the benefit of the fellah was never applied, with the result that a good number of Arabs became landless. It was in these peculiar circumstances that the Mandatory Government found it necessary to investigate the matter and to delegate Mr. French to Palestine for the purpose of considering the following objects :

- (i) The resettlement of Arabs who were displaced from the land which they occupied in consequence of the land falling into Jewish hands, and who have not obtained other holdings in which they can establish themselves or other equally satisfactory occupation, and the improvement and development of lands in the hilly districts.
- (ii) The ascertainment of what State or other lands which properly can be made available for close settlements of Jews.

The question of the availability of State lands which could be placed at the disposal of the Jewish Agency for settlement purposes was dismissed by Sir Herbert Samuel as early as 1921, when representations were made to him that Government owned vast areas of State lands in Palestine. He even asked the Jewish bodies who put the claim to him at the time to make a search themselves so that he might be able to place at their disposal any land which they may find. No such land, however, could be found.

Sir John Hope Simpson confirmed Sir Herbert Samuel's view and "dismissed as an illusion the current belief that Government has at its command large areas of land."

Following the recommendations of Mr. French, advanced

settlement was carried out on two plots of State land with a view to discovering whether any unoccupied land would be available for new settlers. But the result was unsatisfactory to the Jews. In predicting such results Mr. French said, "If it was desirable to arrange for settlement of Jews it will be inevitable for Government to buy land for this purpose from existing individual owners."

The fact still remains that there is no surplus land at present in Palestine which can be used for Jewish settlement. But, nevertheless, Mr. French suggested that it would be possible to redistribute large holdings amongst small cultivators with a view to creating surplus lands for settlement of Jews. Thus the fact that the land question in Palestine, as in other countries, is not one which affects the individual citizen only, but the community at large, was completely overlooked, especially as the official investigations revealed and proved beyond any doubt that the land was insufficient to meet the requirements of the existing population. The Arabs consider, and rightly so, that any further alienation of land will prejudice their "rights and position."

Mr. French himself came to the conclusion that, "leaving aside a few insignificant areas in the hills temporarily abandoned, because of owners who have lost their cattle or other simple resources and are too much indebted to be able to replace them, in reality there are at present no cultivable lands at all which are surplus. . . ."

The Arabs' only desire as far as the land problem is concerned is that they should be able to retain what little land remains in their possession, and to develop such land in a manner which will enable them to ensure a reasonable maintenance for themselves and their descendants. In

their considered opinion any development on the general lines suggested by Mr. French will not realize any of their objects. So long, they assert, as there is no margin of land which may be disposed of, no policy which is not designed to retain for them their present holdings would be accepted by or fair to them.

Indeed, Mr. French was of the opinion that, if there were available areas of such "surplus land," there would be either no problem of landless Arabs to solve or no difficulty in solving it, for the Arabs who were displaced from their lands by Jews would already have transferred themselves there, in search of the only means of livelihood familiar to them, or they could have been settled thereon by the Government.

Surplus lands cannot mean in Palestine those lands which are at present devoted to extensive or cereal farming, and which in the opinion of colonizing experts can be devoted to more intensive farming, but those lands which in the opinion of colonizing experts, to use Mr. French's words, "can be devoted to more intensive farming and made available to new settlers without affecting the rights of the landless cultivators."

During the last eighteen years the Jews acquired individually or collectively approximately $2\frac{1}{2}$ million dunums of land in the most fertile tracts. These lands have been taken definitely out of the hands of the Arabs "and were extra-territorialized." No such land can ever be resold to Arabs. Thus acquisition of land is not governed by economic rules, but is merely actuated by political motives. Not more than one-third of the land in Jewish ownership has been developed, while the remaining part is retained for future use and settlement.

Another feature of the settlement of Jews on the land is that such settlement results in the impoverishment of Arab towns in their neighbourhood. Many of the towns in Palestine largely depend upon their trade with the inhabitants of the neighbouring villages. When the Jews acquire land they usually evict the people, with the result that the relation of such people with the neighbouring town comes to an end.

It is extremely difficult for any reasonable person to accept the suggestion that the land, including State and waste lands, should be given to Jewish settlers who come from various parts of the world, while the people of the country themselves do not own or possess sufficient land for their maintenance, but, nevertheless, such has been the persistent demand of the Jews.

Mr. French's detailed investigations into the question of State domains have led him to the conclusion that there were no such lands at all in Palestine which could be made available either for resettlement or colonization, as all domains were either conceded for special purposes or already fully leased to Jewish or Arab cultivators.

Dealing with the Beisan tract, Mr. French advised that Government should create an entirely new settlement of water and land in that area for the benefit of the existing settlers. But for the Huleh Plain he gave a more constructive proposal. He suggested that Government should take complete control of land and water in this area, "by compulsory expropriation in the interests of the community at large, or by buying out the interest of the concessionaires."

But what did the Government do? It endeavoured to

find land for an insignificant number of landless Arabs on an estate the outlay of which by far exceeds its benefits. The whole development scheme which was worked out by Mr. French was ultimately reduced to one of dealings with a handful of cultivators under the management of an expensive staff.

In Beisan, a purely Arab locality, cultivators who hold the land by virtue of an agreement which they entered into with Government in 1922, were allowed to hold the land upon payment of a redemption price. When these poor cultivators were induced or forced to sell their interest Government did not withhold its consent. It accepted payment of the full redemption price payable by the cultivator on the transfer of his land, in a manner which invited disaster and created an additional number of landless cultivators.

Recently, however, Government found it necessary to renew the Agreement with what little number of the cultivators remained on the land, and extended the period of payment to thirty years.

I will now deal with the Huleh area, the most important and largest area capable of development. This area is one of the best areas in Palestine, fit for intensive cultivation. It is in the shape of a valley, to the north-east and west of which mountains rise abruptly ; " to the south it is shut in by a comparatively low ridge behind which the Huleh Lake is formed. The pestilential papyrus marshes, the largest known in the world, are the shallow portions of the Huleh Lake and an essential part of it ; in addition, all around the north-east and western edges of the plain there are numerous smaller marshes joining on to the main

lake, formed by the many springs from the foot of the hills and by shallow arms of the lake itself." *

It is stated that this plain covers an area of 150,000 dunums, which is all irrigable. The property is very valuable and exceedingly fit for development. A large part of this plain, including the lake itself, is a State domain, but it has passed, almost in its entirety, out of the hands of the Government into the hands of the concessionaire, Selim Bey Salam, of Beirut. The concession was originally granted by the Turkish Government to two Syrians, but was renewed by the Palestine Government after prolonged negotiations on condition that a company for which provision was made in the Agreement of Concession would be formed to take up the concession and to develop the land.

During all this period little was done to drain the land, and the rights of the cultivators in the land under the concession were ignored. As soon as the concessionaire obtained recognition of his rights he opened negotiations to sell the land, first with the Zionist Organization, and subsequently with the Walbrook Trust, and although these negotiations came to nothing at the time they were resumed recently, and the concessionaire, with the approval of Government, has allowed this vast area, which is particularly suitable for development and irrigation, to pass into individual Jewish ownership.

The Arab authorities have demanded that the Concession be taken over by Government and the area developed for public purposes. But it seems that considerations of policy overruled the suggestion, which, were it accepted, would

* Report on Irrigation and Water Supply, by Cyril Q Henriques, submitted to the Joint Survey Commission, p. 339.

have resulted in the benefit of the whole community, and not of one section of the population. The mistake committed by Government in this case is dual: in the first place, it has allowed an individual person to exploit a concession which was intended for the community at large for his own use, and permitted him year after year to retain the concession, irrespective of his repeated failure to fulfil its conditions, until he was able to solicit and obtain for it about £200,000. Here again the transfer was allowed to be made to the Jewish Colonization Authorities, to the detriment of Arab interests, although the conditions under which the transfer was permitted contain some provisions for the improvement of public health and partial protection of the cultivators.

If anybody is to be blamed in this case other than Government, from the Arab point of view, he must be the concessionaire, who, as an Arab, allowed himself to be the means of the final and perpetual alienation of this fertile and vast area of land to Jewish hands, irrespective of Arab interests. For his action no justification can be found.

In almost all other parts of the country Jewish national bodies and individuals continued to acquire thousands of dunums of land every year, transferred mainly by absentee landlords living in Syria and Egypt. The manner in which these absentee landlords came to be in possession of land in Palestine is dramatic. It was thoroughly investigated by the Shaw Commission. "Under the Turkish regime," the Commission said, "especially in the latter half of the eighteenth century, persons of the peasant classes in some parts of the Ottoman Empire, including the territory known as Palestine, found that by admitting the overlordship of the Sultan or of some member of the Turkish

aristocracy they could obtain protection against extortion and other material benefits which counterbalanced the tribute demanded by their over-lord as a return for his protection. Accordingly many peasant cultivators at that time either willingly entered into arrangements of this character or, finding that they were imposed upon them, submitted to them. By these means persons of importance and position in the Ottoman Empire acquired the legal title to large tracts of land which for generations, and in some cases for centuries, had been in the undisturbed and undisputed occupation of peasants who, though by the new arrangement they surrendered their prescriptive rights over the land which they cultivated, had undoubtedly a strong moral claim to be allowed to continue in occupation of those lands." *

Soon after the British Occupation, Jewish colonization agencies set their eyes on these lands, and before 1925 many colonies supplanted Arab villages in the Valley of Esdrælon and in other parts of the coastal plain. In one case alone the areas affected included twenty-two Arab villages. In nearly every case the Arab cultivators who were living on the land were displaced. The purchasers or vendors were under a legal obligation, under the Protection of Cultivators Law, to give each cultivator land sufficient for his maintenance and family, yet the law was never applied, and only a very small number of Arab cultivators, if any, received monetary compensation, insignificant as it was, to meet their needs, while others, through their ignorance, were compelled to evacuate the land without compensation.

The circumstances affecting the sales of these lands are

* Report of the Shaw Commission, p. 120.

too lengthy to be stated here. In a very recent case of this kind the Arab cultivators who were living on the land were settled for some time on an estate which was leased to them by Government from the Jewish National Fund, and are now occupying a tract of land under the development scheme known as Tel-El-Shouk, near Beisan, where they live as tenants under the Government.

In many cases land was transferred through individual persons either through the force of economic pressure, or owing to the comparatively high and alluring prices offered by Jews.

It is sometimes argued that Government cannot restrict the freedom of sale, as such restriction may be considered in certain cases as inconsistent with the spirit of the Mandate. But, on the other hand, a member of any community should not be allowed to dispose of his property in a manner which may prejudice the rights and position of the community as a whole, and no person should be at liberty to dispose of his property at his free will, if such disposition should be detrimental to his country, as the exercise of the personal liberty of the individual must be dependent upon the public interest and welfare.

The Arabs have a strong case to demand and obtain the prohibition of land transfer by the operation of the law. It is impossible to settle more Jews on the land without increasing the landless Arab class, or without causing the Arabs further detriment or prejudice.

It has now been established beyond any shadow of doubt that the remaining land in the possession of Arabs cannot be sufficient for their maintenance. It was so at least four years ago, but since then the Jews have been able to acquire double at least the area which was already in their possession.

It is fortunate that the British realized this fact at last. This was recently disclosed in the course of a statement made by the High Commissioner on January 29th, 1936, to the Arab leaders, although the scheme envisaged still leaves a loophole for further speculation.

Sir Arthur Wauchope announced that "it is the intention of Government to create legislation whereby, except in the sub-district of Beersheba and in urban areas, and also except as regards land planted with citrus, no landowner shall be permitted to sell any of his land unless he retains a minimum area which is sufficient to afford a means of subsistence to himself and his family."

This announcement was received with much satisfaction in Arab circles, inasmuch as it disclosed a genuine intention on the part of the Mandatory Government to remedy a dangerous situation. The only cause for objection which it invites is the exclusion of the Beersheba region from the scheme, which the Arabs assert is intended to leave an opening for further Jewish settlement in that purely Arab area. On the other hand, the Arabs fear that, unless urgent steps are taken to enact the proposed law, vast areas will be alienated. It is further argued that some such protective measure was recommended by Mr. Lewis French about four years ago, and by the time Government realized the advisability of such a step no less than 500,000 dunums of land were perpetually transferred from Arab hands. But whether such a law will eventually be enacted or otherwise abandoned under Zionist pressure no one is in a position to say. It is no doubt in the interest of the community at large that a definite end be put to this question, which has proved to be a source of continual trouble and unrest.

CHAPTER XIII

IMMIGRATION

THE principle that each country should be closed to immigration, if such immigration would be prejudicial to its economic interests, is applied in almost every country, with the exception of Palestine. Here we have before us the question of establishing a National Home for the Jews, and naturally no such home could be established without the introduction of new settlers. From this point the problem of immigration is connected with that of the land, and the same objections and grievances of the Arabs as regards the land problem apply equally to that of immigration.

The question of immigration in Palestine has always been an intricate one. It has caused much inconvenience to the Administration and evoked the continual protest of the Arabs. To the Jews, immigration is the corner-stone in the structure of their National Home, and in that they did not conceal their aims. In speech and writing, Jewish bodies as well as individuals made this point quite clear. It is their expressed wish to encourage Jewish immigration by every possible means, and at the same time to prevent immigration of Arabs from neighbouring Arab countries. It was natural that the fears of the Arabs should have been aroused even before regular Jewish immigration into the country began, when they read appeals in Jewish periodicals calling for mass Jewish immigration. The

following extract from a leading article which appeared in a pro-Zionist paper as early as 1918 may be quoted as an illustration of the meaning which the Jews attach to the term "National Home":

"Hence the real key to the Palestine situation is in giving the Jews, as such, those rights and privileges in Palestine which shall enable Jews to make it as Jewish as England is English, or as Canada is Canadian. That is the only reasonable or, indeed, feasible meaning of a Jewish National Home, and it is impossible for Jews to construct it without being accorded a national status for Jews." *

It is unfortunate that such radical ideas were entertained not only by individual Press contributors but also by Zionist leaders. In the opinion of the late Dr. Eder, a prominent Zionist leader, to quote one of innumerable examples, "there can be one National Home in Palestine, and that a Jewish one, and no equality in partnership between Jews and Arabs, but a Jewish prominence as soon as the numbers of that race are sufficiently increased." †

Dr. Weizmann put the matter even more clearly. "Were our right to enter Palestine made dependent on the advantages derived by a majority of its present inhabitants," Dr. Weizmann said in a communication which he made to the High Commissioner on May 2nd, 1930, when forwarding the Annual Report of the Jewish Agency, "our position there would in no way differ from that of immigrants entering an alien country, and the Articles in the Mandate which set up a National Home in Palestine would become meaningless."

* *The Jewish Chronicle*, No. 2720, of May 20th, 1921.

† *Zionist Review*, November 2nd, 1918.

These fears of the Arabs were strengthened by many announcements made by leading British statesmen. In commenting upon the Balfour Declaration one year after it was made, General Smuts said :

“Great as are the changes wrought by this war, this Great World War of justice and freedom, I doubt whether these changes surpass in interest the liberation of Palestine and its recognition as the Home of Israel.”

Lord Cecil, in addressing a Jewish gathering at the Albert Hall on July 12th, 1920, said :

“We are trying to restore an ancient people to its ancient home, to knit up again the severed threads of national history. We have given you national existence. In your hands lies your national future.”

These and similar utterances had their effect on the Arabs. To them, they had no other meaning than a threat for their displacement from their country and their subordination by an alien people. The question is not one of allowing the immigration of Jews into Palestine similarly to the nationals of any other country, but is one which affects, as it does, the national structure of the Arab people. From their point of view, Jewish immigration has as its aim the ultimate imposition of a Jewish nationality upon the Arab inhabitants as a whole with a view to creating Jewish predominance and a Jewish majority. It is a movement for the restoration of the Kingdom of Israel. For that purpose, “the Jewish community in Palestine should be able to increase its number by immigration,” the Secretary of State announced in the Statement of Policy of 1922.

Experience under the British Administration since the confirmation of the Mandate shows that various forces

partly emanating from Palestine and partly from England have helped, to some extent, towards the fulfilment of this policy.

The admission of Jews into Palestine on anything like the scale allowed by Government during the last three or four years must inevitably prejudice Arab interests and affect their rights and position. From 30,000 in the year 1922 they have increased their numbers to 400,000. Such an unrestricted increase must have its effect on the Arabs, not only as individuals, but as a community.

In recent years immigration of Jews to Palestine has been closely associated with the confused political situation in parts of Central Europe. The existing so-called state of prosperity in Palestine is fictitious and may be mainly due to the transfer of capital from European countries as a temporary measure. But it cannot be expected that this situation will continue for ever, as the least deviation or change which may take place in the prevalent situation in Europe will result in the reversion of such capital to the countries from whence it came. In that event the economic conditions in Palestine would be adversely affected; and of such persons who immigrated only labourers would remain, who themselves would become a burden on the community. In looking back on the immigration movement during these years, and the economic depressions which repeatedly swamped the country, it will be observed that such a situation actually arose on many occasions between the years 1923 and 1930. Indeed, there are signs of a repetition of such a situation at the present moment in consequence of the disorders of 1936.

In the section dealing with immigration in the Annual Report of the Administration of Palestine for 1923 the

Mandatory Power admitted "that increased unemployment was due in the main to the curtailment of the Government's programme of road making, industrial inactivity and economic depression." In another place it was stated that "the need for additional labour immigrants has been slight." Yet the flow of immigration never ceased, and the country had to bear the burden. At the beginning of that period and as a result of Jewish enthusiasm towards the National Home movement considerable capital was introduced through individuals, which was considered at the time as a justification for the admission of a large number of immigrants far in excess of the economic capacity of the country. This fact was reflected by the large amount of unemployed labour amongst Jews and Arabs. There was hardly any year in which unemployment was not rife.

But the question appears to be one of increasing the number of the Jewish community irrespective of whether or not there are prospects of employment for immigrants.

It is certain that if Jewish employers were to show a tendency to employ Arab labourers in Jewish enterprises, the number of unemployed amongst the Jews would be considerably higher. It is for this reason that continual efforts are made by the Jewish Labour Federation and other labour groups to prevent the employment of Arabs in Jewish enterprises.

In many cases, Jewish labourers were, and are still, being employed on State enterprises in numbers out of all proportion to the Jewish population, with a consequent displacement of Arab labour.

The grievances of the Arabs against Jewish immigration cannot be considered purely political. They are actuated

in part by economic factors. If the new arrivals could be taken at once into agricultural colonies, their coming would be little felt. They would have an insignificant effect on the working classes, but their employment on public works and railways, and their entry into competition with the town people as artisans, labourers and even porters, particularly since they come in relatively large numbers, must necessarily arouse the same feeling of hostility and alarm that alien immigration has excited in other countries.

It cannot be argued that these new arrivals are not aliens, because they are returning to their ancient home, as no Arab will admit such a right to the Jews.

Competition of Jewish immigrants is not restricted to manual or skilled trades, but extends to public service in all its branches, and to the liberal professions. There is another danger which must be borne in mind: the new arrivals usually bring with them some advanced European habits and ways of thought which are not borne out by local traditions. It must be realized that Palestine, being largely populated by Arabs, is a country where great importance is attached to matters of social etiquette, decorum and traditions which have descended from generation to generation, and which are completely at variance with foreign ideas which are being radically introduced into the country.

It is natural that the Arabs should have been irritated by the self-assertion and aggressiveness of these new arrivals and be influenced by the social and Bolshevik principles which they bring with them. A strong Bolshevik element has already established itself in the country and has produced an effect on the population, not by the

success of its propaganda only, but by the genuine uneasiness which it inspired amongst the Arabs, especially amongst the poorer classes.

It is true that the danger to be apprehended from the movement cannot now be sufficiently appreciated, as it is being partly checked by Government, but in the event of an abnormal movement taking place in this part of the East those who were responsible for allowing the introduction of this element and the spread of its propaganda among the Arab people of the country, dissatisfied and disappointed as they are, will realize to what extent they were wrong in taking the matter with such easiness.

Then, again, there is the question of illegal immigration. By the admission of the British Government, "many cases of persons were discovered who were wrongly admitted to the country. In fact, no effective control exists in regard to the selection of immigrants from abroad, with the result that no adequate safeguards against irregularities in connection with the issue of immigration certificates and also against the immigration of undesirables."

According to a calculation made by the Palestine Government, something like 8,000 persons remained in Palestine without sanction during the three years preceding October, 1930. Since then the number of such illicit immigrations has reached an alarming figure, so that Government was recently compelled to constitute and maintain special punitive police posts on the coasts, and on the frontiers of Syria and Egypt, for the purpose of checking this practice, at the cost of thousands of pounds to the tax-payer.

These immigrants usually evade the frontier control and enter Palestine without *visa* of any kind. It was

discovered that special agencies were established for facilitating such illicit immigration of Jews in Beirut and in many important centres in Europe. The Press has recently reported cases where, in order to facilitate the admission of immigrants, persons were hired to proceed to special centres, where they were married *pro forma* to prospective women immigrants and brought them to Palestine as their wives; but as soon as they were admitted the matrimonial ties between them were severed with the mutual consent of both parties.

In addition to the Jewish Agency, the General Federation of Jewish Labour is another powerful Jewish body in Palestine which has a decisive say in the question of the immigration of Jews, and plays an important part in facilitating the introduction of immigrants under the Labour Schedule. This Federation is the largest organized body within the Jewish population of Palestine, and encompasses the whole range of the organized activities of the Jewish working class in town and country.

It considers Jewish labour as the keystone of the Jewish National Home. Referring to that view, the late Dr. Arlosoroff, a member of this Federation and of the Zionist Executive, in a letter to Sir John Hope Simpson during his inquiry in Palestine, said :

“The upbuilding of the National Home means not only the return of a homeless and drifting race to the soil, but, at the same time, the return of a people which for centuries have been cut off from the sources of productive work to a life of labour and toil, the life of a self-supporting community.

The National Home, which is not the profit-hunting enterprise of a chartered company, must not be built

upon the foundation of a cheap native labour exploited by immigrant capitalism." *

This Federation went so far as to deny to Government the right to restrict or control immigration, and in doing so did not conceal its views. "Our basic right recognized by the Mandate," the Federation argued in a letter to Sir John, "is to bring in without hindrance as many Jews as Palestine can be made to absorb by its natural possibilities and by our constructive efforts. . . . It follows that the control of immigration must be left in the hands of the Jewish Agency, this being the only responsible body that is both under an obligation and in a position to strike a balance between the needs of immigration and the constructive efforts of the Jewish people." †

Even the Jewish Agency, an officially recognized body, associated itself with this demand. It was its opinion that "the time has come to concentrate the regulation of Jewish immigration in the hands of a single authority, and that the responsibility for the control of Jewish immigration should be delegated by the Government to the Jewish Agency as that authority."

It will be remembered that the White Paper emphasized the fact that control of immigration must remain in the hands of the Palestine Government, which should be the deciding authority in all matters of policy affecting immigration. But the Arab Executive did not feel that this remedy would minimize the dangers of the immigration policy which has up till now been prosecuted in Palestine. In their opinion there was no difference between the policy of the Jewish Agency and that of the General Federation

* Report on Immigration, Land Settlement and Development, by Sir John Hope Simpson, p. 127.

† *Ibid.*, p. 128.

of Jewish Labour, both of which are based on dangerous political principles.

It seems inconceivable that part of the machinery of Government should be entrusted to private hands, but in Palestine there is no limit to such unqualified demands. Putting it in a word, the thing which really mattered to the Jews was to bring as many Jews as possible into Palestine, irrespective of the consequences; the theory appears to be that, "given this influx, matters would right themselves."

The provisions of the law with regard to the £1000 capital which a prospective immigrant is required to possess are elastic and can be easily evaded. Cases were reported where immigrants of this category were able to obtain admission to the country on the production of cheques or letters of credit from banks, obtained on payment of a commission on the understanding that the money will be refunded after admission. In fact, agencies for the transaction of such business were reported to have been established in many parts of Europe, especially in Poland and Germany.

It is the practice that any resident who wishes to obtain permission for the admission of any relative usually makes an application in which he gives certain details as regards his financial capacity and his ability to maintain the prospective immigrant. No difficulty was experienced until recently in obtaining approval of Government for the admission of such immigrants. After a simple inquiry is made the immigrant is allowed to enter, and before long he seeks employment, contrary to the undertaking originally given on his behalf.

The labour category, which is from the point of view of

the Arabs the most dangerous, is naturally inter-related with the other classes. The procedure of determining the economic absorptive capacity is defective in the absence of accurate statistics. The information had to be based, until comparatively recent times, on monthly reports of officers of the Immigration Department in Jerusalem, Jaffa, Haifa, and of police officers in other places. These figures are admittedly unreliable. In the preparation of these figures no sufficient consideration was given to unemployment amongst the Arabs, and the figures are usually restricted to town labourers, and mainly to Jewish labourers, although thousands of people are known to be out of work in Arab villages.

In analyzing the causes for the serious unemployment amongst Arab craftsmen and labourers, Sir John Simpson made this point quite clear. "For this unemployment there are several causes," he said. "Motor transport, largely in the hands of the Jews, is driving the camel and the donkey off the roads, and with them the Arab camel driver and the Arab donkey man. The motor car, again largely owned and driven by Jews, is displacing the horse-drawn vehicle and its Arab driver. The increased use of cement, reinforced concrete and silicate bricks, all manufactured by Jews, is replacing dressed stone for constructional purposes, and so displacing a large number of stone dressers and stonemasons, nearly all of whom are Arabs. The Arab quarrymen are also being displaced." * Of course there are many other similar causes of this unemployment, of which one may be mentioned, namely, the refusal of Jewish employers to employ Arab labourers. Unemployment amongst the Arabs does not only exist,

* *Ibid.*, p. 133.

but is quite serious and widespread. It is estimated that there is an average number of 50,000 unemployed among the Arabs, especially in the villages where schemes of development are not yet sufficiently known.

It was argued that through the introduction of capital in the last year or two, mainly through German immigrants, building activities have increased, and in particular in those areas where the Jewish population forms the majority, but such increase in the demand for labour and the decrease of unemployment is only temporary, and does not help much to improve the economic life of the country.

Irrespective of the deficiency of the system which has been adopted in deciding the economic capacity of the country for the purpose of determining what number of immigrants under the labour schedules should be admitted each year, the number of approved immigrants arriving in the country increased from the low figure of 2,713 in 1927, 2,178 in 1928, 5,240 in 1931, to 9,553 in 1932, and then reached the high figure of 30,327 in 1933, and 42,359 in 1934, which is perhaps the maximum number of immigrants in any year. These figures, of course, do not include illicit immigration which has become an additional burden.

In concluding the discussion of the immigration problem, it may be worth while to state that in the opinion of the Arabs no High Commissioner has done a greater service to the Jewish National Home than Sir Arthur Wauchope. During the last four years of his administration nearly 150,000 approved immigrants were admitted. In putting this opinion into writing it is not intended to cast the least reflection on Sir Arthur Wauchope, inasmuch as it is an expression of the general belief of the Arab population.

The situation up till now remains unchanged. Jewish

immigrants continue to come to the country in thousands every month under one category or another. "There can be no question of the total stoppage of Jewish immigration into Palestine," the High Commissioner informed representatives of the Arab parties at a meeting not long before the recent disturbances.* It is true that in reaffirming the principle of absorptive capacity in the admission of immigrants he declared his intention to keep in touch with the changing economic situation, through the Statistics Bureau which had recently been established, but it is doubtful whether these arrangements will prove to be sufficient to remove the Arab grounds of grievance.

So far they have not, and it is not likely that any other than a definite solution of this long-standing problem could relieve the Arabs of their fears in consequence of Jewish immigration. Otherwise this question, amongst other things, will continue to be the cause of repeated disorders and unrest. That this is the case may be evidenced by the disturbances which broke out in April, 1936, during which the Arabs maintained a complete and general strike for six months. From the beginning they expressed their determination to continue the strike "until Government introduces a fundamental change in its policy which will be shown by the complete stoppage of Jewish immigration."

* A detailed discussion of these recent disturbances and their causes will be found in a later chapter.

CHAPTER XIV

MIGHT VERSUS RIGHT

THE period between 1930 and 1933 passed with comparatively lesser activities in the political field. During this period Arabs as well as Jews were engaged in analyzing or else criticising the various reports on immigration, land development and other auxiliary matters which came into discussion, each side asserting its points of view to Government and through the Press.

The British Government realized the defects of its policy but made no genuine effort to rectify such defects. In the meantime, Jewish circles showed a tendency to seize the opportunity of this political dilemma by acquiring the largest possible area of land and admitting the maximum number of immigrants.

The anti-Semitic movement which swept Germany had the result of introducing thousands of immigrants each month to the extent that in 1932 alone over 30,000 Jews found their way into the country under one category or another.

At last the Arabs realized that reports and logical argument failed to result in effecting any improvement in their position. Even their demands for the enforcement of the British experts' recommendations remained unanswered. They found themselves facing a real danger through mass immigration on a scale which the country had never seen before.

Under the pressure of these alarming circumstances the Arab Executive, supported by the Arab Press, called for a general conference to deal with the situation. Consequently, on March 26th, 1932, a conference representing all shades of Arab public opinion was held at Jaffa. The main features of the resolutions adopted at that conference were the withdrawal of confidence from the Mandatory Power and the adoption of a policy of non-co-operation with the Palestine Government as a protest against the aggressive policy which it applies in Palestine, mainly in connection with immigration and land. These resolutions had their widespread effect and resulted, amongst other things, in the resignation of many Arabs who were unofficial members of various Government committees and boards. But, judging from the number of immigrants who were admitted during the same year and in 1933, this attitude of the Arabs appeared to have failed to have any effect on the policy of the Administration.

The tension rose to a higher pitch. The Arab Press continued to encourage the adoption of a more extreme policy, and Arab national bodies found themselves unable to check the tide of public opinion.

A SOLEMN PROTEST

The Arab Executive was bound to make a move, and decided at a plenary meeting held on October 8th, 1933, to proclaim a general strike, to be observed in all parts of Palestine, on October 13th. It was further decided that a demonstration should be held at Jerusalem on that day, which would start from the Haram Al Sharif, passing on to the Holy Sepulchre and through the various streets leading to Government Offices, where a statement would

be delivered on behalf of the Arab Executive to the demonstrators. When the news of this resolution reached Government, the Deputy High Commissioner sent for the President of the Arab Executive and pointed out to him that since the disturbances of 1929 Government had not allowed any processions and advised him to cancel the resolution of the Executive. It was natural that the President should have found himself unable to accede to Government's request.

Things continued, however, as they were, the Arabs preparing for the demonstration, and Government preparing its police forces to check any attempt to hold the demonstration. On the appointed day, at about 12 o'clock, thousands of people left the Mosque of Omar, including Musa Kazem Pasha, the secretaries and members of the Arab Executive and many leading men and women, but as soon as the demonstration reached the New Gate it was faced with a police detachment, which was drawn up as a cordon across the street to prevent the people from continuing their procession towards Government Offices.

The crowd pressed against the cordon with the intent of breaking through, but was checked by a baton charge. Some of the ladies who formed the rear of the demonstration were severely injured. However, a good number of the demonstrators, including the ladies, were able to force their way to the Damascus Gate, where again a baton charge was made by mounted and dismounted police. This attitude of the police, acting on directions from Government, resulted in a number of casualties among the public and the police.

It was determined, however, to hold similar demonstrations in other towns, and the Arab Executive decided to

hold the second demonstration at Jaffa on the 27th of the same month. The demonstration actually took place after the midday prayer, which was held at the Grand Mosque, facing the District Offices, and resulted, similarly to that at Jerusalem, in a clash with the police, who prevented the public from following a prescribed route. The police made baton charges and fired at the crowd. Here the number of casualties was much higher and much more serious.

During the Jaffa demonstration the Arab ladies, as in Jerusalem, took an active part and formed themselves into a special procession. A special delegation from Jerusalem proceeded to Jaffa to join the demonstration at the instance of the Arab Women's Executive at Jerusalem. Here again the ladies were made the subject of a baton charge and firing by the police.

These demonstrations were followed by processions of protest at Haifa on October 28th and the following two days ; while at Nablus a demonstration took place on the same day as that at Jaffa. Other demonstrations took place again at Jerusalem as a result of the fierce attack which was made by the police on the public at Jaffa, and their severity in dealing with members of the public causing such a large number of casualties. In its general observations the Commission which inquired into these disturbances said :

“The immediate cause of the disturbances with which we are concerned was the resolution of the Arab Executive calling upon the Arabs to hold demonstrations to protest against the policy of the Government, the apprehension amongst the Arabs engendered by the purchase of land by the Jews and

by Jewish immigration. It seems, however, that when the disturbances had actually begun certain incidents were chiefly due to a desire to retaliate generally against the police on account of the action which they had been forced to take, the account of which was doubtless greatly exaggerated. In particular it is clear that the first outbreak of disturbances in Haifa, and that at Nablus, were the direct result of the disturbances at Jaffa." *

ARAB WOMEN'S APPEAL

Palestine appeared in a warlike state, and a situation of great perturbation prevailed. The ladies' organization was moved, amongst other national bodies, to take certain steps, and a deputation consisting of Mesdames Faiz Haddad, Mogannam E. Mogannam, Taher Husseini, Hussein Khalidi, Misses Shahinda Duzdar, Zahia Nashashibi and Iffat Abdul Hadi, waited on His Excellency the High Commissioner at Government Offices on October 30th, 1933, in order to protest against the indiscreet manner in which the situation was handled.

The following statement, which was made to His Excellency during the interview, is self-explanatory ; it explains the situation as it was then viewed by these representative ladies. Nearly every lady expressed her views before the High Commissioner, not only in connection with the disturbances and their consequences, but also upon other matters which are the subject of the grievances of the Arabs. The statement was as follows :

“ Although this is the second time that Arab ladies

* Report of the Murison Commission, Supplement to the *Palestine Gazette*, No. 420, of February 7th, 1934, p. 104.

in Palestine wait upon His Excellency, the High Commissioner, yet, in fact, this is the first time we do so at Government Offices. The tragic events of the last few days have compelled us to deviate from the usual Arab tradition and appear before Your Excellency in the interest of our men and children, who are being murdered in cold blood by irresponsible police under pretence of self-defence.

It is with great surprise and astonishment that we read the Government communiqué concerning the events at Jaffa. Some of us, Your Excellency, were eye-witnesses at Jaffa of some of the tragic events, and we assure Your Excellency that the police did not act 'with the greatest control and forbearance' as stated in the communiqué. The police fired several thousands of rounds, and it was not in 'self-protection.' The public who did attack (if any), attacked with nothing else but stones or small sticks which they picked up here and there on their way. . . .

Things are growing worse from day to day, and will continue to do so. The people of this country have lost all hope, and no one knows what the result will be. There is only one way to stop this calamity and to pacify the boiling spirits of a dying people. Your Excellency knows the way. We ask you in the name of humanity to stop this scientific slaughter, and the way is to order the immediate stoppage of immigration for at least a period of six months. In the meantime a commission composed of both Arabs and Britishers should be set up to study the question of immigration in conjunction with the question of land, in the light of the reports of Simpson an

French, to decide on the amount of immigration (if any) which the country can absorb within its economic capacity."

In reply His Excellency regretted the incidents and appealed to the ladies to co-operate with him and to assist through their influence in restoring peace.

At Haifa a representative body of Arab ladies, headed by Madame Sadij Nassar, also waited on the District Commissioner and made a similar protest. They handed him a memorandum addressed to His Excellency, conveying the grievances of the Arabs which ended in such riots and requesting a remedy for the situation.

Once again the country was facing the danger of widespread and destructive disturbances.

CHAPTER XV

POLITICAL DIVISIONS

UNLIKE other countries with a constitutional government, the Arabs of Palestine continued to administer their political affairs without any properly constituted political parties. For years the Arab Executive was the only body which controlled the major policy of the Arabs.

Speaking generally, however, there has always existed at least two factions amongst the Arabs, who formed themselves into two distinct groups: the Mejlisites, or pro-Council—i.e., people who support the policy of the Supreme Moslem Council—and the Mu'arideen, or Opposition, i.e., people who oppose the policy of the Council.

Originally the Supreme Moslem Council, as an elected Moslem body, was constituted for the control and management of Moslem affairs in Palestine. It consists of a president and four members and is entrusted, amongst its most important functions, with the management of Moslem Awqaf (endowments), control of Moslem religious courts, appointment of Muftis, Kadis (religious judges), Mudariseen (religious teachers) and officers in charge of endowments; control of Wakf officers, dismissal of all officials of the religious courts and Awqaf administration, and safeguarding of Moslem Waqf.

The present Council was elected in January, 1922, for a term of four years, but up to now no re-election has been made. The vacancies which were created in the Council



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HIS EMINENCE HAJ AMIN, EFFENDI HUSSEINI, PRESIDENT SUPREME
MOSLEM COUNCIL



were filled by appointment by the High Commissioner, under a new law enacted by Government to meet this purpose.

The President of this Council is His Eminence Haj Ameen Eff. Husseini. Though still young in age, he has carried out the duties of this important religious office, sometimes under trying circumstances, in a manner befitting an older and more experienced person. His political activities have won for him a great number of enemies amongst the Jews, so that when the deplorable disturbances of 1929 took place the Jews were not reluctant in bringing against him accusations of unbelievable character, which were definitely dismissed by the Shaw Commission. It cannot be denied, however, that from the early stages of the British Administration His Eminence joined in, and sometimes initiated, measures designed to combat the Zionist invasion and to prevent the alienation of Arab lands to Jews. He took part in almost every National movement, and through his high religious office helped to support the Arab case in Palestine and to promote Pan-Arabism in the Moslem world.

These differences in opinion between the two factions naturally resulted in the formation of an Opposition, which had as one of its objectives the reformation of the Supreme Moslem Council, through a re-election of all members of the Council, including the President, and the reorganization of Moslem affairs. But, although various attempts were made for that purpose, the draft law dealing with the election and organization of the Council remained a dead letter.

Until recently people who adhered to or were under the influence of the Supreme Moslem Council associated

together as a distinct political group, but without any declared programme. This group, similarly to all Arab National bodies, expressed itself, by act and word, against the Zionist policy.

THE ARAB NATIONAL PARTY

It was in 1924 that the Arabs took the first step of establishing a political party with a prescribed constitution and platform. The initiative was taken by a large number of the intelligentsia, who ultimately succeeded in establishing a party under the name of the Arab National Party. Sheikh Sulieman Eff. Taji El Farouki, a learned Moslem jurist and proprietor of a leading daily newspaper, *Al Jamia Al Islamiya*, and Omar Eff. Saleh Barghouti, a leading advocate of Jerusalem and a descendant of a prominent old Arab family of Deir Ghassaneh, in the Ramallah sub-district, were respectively the President and Secretary of this party. This party comprised mainly the Opposition element, and during the short time of its existence it endeavoured, although without success, to secure some reform in the Administration in the way of establishing a legislative council, to the extent that its opponents were moved to accuse it of pro-Government tendencies. After a struggle of a few years the leaders of the party had to give way to more extreme ideas.

THE ARAB EXECUTIVE

In the meantime steps were taken to reorganize the National movement, which resulted in the convention of the Seventh Congress at Jerusalem, in 1927. This Congress was noted for the large number of its attendants, and elected an Executive Committee of forty-eight members.

representing the whole of the Arab people of Palestine, including twelve Christian Arabs, with the late Mousa Pasha Husseini as President, the late Tewfic Bey Haqi, Mayor of Acre, and Yacoub Eff. Farraj as Vice-Presidents, and Ouni Bey Abdul Hadi, Mogannam Eff. Mogannam and Jamal Eff. Husseini as joint secretaries. This Executive Committee administered Arab political affairs for nearly eight years in a most efficient manner, and was responsible for conducting the defence of the Arab case before the Shaw Commission, and, although it is not now functioning, it has never been formally dissolved.

THE INDEPENDENCE PARTY

The Independence Party was the first political party to be formally established after the disturbances of 1929. Its programme was inspired by that of the old Arab Independence Party, and fosters the establishment of an Arab Federation. Many leading Arabs of Palestine who were members of the Independence Party of the Arab World, such as Ouni Bey Abdul Hadi, leading advocate and some time private secretary to King Feisal at Damascus ; Ajaj Eff. Nuwaihed, an ardent Nationalist, proprietor of *Al Arab Magazine* ; Izzat Eff. Darwazeh, a Nationalist, of Nablus ; and Nabih Bey 'Admeh, an Arab leader, of Damascus, are amongst its members.

Through repeated public meetings which were held in various centres, at which the problem of Palestine was discussed, the party was able to broadcast its programme to some extent in Arab countries, and at the time of the death of King Feisal, who was believed to be one of its strong supporters, arrangements were being made for the convention of an All-Arab Countries Conference, to be held

at Baghdad, for the purpose of fostering friendly relations between Arab countries. Later events, however, made this scheme impracticable.

In 1934, soon after the Jaffa and Jerusalem disturbances, the country was passing through a stage of uneasiness, so that it was found impossible to continue Arab endeavours without constituting proper political parties, and a resolution to that effect was taken by the Arab Executive.

THE NATIONAL DEFENCE PARTY

It is fortunate that by the time the suggestion for the formation of Arab parties gained some ground in the public opinion, Ragheb Bey Nashashibi, an Arab leader of strong personality, and formerly a Deputy for Jerusalem in the Ottoman Parliament, was relieved of the Mayorship of Jerusalem. His fifteen years of valuable service to the Holy City have made of Jerusalem an entirely modern place, well provided with all the requirements of an advanced city. To him Jerusalem owes the inception of the Ras el Ein water scheme and many other schemes of similar importance. In politics he represents the most intelligent element. He has always done what he believed to be in the best interests of his country, irrespective of opposition or criticism, and his straightforwardness and sincerity have won for him many friends and followers. Ragheb Bey unhesitatingly responded to the wishes of his associates and undertook to shoulder the responsibility of forming a properly constituted political party. Eventually, on December 2nd, 1934, a conference was held at Jaffa, at which nearly one thousand delegates from all parts of Palestine were present, and constituted a political party under the name of the National Defence Party.

Article 3 of the Rule of the party lays down the fundamental objects as follows :

“To endeavour to achieve independence for Palestine with full Arab sovereignty, and not to recognize any international obligation which is calculated to culminate in any foreign predominance or influence, or which would place the country under the influence of any political or administrative policy which may adversely affect such independence.

To achieve that end the Party will seek every possible means with a view to securing the establishment of a National Government, fully satisfying the aspirations of the Arab people of Palestine and drawing its powers from them.

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

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

The Central Committee, which was elected at the Conference under the chairmanship of Ragheb Bey, included leading personalities of wide reputation in various spheres of life. Yacoub Eff. Faradj, Deputy Mayor of Jerusalem and Acting President of the Arab Executive, was elected as Vice-President ; Mogannam Eff. Mogannam, Secretary of the Arab Executive, Secretary ; Hassan Sidky Bey Dajani, advocate and Municipal Councillor of Jerusalem, Secretary ; Haj Nimmer Eff. Nabulsi, a leading notable

and landlord, Treasurer; Abd El Rahman Bey Taji, member Supreme Moslem Council; Asem Bey Said, Mayor of Jaffa; Suliemar Bey Toukan, Mayor of Nablus; Sheikh Mustapha Eff. Kheiry, Mayor of Ramleh; Adel Eff. Al Shawa, Deputy Mayor of Gaza; Esa Eff. Al Esa, proprietor of *Falastin* (daily newspaper) and member of the Arab Executive Committee; Omar Eff. Bitar, member Arab Executive Committee, as members.

Incidentally the Conference coincided with the publication of an official communiqué following an interview which was granted by the High Commissioner to officers of the Arab Executive, dealing with Jewish immigration, sale of land, establishment of a Legislative Council and the transfer of the Huleh Concession. The communiqué aroused much resentment and ill-feeling at the meeting. The Central Committee of the party was charged, as one of its first duties, to address Government on these important matters which engage Arab public opinion.

In dealing with the land problem, the party demanded that Government should follow the recommendations of its own experts and commissioners and enact an Ordinance prohibiting further transfer of land so long as the remaining available land is not enough for their own needs. Their opinion on this vital point was put in the following terms in a Memorandum addressed to the High Commissioner :

“The question is not one of increasing the productivity of the land, nor is it a question of paying damages to an evicted cultivator, but is one of life and death to the Arabs, in that it results in the transfer of their country to other hands and the loss of their nationality. . . . Therefore the Party persistently demands that Government be moved to enact an

Ordinance which would definitely and absolutely prohibit any further alienation of lands to Jews. . . . Failure to do so and the continued application of the present policy will result in serious dangers, the responsibility for which will fall upon the Mandatory Power, who will thus be considered to have completely failed in one of its fundamental duties of the Mandate, namely, the protection of the 'Civil Rights of the Arabs.' " . . .

The question of immigration was also clearly discussed, and the Memorandum expressed in tangible terms the opinion of the Defence Party on this question. "Our Party is of the opinion," it was stated, "that the entry of such a number of immigrants and the continual application of the present oppressive policy are calculated to place the country in such economical conditions as will ultimately result in the disturbance of public peace, and would prompt the Arabs to believe that Government follows a policy which has as its aim the creation in the country of a Jewish majority in the near future, in consequence of which the Arabs will be compelled to emigrate from their country."

In these terms the Palestine Arab case was put before the Government. It is a matter of surprise that in its reply Government discussed all matters of a subsidiary nature, but matters of importance, such as immigration, land sales and constitutional development, were avoided.

The repeated exchange of Memoranda on these matters resulted some months ago in a joint meeting between the High Commissioner, the President, Vice-President and Secretaries of the Defence Party, at which the whole case was reviewed. The High Commissioner is reported to have

answered to the representations made to him in the following terms :

“My policy has always been to treat all communities without any discrimination. The administration of this country is perhaps more difficult than the administration of any other country. Every community is apt to believe that the other community is being more favourably treated. But I wish to assure you that the same treatment is extended to all.

As regards the Legislative Council, I repeat once again what I announced in Geneva. If you remember, I said that I wish to inaugurate individual discussions after seeking into the working of the new Municipal Councils.

Now that the Municipal Councils are functioning I am of the opinion that the establishment of a Legislative Council would be of benefit to the country, and I shall later on start conversations with various leaders to this end.

I have read in the Press that the question of the Legislative Council has been abandoned. I wish to say that this is untrue, and when I commence conversations with regard to the Legislative Council, I hope that the proposals which I shall offer will be favourably accepted for the benefit of the country.”

The promoters of the Defence Party were anxious to seek the assistance of all possible forces in the Arab world, and the English people in particular, in order to secure the support of Arab and English public opinion, and for that purpose memoranda fully discussing the Arab case, the grievances of the Arabs, the difficulties inherent in the

Mandate and other subsidiary matters were prepared and submitted to the British Government.

Until recently the activities of the Defence Party were independent, but later events immediately before the disturbances of 1936 made it necessary for joint action on the part of all political parties in the country, and in the formation of a coalition of Arab parties to face imminent dangers, this party played an important part.

THE PALESTINE ARAB PARTY

Another National Arab party was soon established under the name of the Palestine Arab Party. The chief promoters of this party were Jamal Eff. Hussein^{*}, for some years a joint secretary of the Arab Executive Committee and member of the Arab Delegation to London in 1930, supported, although indirectly, by Haj Ameen Eff. Hussein, President of the Moslem Supreme Council, and Sheikh Rajeb Eff. Dajani, advocate; Yousef Eff. Ashour, a notable of Jaffa; Said Eff. Hussein, late member of the Ottoman Parliament; Ismail Bey Hussein, ex-member of the Advisory Council; Ishak Eff. Darwish; Dr. Yacoub Burdocosh, of Jaffa, and Alfred Eff. Rock, a notable of Jaffa and a member of the Arab Delegation to London in 1930. Its chief object was to concentrate and organize all the forces of the group, which until recently was known as Pro-Council, or Mejlisites.

The objects of this party were stated to be to maintain the Arab character of Palestine, to resist the establishment of the Jewish National Home, and to improve the social,

^{*} Jamal Effendi was also a member of the unofficial delegation which proceeded to London in June, 1936, for propaganda purposes, together with Shibli Effendi Jamal and Dr. Izzet Effendi Tannous.

economic and cultural conditions of the Arab nation in Palestine.

The party declared its intention to endeavour to concentrate and direct all the forces at its disposal towards the realization of its principles. It took upon itself to resist the sale of land to Jews, Jewish immigration to Palestine and Jewish colonization of Palestine by all possible means.

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

“ Freedom is my right and independence is my aim.
Arabism is my principle and Palestine is my home.
In this I believe, and pledge myself to be sincere to
such principles.”

THE NATIONAL LEAGUE

In the somewhat general movement which swept the Arab circles for party organization two other parties sprang up : the National League and the Islah Party, and within a short time they had some influence over a certain element of the Arab public opinion. The National League is headed by Abdul Latif Bey Salah, an advocate of prominence and formerly a member of the Moslem Supreme Council. With him many Arab personalities are associated, of whom may be mentioned Abdul Fattah Bey Toukan, of Nablus ; Hamdi Bey Nabulsi, of Jaffa ; Shafik Eff. Assal, Nasri Eff. Nasr, of Jerusalem ; Abdullah Eff. Mukhlis, of Haifa ; Sheikh Shakir Abu Kishk, Abdullah Eff. Mitri, of Jaffa, and others.

It does not appear that there exists any fundamental difference between the objects of this party and those of

the other parties, except, perhaps, in the manner in which each party directs its activities.

THE ISLAH PARTY

The Islah (Reform) Party, it is said, owes its existence to the Municipal elections in Jerusalem and to the resultant schism which they entailed amongst the Opposition. Almost all the promoters of this party were of the Opposition, especially the Khalidis, but with the success of Dr. Hussein Khalidi, who entered the elections as a competitor to Ragheb Bey Nashashibi, it was natural that the tie which had bound them together since the British Occupation should have been severed.

At one time it was feared that this party would have a platform different from that of the other Arab parties on the fundamental national aspects of the question. This assumption was due to an unwarranted interpretation placed upon the first speech delivered by Dr. Khalidi at the meeting of introduction with the High Commissioner after his appointment as Mayor, when he expressed his willingness to work with all citizens irrespective of race or religion. His statement was considered in certain quarters as a yielding to Jewish pressure, although it must have been the customary speech a new mayor makes to please the different communities.

The party was formally established at a general meeting held at Ramallah in the early summer of 1935, and its Executive was formed, besides Dr. Khaldi, of Ishak Bey Budeiri, a retired judge; Mahmoud Bey Abu Khadra, a notable of Gaza; George Eff. Salah, of Ramallah, an advocate; Fahmi Bey Husseini, Mayor of Gaza; Shibli Eff. Jamal, a notable of Jerusalem, who acted as Secretary

to the first Arab Delegation to London ; Dr. Kassees, Mayor of Ramallah ; Easa Eff. Bandack, Mayor of Bethlehem ; Ibrahim Eff. Taji, a notable of Ramleh, and others.

This party, it should be noted, has not given much publicity to its activities, but, judging from its published rules and resolutions, there is every reason to believe that in the basic National aspect its principles contain sufficient safeguards against the Zionist policy.

ARAB YOUNG MEN'S FEDERATION

For many years a group of young men formed themselves into a somewhat political organization and convened two general congresses, mainly of young men. The present Executive Committee draws its authority from the Second Congress, which was held at Haifa some three years ago. Yacoub Bey Ghussien, the President, Saliba Eff. Arida and Said Eff. Khalil are amongst its most active members.

The Arab Young Men's Federation has since taken a keen interest in political affairs through its many branches in various centres of the country, and was able to keep alive the political consciousness in remote rural districts.

* * * * *

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

constitutional rights and enable them to take full part in the administration of their country.

With the establishment of these parties the Arab Executive became dormant but not dissolved. Late in 1935 a campaign was launched by the leaders of these parties to form a higher committee or council of representatives of these parties, which would be entrusted with the administration of the more important National matters, to serve as a joint representative Arab body.

The realization of this step was somewhat accelerated, although on a smaller scale, by the incident of smuggling of arms which was detected at Jaffa in October, 1935. This incident not only caused alarm amongst the Arabs, but confirmed their suspicion of the existence of a large secret defence organization amongst the Jews. It provoked bitter protests from the Arab side and actuated the joint action of all Arab parties. It was decided that leaders of Arab parties should deal with the situation jointly and hold joint meetings whenever it was found necessary to take any action. Until the Arab Higher Committee was formed the coalition of parties continued to control the situation, and this was recognized by the High Commissioner.

It may be appropriate to refer here to a change, which for some time appeared to have taken alarming effect, in the attitude of the Arabs towards the High Commissioner. There was a general belief that during his vacation leave in the summer of 1935, in England, Sir Arthur Wauchope would endeavour to find a solution for the abnormal situation. Their hopes, they felt, were wrongly placed as a result of a speech which he made at a Zionist banquet in London, in which he was reported to have referred to the Zionist endeavours in Palestine in appreciative terms.

Only at the risk of their personal reputations were leaders of the Arab parties able to avert a general strike on the day of his return from leave as an expression of protest and non-confidence.

Recent events, however, which took place during April, 1936, made a move to united action inevitable. At a joint meeting held in Jerusalem on April 25th, 1936, a Higher Committee was formed to deal with the situation, which consists, in addition to the leaders of the five parties and the two Christian Vice-Presidents, of Haj Ameen Eff. Hussein, Ahmed Hilmi Pasha, and Ouni Bey Abdul Hadi.



MOGANNAM EFFENDI MOGANNAM,
LEADING LAWYER AND SECRETARY
NATIONAL DEFENCE PARTY



OUNI BEY ABDULHADI, LEADER
INDEPENDENCE PARTY



[To face page 246]
SHIHLI EFFENDI JAMAL, SECRETARY
FIRST ARAB DELEGATION TO LONDON

CHAPTER XVI

THE GOVERNMENT

IT has often been remarked that Palestine has gained much advantage under the British Administration, especially when its present condition is compared with that obtaining before the War. Taking the country as a whole, there is little doubt that development has increased, perhaps in some aspects, beyond natural bounds, while in certain cases, it has been contrary to Arab interests. Where there is no direct bearing on questions of policy, the Administration has done much to improve the resources of the country. It may be suggested unreservedly, that were it not for the Zionist question the Arab grievances would not have assumed such alarming proportions. It is certain, at least, that questions which promoted the continual anxiety of the Arabs would not have arisen in such a sharp manner. An understanding between the Mandatory Power and the Arabs on the more important matters would not have been so difficult. It would have been possible, no doubt, to reach a mutual agreement, fully protecting Imperial and Arab interests. Iraq, which, during a period of less than a decade, was developed under British guidance, from a mandated territory into one of independent sovereignty and membership of the League of Nations, shows to what extent the national aspirations of the Arabs could have been met had there been no alien elements or factors to hinder them.

No one, be he Arab or Jew, can deny the fact that in the discharge of their duties almost all British officers had done their best, within the limits of their instructions and the general policy, to promote the interest and welfare of the people. But unlike any other country, seldom is anything done in Palestine which is not actuated or influenced by questions of policy, or, to use a more liberal term, which is not given a political colour.

In Education, Public Works, Agriculture, Posts and Telegraphs, and particularly Public Health, the improvements that have been so far achieved bring credit to those responsible for these departments. Of such public services, Palestine can favourably compare with the neighbouring countries. However, not merely for political reasons, but for national motives, the Arabs feel that in these, what may well be called "exemplary public services," much has been done to arouse their suspicion, or else to accentuate their disappointment. Things which may be done in good faith may be attributed to a prescribed policy; and any failure to take measures which, from the Government's point of view would be either premature or not justified, is apt to be attributed to a deliberate intention on the part of Government not to promote Arab or Jewish interests. From this point the difficult position of the Administration under the Zionist Policy, and the genuine grievances of the Arabs owing to that policy, can, perhaps, be more appreciated.

The Arabs are not an unappreciative people. They appreciate a thing which is done in good faith to promote their interests, and are at all times prepared to acknowledge a good deed. If the reader therefore has observed an expression of bitterness against the Administration, it is the policy of this Administration and not the British

officers or people which give rise to such bitterness. In order, therefore, to complete this discussion, a reference should be made, short though it must be, to the achievements of the Administration in some public services. It is preferable to deal first with public education, inasmuch as this question has a direct bearing on the Arabs and one of their main grievances.

EDUCATION AMONGST THE ARABS

Education in Arab countries, and particularly in Palestine, has undergone a veritable transformation, especially during the last century. Unfortunately the movement to provide schools in Syria, of which Palestine formed part, was not initiated by the State. It was incepted by foreign missionaries, American as well as British. It was later extended by the religious Orders. In many cases native churches had to provide schools for the children of their respective communities.

In time, however, the Turkish Government established a system of elementary and secondary education, provision for which was contained in the Education Act of 1869. At the beginning of the nineteenth century government schools were enormously increased, although the standard of education which they imparted was much inferior to that of many missionary schools.

In Palestine, academic education was not obtainable. It was almost wholly concentrated in Beirut, in the American Protestant College, now the American University, a most influential educational institution in the East, and in the Jesuit University.

The various Christian communities in Palestine were mainly dependent upon schools provided by religious

Orders of which the Jesuits held the foremost place. The Franciscans also did their part, and are still carrying on educational work in Palestine. They maintain more than one secondary school.

Another agency, the Church Missionary Society, provided a considerable measure of educational facilities. This British Society maintained many schools in the larger towns in Palestine and at a few places in Transjordan. It commenced its activities as early as 1870, and by 1873, it succeeded in establishing a school for girls, the first of its kind, in Jerusalem, which was later transferred to Bethlehem, where it continued to exist until the outbreak of the Great War. The English College, which continued to exist until a few years ago, and the Bishop Gobat School at Mt. Zion were amongst other important institutions in Jerusalem which were dependent on this Society for their maintenance. The Bishop Gobat School, similarly to St. George's which is connected with St. George's Cathedral of Jerusalem, was responsible for the creation in the country of a better class of young men, highly cultured, many of whom occupy at present important positions in private callings, as well as in public service.

The Friends' Mission of America maintained two important educational centres in Ramallah for boys and girls. It may be interesting to know that the Friends' Girls School was founded about fifteen years before the boys' school, at the end of the nineteenth century.

Public education under the Ottoman Government was provided for all gratuitously, and was compulsory, although in theory only. Three secondary schools existed in Jerusalem, Nablus and Acre, and many elementary schools in other places.

Missionary schools usually enjoyed a higher reputation. The people almost depended on foreign schools for better education, but in almost every case without payment.

The disintegrating effect of such a system on the Arab people of Palestine, especially the Christian Arabs, was evident. Without unity of system or language, these so-called communal missionary schools tended to split the Arabs into elements varying in inclinations and in sympathies. It was not a surprise to see members of the same family of different and distinct inclinations, taste or culture.

There was no agency capable in such circumstances of bringing order and unity into this state of affairs or of lending to it a national touch. The Ottoman Government was anxious, with what little educational facilities it provided, to eliminate national Arab tendencies and to impose the use of the Turkish language, which was made compulsory even in elementary classes.

On the other hand, missionary institutions aimed at the increase of their influence, each within its respective province, with the result that diversities in education and culture amongst the Arabs of Palestine were so apparent, even in rural districts.

At the beginning of the Civil Administration under the Mandate, "the Arabs, a quick-witted people," to use the words of Sir Herbert Samuel, "were beginning to realize how much they were handicapped by illiteracy in towns as well as in villages. They displayed their eagerness for opening of schools by subscribing voluntarily considerable sums for their establishment." *

In December, 1920, Government announced its prepared-

* Report on the Administration of Palestine, 1920-25.

ness to undertake the maintenance of a number of village schools, if the villagers themselves provide the buildings. That resulted in an active competition, and in less than three years two hundred village schools were established. But it does not appear that this scheme was seriously enforced in later years. After nearly eighteen years under the British Administration the percentage of illiteracy among the Arabs is still high, and with all the credit which may be given to the Administration for the improvement which they have already introduced in the educational system, the Department of Education still falls short of the expectations of the Arabs.

The expansion of educational facilities did not meet with the general requirements of the public. In many towns only a small percentage of the children find accommodation in Government schools. A considerable number of villages still remain without any provision for education.

There is another aspect to the problem of education amongst the Arabs in Palestine which is most important : it is the apparent lack of educational facilities for girls, especially in rural districts. It appears that the importance of female education is not sufficiently appreciated or provided for. There is no doubt that an illiterate female population hinders the advancement of a nation. Indeed, the whole strength of national life depends on the contribution which women can make to the advancement of the community, and in the existing circumstances this is perhaps more true of Palestine than any other country. No one with a little knowledge of the Arab people would be disposed to undervalue the power which the Arab woman wields within the confines of her household. But naturally, unless this influence is illumined with knowledge, its weight

may obstruct the forces of progress. It is unfortunate that female education is almost neglected, or at least falls short of the pressing demand. The Arab women realize the immediate need for the education of their daughters and show grave concern at the lack of educational facilities which are provided for them. It is true that there are many difficulties which beset the expansion of female education, but with patience and perseverance it will not be difficult to overcome these difficulties. In the opinion of the Government "the paucity of trained school teachers and the difficulties attending the women teachers in villages are the greatest obstacles which have stood hitherto in the way of the extension of educational facilities for girls under the Government system," * but it should not have taken the Government eighteen years to decide on the establishment of a women's training school for rural school teachers which was opened only last September in Ramallah, for the purpose of removing these obstacles.

Another argument advanced by Government to justify its failure in this respect, is that "it has also been handicapped in its endeavours to extend the field of female education both in towns and villages by the traditional disfavour with which, until comparatively recent times, the education of girls has been regarded by the majority of the population of Palestine." † Had this been the case, one would not find such a large number of girls attending foreign or communal schools in Palestine in the absence or lack of Government institutions. The fact is, that the Arab people are not so much against the education of girls as much as they are against the methods and the system

* From a letter to the author by the Chief Secretary of Government, dated August 15th, 1935.

† *Ibid.*

which are adopted by Government. There are certain traditions, of course, to which the Arab people adhere, but lack of interest in the education of girls is certainly not one of such traditions. Hundreds of girls, even of the most conservative families, are now having their education in various institutions.

There is an Arabic proverb which says that "need is the mother of invention," and the urgent need for girls' schools has led to the springing up of many private schools even in rural areas. They started on a small scale, but were gradually developed into high schools, and won a good reputation. It is gratifying to say that in most cases the promoters of these schools were Arab women.

Miss Ratiba Shuqair took the lead in embarking on such a risky scheme. Her school was formally opened in October, 1925, at Beir-Zeit, a little village in the mountains of the Ramallah sub-District. The enterprise on which she embarked was a difficult one, but her perseverance and long experience in educational work in America, Syria, Palestine and Sudan, have enabled her to achieve success. Her school, more commonly known as the National High School for Girls, was transferred some four years ago to Bethlehem. It has at present 120 students.

On its transfer to Bethlehem it was replaced by a similar school for girls which was established in the same year by Miss Nabiha Nasser, a principal teacher of the former school of long standing. The difficulties which Miss Nasser had to face were many, but her task was alleviated by the ready assistance which she obtained through her brother, Mousa Eff. Nasser, a Senior District Officer in Jaffa. The Nassers have left nothing undone to overcome the obstacles

in their way, and it is gratifying to say that within less than five years they were able to bring their school into line with the high standard of secondary schools. Beir-Zeits, or more correctly I should say, Miss Nasser's school, has now 175 pupils of whom 100 are boarders, and has proved a great asset to the rural population in that neglected part of the countryside.

One thing is certain in these schools: they teach self-independence and imbue their students with a true national spirit. Many of their graduates have already taken their places with success in public and private life.

A special mention must, I think, be made of the English College for Girls at Jerusalem, which, although completely English in character, has brought up a new generation of cultured girls of the three communities, whose knowledge and character will help much in the upbuilding of the future Palestine.

The success with which these private and individual enterprises were met and the ever-increasing demand for further facilities explains the need for the expansion of the educational system for girls in Palestine where a high percentage of illiteracy amongst girls still exists.

The need for industrial education is sharply felt. It is unfortunate that no industrial school has existed until now in Palestine for the benefit of Arab children. It will take a few years before any reasonable advantage can be obtained from the new Commercial School which is being established at Haifa.

The same case applies to Arts and Crafts. The only school for arts and crafts is a primitive one recently established at Dura, near Hebron, but it was mostly provided for by the Arab peasants of the village. This Institution

is a proof of the success of efforts genuinely made to promote the welfare of the fellah.

There is another feature which is more important. It is the apparent lack of sufficient educational facilities in rural districts. It should be remembered that Palestine is, and has been for many centuries an agricultural country, and a good number of the industries prevalent among the Arabs may be classified as agricultural by-crafts.

These by-crafts were the main form of occupation of the fellah, and the desirability of maintaining them must not be overlooked.

There is little doubt that through the establishment of schools for crafts and industries in rural districts, though on a small scale at the beginning, fresh life may be infused into such crafts as are languishing, and the rural population will be given an opportunity to augment their income by means other than agriculture and manual labour in towns. It is thought that the first step towards this end may be taken through the establishment of special sections of crafts and industries in the larger village schools, and of schools similar to that of Dura in, to start with, one or two important agricultural centres, to serve the main town and the sub-district.

The demand of the expansion of the educational system has always been pressing, but, in nearly every case, Government argued that no funds were available for such expansion, although Government has in its coffers a surplus of not less than six million pounds. It is often argued that the lack of qualified teachers is a hindrance, which is difficult to overcome. This argument might have had some weight in the early days of the Administration, but at the present time a good number of young people of both

sexes graduate each year from the secondary schools in Palestine or from the American University of Beirut or other foreign or European institutions, whose services could be more utilized as teachers.

For the last fifteen years the Arabs have been asking that the administration of Arab education should be entrusted to Arab hands, similarly to the Jews who have their independent school system. The question of education is not one which has any direct relation with politics or Zionism. It is a question which, from the Arab point of view, affects their future as a race. It is high time that effective measures be taken by the Administration to meet the wishes of the Arabs in a matter which is, to say the least, of general benefit to the country at large.

AGRICULTURE

As an agricultural country, Palestine depends largely on its agricultural resources. An arable country, exhausted by centuries of poor farming, hardly adequate to meet the most urgent requirements of the people, the possibilities of development are unlimited. In such a country any scheme of agricultural development needs more than ordinary efforts if that scheme is to attain success. It was therefore natural that a large field of activity should have been awaiting the Department of Agriculture when it was first established in 1920. But for a number of years the activities of the Department were more or less limited to matters of an administrative nature, and little work was done to improve the agricultural methods of the Arab fellah.

During the last four years or so, the Department has embarked on more constructive schemes. Agricultural

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and horticultural stations were established in various centres. From these stations, selected seed grain and vegetable seeds are being distributed to the villagers. Similarly, demonstration work in villages was expanded particularly with regard to the introduction of several varieties of cereals. Demonstration plots were established at villages where there are branches of the Department of Agriculture, and all co-operate to do their part, with good results in most cases, to promote the lot of the fellah.

Until recently there was no co-ordination between official and non-official bodies, and a complete diversity between the Administration and research was not easy to avoid. It is fortunate that the remedy was found in the Agricultural Council which was established a few years ago. This Council represents various agricultural interests, and during the short period of its existence it has proved to be of benefit to the agricultural community.

The members of the Council are at present seventeen. In addition, the Council has nine committees for agronomy, agricultural economics and marketing, animal husbandry, horticulture, plant protection, irrigation, citrus trees, agricultural education and analytical chemistry, with 124 members.

There are still difficulties which should be overcome before these activities could have their desired effect. Several impediments combine together to defeat the fellah and to put obstacles in the way of the improvement of his standard of life, and unless these impediments are removed it will be impossible to expect that these departmental services will be of material use to him.

At present the fellah labours under very heavy debts. "So long," Mr. Strickland says, "as a small cultivator

sees the burden of his debt to be so great and the rate of accruing interest so high, that not only the present produce of his fields, but even the increased amount of produce which he may hope to secure by minor agricultural improvements are insufficient to pay off his creditors, he will make no sincere efforts to alter his plan of cultivation.

"If his present crops allow him only to pay one-half of the interest upon his debt, there is little inducement to make such improvement as will enable him to pay three-quarters of the amount. The benefit will fall entirely into the hands of his creditors."

These debts are not due to the fellah's own fault. In most cases they are due to a succession of bad seasons which has rendered him unable to pay his tithes and other taxes due on his land and the disastrous fall in price of agricultural products.

According to the report of the Johnson-Crosbie's Committee, "out of 23,573 families in 104 representative villages, 16,633 had holdings and 6,940 had not." In other words, 29.4 per cent. of the families in these Arab villages live, not directly by cultivation, but by manual or other kind of labour. They are landless Arabs whose holdings were, in all probability, transferred to Jews in one way or another.

The life of the fellah is one of great struggle and privation. His economic state is simply desperate. It has been shown elsewhere that at present the fellah does not own the required area of land necessary to support himself and family on any reasonable standard of life. With the continual natural increase in the Arab population and the gradual decrease of the area of land now in Arab hands, due to sale to Jews, the present insufficient holding of the fellah is being gradually decreased. It is not an exaggera-

tion to say that the present average holding of an Arab family is not much more than 40 dunams, which is one-third of the required area as assessed by experts.

To improve the condition of the fellah, many more essential things are needed than mere scientific advice by officers of the Department of Agriculture. It is not enough to show him the improved results of the use of the modern plough and to convince him to change the nail-plough which he uses ; he should first be able to buy that plough, and, above all, to be in possession of land sufficient for his maintenance and prevented from reducing the area which he owns or holds at present. These remarks, it must be stated, are not intended to underestimate the services and efforts of the Department of Agriculture to promote the welfare of the fellah ; they are meant to indicate that such efforts should be augmented by other preservative measures on the part of the Central Government.

HEALTH

Perhaps in no other service has the Administration been so successful as in the Public Health Service. Valuable work has been done to improve the health conditions of the population. Malaria with which parts of the country were saturated has been effectively reduced, and with the drainage of some remaining swamps and marshes, still smitten with this plague, the health condition of the people, especially the urban areas, will be greatly improved.

The country is fortunate in that it has much voluntary help through the various hospitals belonging to the many different Christian and other charitable organizations. Without such help the task of the Administration would have been no doubt heavier.

The country at present enjoys a highly efficient Medical and Health Service. Lieut.-Colonel Dr. W. I. Heron, Director of Health, and his Deputy, Dr. W. J. Harkness, and their efficient Palestinian medical staff, have left little to be done. The valuable work which they have achieved, with a reasonable measure of success, to improve the health, hygienic and sanitary conditions and to reduce malaria, trachoma and many other diseases which were so common in Palestine, do them credit.

Among the private medical institutions, special mention must be made of the Ophthalmic Hospital of the Order of St. John at Jerusalem, coupled with the name of Lieut.-Colonel Dr. Strathearn, commonly known to thousands as the "healer." The value of the work of this hospital cannot be exaggerated. It is doing a great deal to reduce the suffering of the people, even from places beyond the boundaries of Palestine. This institution will always be remembered in the annals of this country for the sacrifice and sympathy with which its medical staff, especially Dr. Strathearn, carry out their arduous but, to them, I am sure, pleasant duties.

In other fields also, much has been done by the Administration to improve conditions. Industries and trades are efficiently controlled and regulated. Articles of food are kept under close control and inspection. Sewers were, and are, being constructed in the larger towns. Sanitary conditions in villages are being improved.

In the towns, water supply received earnest consideration. Thanks to the untiring efforts of the ex-Mayor of Jerusalem, who for years worked out the water scheme, and the support of the High Commissioner, the water supply scheme of the Holy City is now complete, and the

Holy City once again has its proper water supply. In Nablus, Ramleh, Ludd, Hebron, and some other smaller towns, water supplies were no less improved.

A committee under the chairmanship of Lieut.-Colonel Heron was appointed in 1933 to make arrangements for the provision of water supplies in the villages; this committee has been successful in improving the water supply in a number of villages.

SOCIAL WELFARE

It must be admitted that under the Ottoman regime social work did not form any part of the machinery of the Government. Prisons were in a deplorable state; prisoners were obliged to obtain their own food and no special place was provided for the confinement of women prisoners.

After the Occupation the old Turkish prisons were improved and a special place was used as a women's prison. A proper scale of rations was laid down, and cleanliness and sanitation strictly enforced. To Miss Nixon, the Welfare Inspector for the Government of Palestine, much credit is due for the improvement which has been made in the women's prison and in the establishment of a Girls' Reformatory Home in Palestine, which is doing a great deal in reforming women who are the unfortunate inmates of the prison. In many cases, I am informed by Miss Nixon, "a young woman under the age of twenty is transferred from the women's prison to the girls' reformatory home, if it is considered the girl would receive more benefit there." Before a girl leaves the Reformatory, provision sometimes is made by finding work for her or arranging marriage.

How far these and other public services could help to improve the country and to promote the welfare of its people, where no question of the Zionist policy arise, is a matter which would more properly be judged by the results which such public departments have achieved.

CHAPTER XVII

LAW AND LEGISLATION *

THE history of the Law now in force in Palestine is comparatively difficult. It is a compound of various laws and contradictory principles. The Ottoman Law, which still forms the basis of the Palestine Law, had the sanction of Moslem religion and custom, while the laws introduced by the Mandatory are derived, for the most part, from Colonial and English legislation. ♣

From the earliest days of the Moslem renaissance until the middle of the nineteenth century, the Sharia Law covered nearly every sphere of life in Moslem countries. Its authorities were the *Koran*, the Holy Book, the *Sunnah*, traditions handing down the unwritten sayings and acts of the Great Prophet, the *Ijmaah*, traditions as to the sayings and acts of his companions and immediate successors, and the *Quiass*, matter founded on reasoning and analogy thereunder. Before the inception of the Civil Courts in the Ottoman Empire, Sharia Law was administered by the Sharia Courts, which were then the only courts of the State.

With the gradual development of the Turkish Empire and the inception of constitutional institutions, the Sharia Courts were implemented by Civil Courts and their jurisdiction in civil and criminal matters was subjected to

* Adapted from an article by M. E. Mogannam, LL.B., published in the *Annals of the American Academy of Political and Social Science* of November, 1932, Vol. 164

continual and gradual decrease. But although the Ottoman Government found it necessary, in the circumstances then prevailing, to give way for the Civil Laws to replace the Sharia Law, such laws as were introduced were, in most cases, either derived from the Sharia Law or based on religious doctrines.

Within little over a decade, many fundamental laws were enacted. The Civil Code, the Commercial Code, the Criminal Code and the Code of Civil and Criminal Procedure, and many other laws were introduced by the Ottoman legislator. French influence was in the nineteenth century predominant in the Ottoman Empire and the French laws were, in most cases, the source of many an Ottoman Law. The Ottoman Penal and Commercial Codes follow the articles of the French Penal and Commercial Codes. Indeed, one can easily trace articles of the French Codes bodily translated and embodied in the Ottoman Codes.

In the absence, however, of a Legislative Council in Palestine, the procedure of legislation hitherto followed is somewhat peculiar. It can hardly compare with the procedure of legislation in any Crown Colony or Dominion. The Executive Council which is formed of the High Commissioner, the Chief Secretary, the Attorney-General and the Treasurer, all British officers, may decide on the representation of the head of a Government department, or in pursuance of some policy, that a new Ordinance or an amendment of an old Law or Ordinance is necessary. A draft is then prepared, and after consideration by the Executive Council, it is forwarded for scrutiny to the Secretary of State for the Colonies. As soon as it is returned, with or without amendments, a meeting of the

Advisory Council is convened to discuss it. The Bill as passed by the Council is then published in the *Official Gazette* in English, Arabic and Hebrew, the three official languages recognized by the Mandate.* Translation is very difficult when English technical terms are concerned. In most cases the Arabic or Hebrew renderings of new words which, by necessity, are created by the translators, are sometimes unintelligible to the general public. The Ordinance remains as a Bill, "unless immediate promulgation is, in the judgment of the High Commissioner, indispensably necessary in the public interest," for a period of one month for the information of the public whose criticism is sought. The Arabs have taken little advantage, if any, of the opportunity to criticize Bills, not owing to lack of energy on their part, or because the law as published does not justify any criticism, but because experience has shown them that Government hardly takes any serious consideration of the amendments they suggest. This is a bitter experience, but it is a fact.

After the lapse of one month, as provided in the Constitution, a notice of promulgation is published in the *Gazette* and the Ordinance is added to the laws of the country. A copy signed by the High Commissioner and impressed with the great Seal of Palestine is sent to the Secretary of State for "signification of His Majesty's pleasure."

During the last eighteen years, "the Legislation factory," as it has since been commonly called, turned out enormous and various sets of Ordinances, amending Ordinances, and re-amending ordinances. Many of the Ottoman Laws which were in force on November 1st, 1914, and which were declared by Section 46 of the Palestine Order-in-

* Article 22 of the Mandate.

Council, 1922, as the law to be administered by the Civil Courts, were either repealed, amended or substituted. But all this mosaic of law has not as yet been properly codified, with the result that the law is becoming too intricate for the comprehension of any reasonable citizen and difficult to trace.

Some three years ago an attempt was made to consolidate all the laws which were enacted since 1918-33, and an ordinance was promulgated to that effect. It may appear strange, but it is a fact, that such codes have not yet been published.*

The Collective Punishment Ordinance to which reference will be made later may be cited as an illustration of the repeated changes to which most of the laws have been subjected. This Ordinance was first enacted on December 15th, 1921, since when it has been amended no less than six times.

A similar striking illustration could be drawn from the Land Settlement Ordinance and the Regulations and Rules thereunder. This Ordinance, which was first promulgated in 1928, has undergone with its Rules and Regulations five additions or amendments in 1928, and an equal number in 1929, three in 1930 and 1931, one amendment in 1932, and many other amendments since 1933.

These and many similar illustrations could not fail, we think, to show that Legislation in Palestine is experimental in character, though arbitrary in spirit.

TREND IN LEGISLATION

The Administration faced a difficult problem in seeking

* The Statute Revision has since been completed in three volumes, but has not as yet been put into force. These volumes include legislation up to the end of 1933, but since then a great number of Ordinances contained therein have either been repealed or materially amended.

to promote the establishment of the Jewish National Home. Under the pressure of circumstances, which otherwise would have been dispensable, exceptional laws were enacted, having as their primary object "the placing of the country under such conditions as would facilitate the establishment of (this) Home." To trace, however, the detrimental effects of all such laws on the Arab population would be beyond the scope of this discussion. But it would be sufficient to quote some of these laws as illustrations.

LAND

In 1918, a Proclamation was issued by the Chief Administrator prohibiting the sale or disposition of any land without the consent and approval of the Administration. This measure was intended to be a check on the Zionist movement which had by then established itself in Palestine, and which it was feared, would culminate in the displacement of Arabs from their lands.

As soon, however, as the Civil Administration was established in 1920, this restrictive Proclamation was superseded by the Land Transfer Ordinance, 1920. This Ordinance allowed sales, but also subject to certain restrictions with regard to agricultural tenants. It made it a condition that "in case of agricultural land which is leased, the Director of Lands *shall also be satisfied* that any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family." But the Administration failed to insist on the strict application of this condition, with the result that thousands of Arab cultivators became landless and without any occupation. The provisions dealing with the retention of sufficient

land to the tenants in occupation were repealed, and the Protection of Cultivators Ordinance which was enacted and amended first as late as 1929, failed to contain sufficient provisions which would protect the interest of the Arab cultivators. This Ordinance, in fact, deprived them of the safeguards of the Land Transfer Ordinance of 1920-21.

Other deficiencies in Land Legislation may be mentioned. Under Article 103 of the Ottoman Land Code, any cultivator who was in need of waste land which was not in the possession of anyone by title deed or assigned *ab antiquo* to the use of the inhabitants of any village or town was allowed to plough and cultivate it gratuitously on the condition that the legal ownership (Raqaba) remains vested in the State. If, however, any person possessed and cultivated such land for a period of ten years without dispute, such person acquired a right to that land by prescription.

It is an undeniable fact, that under the Ottoman regime many Arab cultivators benefited by the provisions of this law. The sites of many towns and villages were extended and enlarged. An active farmer always had the means of enlarging his holding to meet the natural increase of his family, but these provisions of the Ottoman Law were withdrawn.

The Mawat (Waste) Land Ordinance, 1921, stipulates that any person who, without the consent of the Government breaks up or cultivates any waste land was not to obtain any title for such land, but was made liable to be prosecuted for trespass. The benefits of Article 103 of the Ottoman Land Code were thus arbitrarily withdrawn, and Arab cultivators were prevented from making use of any waste land that might be found near their holdings or village.

The Mahlul Land Ordinance, 1920, is similar in nature. It deprives a cultivator from accrued rights in land which he had possessed prior to the British Occupation by virtue of the Ottoman Land Code.

DELEGATION OF JUDICIAL POWERS

Another, not less striking, feature of the trend of legislation in Palestine is the delegation of judicial powers to District Officers, who in most cases possess little if any legal qualifications. Nearly every District Officer is vested with magisterial powers with limited jurisdiction.

Until 1928 this judicial power was exercised by virtue of a warrant issued by the High Commissioner, and the officers holding such warrants were not under the direct control of the Chief Justice, who is the head of the judicial machinery. The exercise by the High Commissioner of this power of appointment and the manner in which proceedings were conducted before these semi-judicial officers were questioned by the Supreme Court in the case of *Rex v. Dajany*, 1928. The proceedings culminated in the setting aside of the judgment of the District Officer for want of jurisdiction. In consequence, a new law was enacted in 1928 to validate these magisterial warrants and judgments issued thereunder prior to that date.

Several other laws of exceptional character were enacted, the administration of which was in the main vested in District Commissioners and their deputies.

The Prevention of Crimes Ordinance vests in the District Commissioner, or his deputy, power to require a person "to give a bond for good behaviour for one year and to reside in any particular place and/or to remain within doors from sunset to sunrise, etc. . . . if he has reason

to believe that he is likely to commit a breach of the peace." Failing to produce such bond, this officer is empowered to commit the defaulter to prison until such bond is submitted. This extraordinary power, vested, as it is, in non-judicial officers, has been on more than one occasion misapplied or misconstrued. But even then there is no possibility of reversing the orders or judgments of such officers, as their decisions are final and subject to no appeal.

This Ordinance was further supplemented by the Prevention of Crime Ordinance (Tribes and Factions) of 1935, which gave similar powers to such officers to convict all the inhabitants of a village or area in case "he has reason to believe that they connived at or in any way abetted the commission of an offence or failed to render assistance to discover an offender or to effect his arrest."

The Collective Responsibility for Crimes Ordinance of 1921, which was subsequently substituted by the Collective Punishment Ordinance, 1926, offers another similar striking example. It empowers the District Commissioner or his deputy "to levy and collect fines from all or part of the inhabitants of any village or area, if he has reason to believe that the inhabitants of the area committed an offence (the culprit being unknown) or caused loss or damage or connived at or abetted such offence or failed to render assistance to discover the offender, etc. . . ." * Hundreds of persons, most of whom may be innocent, may be convicted for an offence of which they have no knowledge. This wide judicial power is entrusted to the discretion of officers other than those of proper judicial courts.

* This Ordinance was applied during the recent disturbances of April, 1936, to many villages and even municipal areas.

In fact, the exercise of such power is an infringement of the jurisdiction of the Law Courts, and an unprecedented principle in the legislation of civilized countries.

This delegation of judicial powers to such officers, which hitherto has been limited to criminal or quasi-criminal matters, has recently been extended to land disputes, under the pretext that such disputes are likely to cause a breach of the peace. In a recent law entitled The Land Disputes (Possession) Ordinance, 1932, District Commissioners were given full power to decide on questions of land and to order the eviction of any cultivator and or cultivators, if he is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof within his district.

It appears that the Administration is inclined to continue to extend such judicial powers to persons other than qualified judges. This is a dangerous step in Palestine's judicial system, irrespective of the good intentions of the Administration and the educational attainments of District Officers.

APPLICATION OF BRITISH ACTS

Although the Ottoman law is the basis of Palestinian law by virtue of Section 46 of the Order-in-Council, 1932, yet many British Acts and Statutes have been made applicable to Palestine by virtue of Section 35 of the same Order-in-Council and other subsequent Ordinances, notwithstanding the fact that such British Acts are, in most cases, inconsistent with the customs, habits, traditions and mentality of the people, and based on principles different from the principles of the Ottoman law.

In addition, the Acts and Statutes that were made applicable to Palestine have never been published in the *Official Gazette* in any of the three official languages. The majority of the population are not conversant with the English language and could not be expected to be "charged with the knowledge of the law," if such laws are not published in their vernacular. This deficiency in the system of legislation is very apparent and repugnant to the terms of Articles 17 (1) and 82 of the Order-in-Council, which provide that all Ordinances, etc., should be published in the three languages for at least one month before promulgation.*

Even the Mandate itself was not published in the *Official Gazette* of Palestine until January 16th, 1926, and then only to form part of the Convention between the British Government and the United States of America.

It might be of interest to quote here an extract from a judgment of the Supreme Court of Palestine, sitting as a High Court, on the application of *Suleiman Murra and others v. District Governor of Jerusalem* (High Court 27, 1925), which was also considered on appeal by the Privy Council on February 16th, 1926, to show the peculiar position in which the courts were placed before the publication of the Mandate. Sir Thomas Haycraft, then Chief Justice for Palestine, said, *inter alia* :

"Council for petitioners referred us to the undertaking made in the Declaration of the 2nd of November, 1917, and confirmed by a passage in the preamble to the Order-in-Council of 1922. He further informed us that there was a passage in the Mandate to the same

* Some of the Imperial Statutes have been included in the Statutory Revision of 1933.

effect. Neither the Declaration nor the Mandate are documents of authority in Palestine except so far as they are referred to and confirmed by the Order-in-Council of 1922. . . . The first appeared in Clause 18 of the Order-in-Council of 1922 . . . as amended in Clause 17 (1) (c) of the Order-in-Council of 1923. *When this case was argued before us the first time no one in Court had a copy of the Mandate*, and it was generally supposed that it carried us no further than the Declaration of the 2nd of November, 1917."


It was only after the delivery of this judgment that the Mandate was first published, but all other Acts and Statutes, many as they are, which have been made applicable and form part of the law of the land have never been published in the vernacular language of the people.

THREE OFFICIAL LANGUAGES

Section 82 of the Order-in-Council, 1922, which is based on Article 22 of the Mandate, provides that "English, Arabic and Hebrew shall be the Official Languages of Palestine," notwithstanding the fact that until now the vernacular language of the great majority of the population is Arabic. In addition to the extra and unnecessary expense which the use of these official languages entails, it has been a hindrance to the administration of justice in the law courts. A District Court is composed generally of a British president, who understands English only, and two other judges, an Arab and a Jew, sitting on his right and left respectively. The Arab judge usually understands Arabic only, while the Jewish judge adheres to the use of Hebrew. Any statement made by counsel, judge or witness has to be translated into the other two

languages, and by the time the last translation is made it would not be strange to see one of the parties losing track of the discussion.

RELIGIOUS COURTS

There is another matter which deserves special mention, namely, the jurisdiction in matters of personal status given to ecclesiastical courts, whether Moslem, Christian or Jewish. By virtue of the second paragraph of Article 9 of the Mandate, which fully guarantees "respect for the personal status of the various peoples and communities and for their religious interests," the Mandatory Power gave "exclusive jurisdiction to Moslem, Christian and Rabbinical courts in matters of marriage and divorce, alimony and confirmation of wills of members of their respective communities other than foreigners, etc." (Sections 52, 53, and 54 of the Order-in-Council, 1922). 

On the face of it, it appears that there can be no objection to the grant of such jurisdiction to bodies other than the proper civil courts. But when one considers the diversity of the codes applied by the various Christian religious courts, and the various languages used in each court, whether Greek, Latin, Arabic or Armenian, and when one considers that such courts, other than Moslem courts never had proper, if any, experience in the administration of law, and that the persons of whom such courts are formed lack judicial training, one is bound to conclude that such system cannot serve the best interests of justice. In fact, owing to such defects and other existing malpractices, it could be rightly said that Christians as a whole regret the existence of such courts.

It is the view of many a reasonable person that it would

have been better had the ordinary courts of the State been vested with such jurisdiction, with the proviso that they should interpret and apply the personal law applicable to each community ; and the sooner the Christian Ecclesiastical Courts are abolished the better it will be for the Christian community of Palestine.

BENEFICIAL ORDINANCES

Although much criticism can, and should be, directed against the system of legislation and laws in Palestine, yet it should be mentioned that many good Ordinances have been promulgated since the British Occupation, which replaced many an old and obsolete Ottoman law.

The Companies Ordinance of 1929 and its subsequent amendments, which was modelled after the English Companies Act, is certainly a step forward, and covers the field of progress in trade and commerce which exists in Palestine to-day.

The Bills of Exchange Ordinance, 1929, and the Partnership Ordinance of 1930, with their amendments, and the Bankruptcy Ordinance are similar examples of new laws which replaced parts of the old Ottoman Commercial Code.

The Trial upon Information Ordinance, with its subsequent amendments, and the Arrest of Offenders and Searches Ordinance introduced appreciable changes in the old Turkish procedure.

The Law of Evidence Amendment Ordinance and its amendments had replaced out-of-date principles which existed in the Ottoman Civil Code, and gave Palestine a smattering of a modern Law of Evidence.

The Mining Ordinance, the Electricity Ordinance, the

Antiquities Ordinance, the Banking Ordinance, the Charitable Trusts Ordinance, the Intoxicating Liquors Ordinance, the Trade Mark and Patents Ordinances, the Public Entertainments Ordinance, the Young Offenders Ordinance, and other ordinances of less importance which were enacted between 1924 and 1936 are other examples of modern legislation.

Many amendments of the Ottoman Criminal Law have already been made, and a Criminal Code based generally on the English law was published as a Bill some three years ago, but has not as yet been promulgated.

CONCLUDING REMARKS

It would not be fair to attribute to the Palestine Administration any bad intention in framing and enacting some of the laws which have already been passed in Palestine. If mistakes were committed in the system of legislation, they are due, in our opinion, to the following three reasons :

- (i) Those who frame the laws, being foreigners to the country, cannot fully appreciate or understand the real needs, customs and traditions of the majority of the people of Palestine.
- (ii) The people of Palestine have no say in legislation.
- (iii) The major policy of the British Government, which imposes upon the Administration the obligation of facilitating the establishment of a Jewish National Home while insuring that the rights and position of other sections of the population are not prejudiced (Article 6 of the Mandate), places the present legislator in a very awkward position in conciliating between two irreconcilable obligations imposed

upon the Mandatory Power with regard to the two sections of the population with all the conflicting interests involved.

There can be but one remedy to this intricate problem, and that is to adhere to the terms of Article 22 of the Covenant of the League of Nations and vest in the people of Palestine full power of legislation and administration, "subject only to the rendering of administrative advice and assistance by the Mandatory until such time as they are able to stand alone."

CHAPTER XVIII

THE LEGISLATIVE COUNCIL SCHEME 1936

THE development of self-governing institutions for which provision was made in the Palestine Mandate has not shown any appreciable progress.

To sum up here the effects of eighteen years direct rule, would be a repetition of matters which have already been partly discussed. The larger issue would seem to be merely this : that the British Government had seen fit to build the new regime in Palestine, independent of the will of the people, and without succeeding in securing their co-operation. The outcome is, of course, a policy of great injustice, humiliation and degradation to the Arab people, which culminated in the creation of a feeling of hatred and animosity between two peoples. It has led to repeated disorders and proved to be a source of trouble to the Empire and a heavy burden on the shoulders of the British and Palestine taxpayer. →

Leaving aside for a moment all other matters, the question may be asked, why should not the wishes of the Arab people in their demands for the establishment of the simplest form of constitutional Government be met ? To this question no satisfactory answer can be or has been given.

In the opinion of the Arabs, the withholding of the establishment of some form of representative Government is due to one of two reasons ; it is either that the British

Government is not desirous of enabling the people to assume a fuller share in the administration of their country, or that the other party to this question, the Jews, have brought their influence to bear on the British Government, and have succeeded in securing the postponement of the establishment of such form of Government until such time as they become the Majority. More weight however, may be attached to the latter assumption, as a campaign was actually launched by world Jewry to defeat the recently announced scheme of the Legislative Council.

The question of a Legislative Council in Palestine has passed through many stages. In 1922, the British Government offered to establish a Legislative Council, but the majority of the Arabs found themselves unable to accept the offer for reasons with which the reader is by now acquainted. In the White Paper of 1930, Lord Passfield declared that a Legislative Council would be established, and that in case any community refuses to take part in the elections, Government would appoint members to represent it. It was nearly three years later that the present High Commissioner at Geneva announced that the establishment of the Council must be postponed until he was able to see the working of the Municipal Councils under the new Municipal Corporation Law. Fallacious as the argument may be, since such Municipalities existed and functioned before the War, yet the Arabs do not accept the suggestion that this law, which was made as late as 1934, guarantees any improvement in the position of existing Municipalities. On the contrary, it was considered that it had the effect of withdrawing from such Municipalities many of the powers with which they were vested under the Turkish Law.

When this Ordinance was first published as a Bill it

aroused severe criticism, not only from extreme political circles, but from the Municipal authorities themselves. At the instance of Ragheb Bey Nashashibi, then Mayor of Jerusalem, a conference of almost all Mayors of Palestine was held at Jerusalem in December, 1932, to consider the Bill. All the Mayors who attended the meeting, although they were elected Councillors, held their offices as Mayors by appointment, some of them for a period exceeding twelve years. After careful consideration of the Bill the Mayors submitted a detailed Memorandum to Government in which fundamental amendments were suggested based on their personal experience. In their opinion, the suggested amendments were such as would enable the people to develop their local affairs according to modern requirements. "We are sure," the Mayors said in their Memorandum, "that the continual withholding of the constitutional development of the people of Palestine after fourteen years of British Administration will not bring credit to an Administration established under the Mandate which is intended to lead the people of Palestine towards self-government and prosperity."

The Bill was severely criticized. It was considered to have withdrawn from Municipal authorities much of the powers which were vested in them under the Ottoman Law and vested such powers in the High Commissioner. It diminished the powers held by Municipal Councils, and did not contain sufficient provisions calculated to promote and develop self-government.

The Bill was also criticized by the Arab Executive in a detailed Memorandum which was prefaced by an enunciation of the Mandate and of Government's attempt to enact such laws without consulting representatives of the people.

In the face of such strong criticism, Government withdrew the Bill and substituted for it a new Bill which took effect in law in January, 1934, but except for questions of detail, the new Ordinance, which is now known as the Municipal Corporations Ordinance, followed the principles laid down in the former Bill.

During 1934, nearly all the Municipal Councils were re-elected and confirmed under the new Law.

Nevertheless, the question of establishing some form of a representative Government did not go any step further until the recent announcement made by the High Commissioner.

Under the new scheme which was declared in a statement made by the High Commissioner to leaders of Arab parties on December 29th, 1935, the Legislative Council will consist of twelve elected and sixteen nominated members of whom five will be officials of Government.

The allotment of the seats in the Council as among members will be based upon the numbers of the different communities in the total population of Palestine.

The President will be appointed from outside Palestine. He will be some impartial person, unconnected with Palestine, with judicial experience. He will neither debate nor vote. In the event of an equality of votes a casting vote will be exercised by the senior official member. It was proposed that the quorum should consist of six members, but this figure was later raised to ten.

There would be no literary test or money test. Every Palestinian citizen or person who legally resided in Palestine for two or three years preceding the date of registration of voters would be entitled to vote.

The question of whether or not women should have the right to vote was left for each community to decide.

The scheme also prescribed the powers and duties of the Legislative Council. Subject to the fulfilment of the international obligations of His Majesty's Government, the Council will have the right to debate on all Bills, except money bills. Subject also to the consent of the High Commissioner, to consider and debate on the annual budget in committee and to propose any question of public interest for debate ; but no vote will be proposed except by the direction of the High Commissioner nor any resolution passed which in the opinion of the High Commissioner is likely to endanger public peace.

After a Bill has been passed by the Council it will not become law unless it has received the assent of the High Commissioner. The High Commissioner will be empowered to pass any measure if the Council fails to take such measure within a time limit. If the High Commissioner is of the opinion that urgent necessity requires a measure to be taken, when the Council is not sitting, for the maintenance of public order and of good government, he will have the power to pass Ordinances with the approval of the Secretary of State directing the necessary measure to be taken.

The High Commissioner will have the power to prorogue or dissolve the Council. The determination of labour immigration schedules will rest as heretofore with the High Commissioner, but it will be open to any unofficial member to move a resolution of objection or criticism in respect of any schedule. No resolution or amendment to a Bill will be moved in the Council which, in the opinion of the President, calls in question the validity of the Mandate or suggests that the Mandate should be abolished.

It will be impossible to deal with all the observations of the various Arab parties on the scheme. Speaking

generally, it was the considered opinion of all Arab parties that the proposed constitutional powers of the Council fall short of what the Arab people expected of the British Government in discharge of its obligation, after more than eighteen years of British Administration.

It is true that this was not the first time that Government made an offer to establish a Legislative Council in Palestine, but the Arab people look upon the proposed Council with concern, inasmuch as they consider it as an institution which should enable them to secure the gradual realization of their national aspirations.

The National Defence Party, in its criticism of the Scheme observed that "the Arabs as a whole commenced their national movement forty years ago. They followed with eagerness the developments which took place in other Arab countries. They were anxious to protect their national existence and to preserve the national character of their race. Their aim was to remove any obstruction which would arrest their activities or impede their advance towards self-government and ultimate independence. In their endeavours to attain that object they made heavy sacrifices in money and in person. . . ."

Dealing with the constitution and powers of the Council, it was considered that the scheme was defective from many aspects. Great objection was made to the provision of allowing non-Palestinians to take part in the election and to the restrictions imposed on the powers of the Council. The distribution of seats among Arab and non-Arab communities was considered inequitable. The idea in itself was received with much resentment by the Arabs, in that it made provision for communal schism. The Arabs are averse to any suggestion which makes of them two distinct



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DEFENCE PARTY

communities, Moslem and Christian. They prefer to be treated in the same way as one integral national unit.

In this conviction, Moslems and Christians are united, and it was the Christians who were first to express their condemnation of this suggestion. Various meetings were held by representative Christian leaders in Jerusalem, Jaffa, Haifa, Ramallah and Bethlehem, at which firm resolutions were taken denouncing the classification of the Arab people under the scheme into Moslem and Christian and declaring their loyalty and attachment to the common national cause. In this movement Dr. Izzat Tannous, Dr. F. Freij and Mogannam E. Mogannam of Jerusalem, Hanna Eff. Asfour and Wadea Eff. Bustany of Haifa, and other Christian leaders played an important part in making the Christian point of view quite clear.

On the other hand, it was held that the right to vote should be limited to persons who hold Palestine citizenship and should not include residents. All members of the Council should be returned on an elective basis. It was not considered necessary, nor indeed consistent with any parliamentary practice that Bills which may be introduced by the Council or by any member, should be first submitted to the High Commissioner for approval.

The powers which it was announced would be vested in the High Commissioner to pass any Ordinance which may appear to him to be expedient when the Council was not sitting were deemed to be inconsistent with the usual procedure in parliamentary or legislative councils. Such Ordinances, it was urged, should have a provisional effect only and should be laid before the Council at its first session for debate, amendment, passing or rejection. The Arabs further assert that in no country with any parlia-

mentary system of Government, is a council debarred from debating on the budget or moving a reduction or increase in any of its items.

The High Commissioner was further given power to approve or disapprove of any resolution or act which may be passed or done by the Council, thus making the Council as a whole dependent on his will. The High Commissioner's power to determine labour immigration schedules affected one of the serious grievances of the Arabs and aroused the most severe criticism of the Arab parties. It will be recollected that in its statement of policy of 1922, the British Government dealt with this question more liberally. "It is intended," it was stated, "that a special Committee should be established in Palestine consisting entirely of members of the Legislative Council to confer with the Administration upon matters relating to the regulation of immigration. Should any difference of opinion arise between this Committee and the Administration, the matter would be referred to His Majesty's Government."

In the former scheme, the Legislative Council was empowered to control and regulate immigration in view of the bearing which immigration had on the country. It appears that it is not now desired to adopt the same procedure.

The establishment of a Legislative Council must necessarily involve some measure of control over the Administration, but it does not appear that this would be the case in Palestine. In no country, with any form of a liberal constitution, is the Legislative authority debarred from exercising control over the Executive. The very existence of the Executive must depend on the degree of confidence

which it can command in parliament. Parliament, in almost every case, has the right not only of criticizing the policy of the Executive but of laying down the lines of such policy for its guidance. There is nothing in the scheme which indicates that the Palestine Government will be responsible to the Council, and it is wondered whether such a Council could question the activities of any member of the Administration. It is doubtful whether a Legislative Council established on these lines could be expected to promote co-operation between the Legislative and Executive powers of the Government.

Nevertheless, with all its defects, the scheme was not rejected by the Arabs. Such criticism and observations as were made thereon by Arab political leaders and the Arab Press were limited to questions of detail. The bitter experience of 1923, when the Arabs found themselves unable to co-operate with Government in the establishment of a Legislative Council, proved to be a sufficient check against the adoption of a similar policy ; not because the proposed scheme provides for a sufficient improvement in the constitutional position of the Arabs, but because it was felt that the rejection of the scheme will most probably lead to worst results.

The Arabs were not reluctant to make their position quite clear. In all the Memoranda which were submitted to the High Commissioner by Arab leaders, sincere criticism of the scheme was made, with a view to securing such amendments as will leave no opening for any section holding extreme ideas, to propagate a course of non-co-operation. In all their representations they were reasonable and fair. They were moved by a genuine desire to avoid any cause of disagreement. The exchange

of communications between Arab leaders and the High Commissioner ended with a letter from the High Commissioner explaining many points which he thought were misapprehended and contained an intimation that he was not prepared to introduce or recommend any changes in the scheme other than raising the constitution of the quorum from six members to ten.

The position in March of this year reached the point of either accepting the scheme as offered by Government or else rejecting it. The Arabs were adversely impressed by the destructive criticism of the scheme which was made by British statesmen, especially during the debate in both Houses of Parliament. It never occurred to them that Jewish influence would succeed in moving members of Parliament to make a concerted attempt to defeat a scheme which is primarily intended to rectify a long-standing mistake. They never expected that even such British statesman as Mr. Winston Churchill, who himself was responsible for the issue of the White Paper of 1922, and for the Legislative Council for which it provided, would now take such strong opposition and refer to this scheme for which he worked zealously in 1922 as premature. They were shocked to learn of the suggestion made by Mr. Amery that "the only way for co-operation was on a basis of equality because the Jews were coming into their National Home with the same rights as those Arabs resisting them."

The heated debate which took place in the House of Commons on March 25th, 1936, left its mark on the Arabs and made them realize to what extent Jewish propaganda had found its way into the hearts of many British statesmen.

Irrespective of the assurance given by Mr. J. H. Thomas, the Secretary of State for the Colonies, the debate was

hailed by the Jewish Press as "a devastating moral defeat for the Government." The British Press gave considerable prominence under glaring headlines indicating that the scheme is unjust, premature and undesirable. "There is no urgent necessity to repeat what had disastrously failed in 1922 when the Arabs refused a similar offer," *The Times* said in a leading article. "The circumstances are now different but not more propitious, the Legislative Council is not desired by a considerable section in Palestine, though some Arabs are willing to accept it."

It was natural that the Arabs should have received with much concern the hostility with which the scheme was discussed in England, and the general result was a concerted movement for accepting the scheme as offered or the adoption of an extreme attitude in the event of Government yielding to this abnormal Jewish pressure and failing to establish the Council. That course was not concealed. It was announced in a resolution which was taken by the National Defence Party at its meeting of March 29th, 1936. In accepting the scheme as offered, the Defence Party, suffering as they were from a grave sense of injustice, expressed their condemnation of the campaign made to defeat it, and warned Government against the consequences of withdrawing the scheme as a surrender to Zionist pressure.

AN ARAB DELEGATION INVITED

The British Government was thus facing a difficulty. The only way which was open to it was either to withdraw the scheme or to go through with its enforcement. A way out of this difficulty appears to have been found in inviting the Arabs to send a delegation to London to present the

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Arab case with regard to the Legislative Council. The Colonial Secretary's invitation was conveyed to the Arab leaders on April 2nd, 1936, by the High Commissioner, who made it clear that the principal topic of discussion would be the Council scheme and that the decision on major policy would rest with the British Government, but the Arab leaders would be free to touch on matters of land sales and immigration restrictions.

The High Commissioner added that "the Secretary of State had recently given a hearing to certain Jewish representatives who laid before him their objection to the establishment of a Legislative Council," and that the Secretary of State "understood that in general Arab parties wished to see a Legislative Council established broadly on the lines proposed by His Majesty's Government, though he was aware that they were asking for certain alterations. The Jewish deputation he had received had made strong representations against the setting up of a Legislative Council at this time and he would welcome a corresponding opportunity of the expression of Arab opinion."

After a short discussion the Arab leaders conveyed to the High Commissioner their unanimous acceptance of the invitation.

On the whole, the new development was favourably received by Arab public opinion, although it was suggested in some quarters that the necessity for a discussion in London of the question of the Legislative Council did not arise so long as the scheme was generally accepted by the Arabs. The Arab Press did not conceal their fears lest the invitation be a means to put off the question for some time until favourable conditions prevailed.

Before, however, the Arab parties could decide on the formation of the delegation, the country was thrown once again into a state of general unrest, in consequence of which the Arab leaders were constrained to decide to postpone the departure of the delegation.

CHAPTER XIX

MORE RECENT EVENTS

THE incidents which started the present disorders were associated with a hold-up which took place near Tulkarem on Wednesday night, April 15th, 1936, when a number of ordinary highwaymen held up ten cars and robbed their occupants, Arabs and Jews alike, of their possessions. During the incident one person, a Jew, was killed, and two wounded.

It is unfortunate that the Jews, particularly in Tel-Aviv, should have made a political issue of this ordinary incident of highway robbery. The funeral of Israel Khazan, the victim of the hold-up, was converted into a large demonstration, during which provocative speeches were made by responsible Jews. Mr. Rokach, Deputy Mayor of Tel-Aviv, is reported to have addressed the already excited crowds in the following terms :

“ Our innocent brother was murdered by people who wished to frighten us and stop our work, but the whole world will know that terrorist acts will not stop our work.” A clash was inevitable between the agitated crowds who were shouting, “ Revenge ! revenge ! ” and the police. About a dozen persons were injured. The crowds refused to disperse, and a general mêlée ensued. Stones and other missiles were thrown at the police from neighbouring houses.

During the same night, two Arab workers in an orange grove, Hassan Abu Rass and Selim Al Masri, were murdered in a hut near Tel-Aviv at about 11 p.m. The police found Hassan Abu Rass lying dead in the hut, and Selim Al Masri near some other hut about 100 yards away, where he had attempted to escape for help. The victims were preparing for bed, when in response to a knock on the door they opened it, and two men shot them at close range. It has been suggested that the motive for murder was revenge.

It is natural that this series of events should have created a state of uneasiness and anxiety, which developed into tension, and a general strike was proclaimed by the Arabs. In less than a few hours the country, and particularly Jaffa, emerged into a state of complete disorder. On the evening of that day, April 19th, 1936, a communiqué was issued by the High Commissioner which stated in part, "that owing to false rumours (which were at once officially contradicted) that Arabs had been killed, crowds assembled about 11 o'clock in the Manshia quarter, and disturbances arose."

It does not appear necessary nor indeed desirable to discuss these recent events in detail. It suffices to quote the statement of the Secretary of State in the House of Commons on April 6th, 1936, that "the underlying cause of these disturbances was Arab discontent."

The disturbances once started, all the grievances of the Arabs came to the surface. Recent attempts made by Jews to defeat the Council's scheme might have served as a contributory factor to the adoption of a concerted effort to effect a change in the present British policy at whatever cost. The alarming rate at which Jewish immigrants were admitted in recent years added to the irritation of the Arab mind so that when these disorders were started "stoppage

of immigration " was the first demand to be put to Government.

It is a matter of regret that responsible members of the Jewish community should have failed to calm down the already excited public. In speeches and writings they added fuel to the smouldering fire. The Mayor of Tel-Aviv,* Mr. Dizengoff, an old man who lived in the country before the War and enjoyed the courtesy of the Arabs, is reported to have referred in insulting and provocative terms to the Arabs in a speech which he made during the funeral of some Jews who were killed during the disturbances. His speech had the effect of increasing, instead of decreasing, the tension, and forced a reply in severe terms to be made by the popular Mayor of Nablus, Slieman Bey Toukan, and other Arab dignitaries.

The opportunity was also taken to exploit the situation and attach to it a world-wide importance, of course from the Jewish point of view. A message was at once addressed to the Jewish people throughout the world by the Executive of the Zionist Organization and the Jewish Agency in Jerusalem in which the opportunity was taken to assert Jewish claims to Palestine also in provocative terms. The message stated in part :

" In these days of grave trial, we find deep consolation in the consciousness that the whole world Jewry is concerned about the fate of the Jewish work of re-settlement in Palestine, which is the creation not of the Jews of Palestine alone, but of the entire Jewish people.

We realize that you are moved not only by anxiety for the life and well-being of 400,000 Jews now in

* Mr. Dizengoff has since passed away.

Palestine, but for the realization of the great and historic hope of our race for the upbuilding of *Eretz Israel*. . . . No sacrifice will make us waver in our determination to create anew *in this country of ours* a free, secure Homeland for our scattered and persecuted people. The main appeal that goes forth from us to the Jewish people in the Diaspora is to do their utmost to support our work.

Large-scaled mobilization of financial resources for the extension of Jewish immigration and land settlement in Palestine, rallying all sections of Jewry to the banner of the Zionist Organization and the Jewish Agency and their strong united stand for the defence of the political rights acquired by the Jewish people in its historic Homeland, these are the tasks which Jewry is called upon to fulfil."

Again, Dr. Ch. Weizman, President of the Jewish Agency, in his opening address at the first World Congress of Jewish physicians which was held at the Ohel Shem Hall in Tel-Aviv, on Thursday, April 23rd, 1936, is reported to have said "this Congress is a symbol of our answer to the attacks of the last few days. On one side the *forces of destruction, the forces of the desert*, have risen, and on the other stand firm the forces of civilization and building. It is the old war of the desert against civilization, but we will not be stopped."

This and similar other statements had the undesirable effect of arousing the indignation of the Arabs. In particular, Dr. Weizman's speech evoked a reply again by Slieman Bey Toukan at a large meeting of representatives of nearly thirty villages which was held at Al Fara', a place near Nablus, at which no less than ten thousand people

were present. Slieman Bey was successful in refuting the unqualified but indirect charges which Dr. Weizmann attributed to the Arabs.

Arab demands were once again announced in a Manifesto issued by the Supreme Arab Committee on April 28th and transmitted to the High Commissioner under a covering Memorandum explaining the Arab case and the prejudice done to Arab interests through land sales and Jewish immigration.

These demands were on this occasion put in the following terms :

“ That the general strike should continue until such time as the British Government makes a fundamental change in the policy which they pursue at present in Palestine in such a manner as will be shown by the stoppage of Jewish immigration.

The Committee will co-operate with the Arab people, inspired by their real and true determination to achieve the realization of their major and fundamental demands which have been repeatedly made, namely :

- (i) Complete stoppage of Jewish immigration.
- (ii) Prohibition of transfer of Arab lands to Jews.
- (iii) The establishment of a national Government responsible before a representative Council.

It will be observed that the calling off of the strike was made dependent on the stoppage of Jewish immigration.

But Arab public opinion was already in favour of the adoption of more extreme measures, and almost all national Committees which were set up in towns and larger villages advocated the refusal to pay taxes following the established principle of “ No taxation without representation.” The

Supreme Committee was strongly urged to take a decision to that effect. On May 1st, a Manifesto by the Transport Strike Committee was issued over the signature of its Chairman, Hassan Sidkey Bey Dajani, containing a letter which the Committee addressed to the Supreme Committee for the adoption of such a decision. At this stage the situation was emerging into a more serious phase, which did not escape the attention of the High Commissioner. He at once called the members of the Supreme Committee to call upon him on Tuesday, May 5th, 1936, in order to warn them against the adoption of such a risky decision.

"I have asked you to come here this morning," the High Commissioner said, "and I have no doubt you will consider carefully what I say.

I take this opportunity to tell you that the Memorandum you submitted to me dealt with major questions of policy, and I have therefore forwarded your Memorandum to the Secretary of State.

I was yesterday shown a Manifesto signed by Hassan Sidkey Bey Dajani and Saleh Abdu, as President and Vice-President of the Transport Committee. This Manifesto recommended the refusal to pay taxes and declared the need for all Government officials to go on strike.

Government is now taking legal action against these two signatories.

I am confident that none of you, gentlemen, will associate yourselves with this Manifesto or with any illegal act.

In view of Hassan Sidkey Dajani's Manifesto the public may naturally imagine that certain members of the Supreme Arab Committee are associated with the

views expressed in this Manifesto.

Therefore I strongly urge you to make it known without delay to the public that you definitely do not associate yourselves with this policy or any illegal acts."

It was a critical moment for the Arab leaders. They were facing a general demand by all national organizations for a decision to refuse to pay taxes and to call upon Government officers to cease work. They found themselves unable to shirk the responsibility and to dissociate themselves from this general movement.

In their written reply to the High Commissioner, which was submitted on the same day, the Supreme Arab Committee asserted that the British policy in Palestine had gravely imperilled the country. The Arabs made every effort to show the futility of the Zionist policy. They had sent delegations to London, but Jewish propaganda and influence had always prevented an unbiassed hearing of the Arab case.

"The previous disturbances which occurred as a result of this policy," the Committee added, "had necessitated the appointment of a number of inquiry Commissions which supported the Arab claims. The British Government further admitted in the White Paper of 1930 that Jewish immigration and land sales were injurious to Arab interests. These findings, however, were nullified by Mr. MacDonald's letter to Dr. Ch. Weizmann on November 13th, 1930. In the meanwhile, Jewish immigration and acquisition of land continued, and the number of Jews now in the country amounted to 450,000 as against 500,000 at the time of the Occupation. Both the Moslem and

Christian worlds," the Committee asserted, "will under no circumstances agree to the 'judaization of the Holy Land.'

For these reasons the Arabs rose to the defence of their lives and national existence, choosing this peaceful general strike as the best means of expressing their protest. After twenty-one days of the strike, the Arab people had hoped that the British Government would adopt a just policy and assist the Arabs in the realization of their aspirations. But the Government had not even stopped Jewish immigration, as Sir Herbert Samuel and Sir John Chancellor did following the disturbances in 1921 and 1929.

If the Government will suspend Jewish immigration in accordance with the Arab Memorandum of April 28th, 1936, the deputation will not delay its departure for London.

We are convinced that the cause of the regrettable disturbances is Government's persistence in its unjust policy for which the Government will be held responsible," the Committee ended its Memorandum.

Here again the situation was aggravated. There was no move on the part of Government to stop immigration, and it was impossible for the Arabs to end the strike and to send a deputation to London before this minor demand was granted. Neither of the two sides made a step towards a conciliation. It appears that the Arabs' attitude was misinterpreted to or by Government as the continuation of the strike was considered as a threat until immigration was stopped. Such at least was the impression conveyed to London. Speaking in the House of Commons on May 6th, 1936, the Colonial Secretary expressed his belief that the

underlying cause of the disturbances was Arab discontent. He understood, he said, that there was a "threat to continue the strike until Jewish immigration was stopped. There is no question of the Government stopping Jewish immigration in consequence of the Strike."

But there was no such threat, the Arabs merely asked that immigration which, to them, besides the land sales, is the worst of all evils of the Jewish National Home, should be stopped and expressed their indignation in a silent but universal strike, and in putting this demand it does not appear that they were unjustified.

To make their position clearer a conference of all Arab National Committees, representing the various parts of the country, was convened by the Supreme Committee at Jerusalem on May 7th, 1936, and attended by some 150 representatives.

It is unfortunate that the atmosphere should have been inflamed by the statement made by the Colonial Secretary and published on the same day.

A motion for the continuance of the Strike and refusal to pay taxes to Government if Government by May 15th did not stop immigration received no opposition, and was unanimously adopted after some lengthy speeches on the general situation. The resolution was passed in the following terms :

The Conference unanimously resolves :

(i) That the Arab nation should continue the strike until the British Government introduces a basic change in its present policy which will manifest itself in the stoppage of Jewish immigration.

(ii) That the Arab nation should refuse to pay taxes as from May 15th, 1936, should the British Government

fail to introduce a fundamental change in its policy which will manifest itself in the stoppage of Jewish immigration.

Naturally, such a resolution prompted Government to ask and obtain immediate reinforcement of the ordinary British garrison, which normally consists of two battalions.

"The two main reasons that caused me to ask for additional troops," the High Commissioner said in a speech which he broadcast from the Jerusalem Studio on the eve of May 12th, 1936, "were, first, to give greater mobility to our present forces so that if disturbances arose they could be dealt with rapidly ; and secondly, to enable the police to give more protection against arson and crop burning and secure the arrest of those guilty of such criminal and wicked acts." *

But the arrival of these troops did not help to improve the situation, nor indeed reduced the tide of tension. Military forces may disperse demonstrations, facilitate the arrest of culprits, and suppress for a time acts of hostility, but they certainly will not and cannot change the feelings of an enraged people who are striving for self-existence.

THE ROYAL COMMISSION

As in the case of previous disturbances, the Government in London, on the advice of the High Commissioner, decided that the appointment of a Royal Commission, which will inquire into the causes of the disorders, may be a means to end the disturbances. The decision of the British Government was conveyed by the High Commissioner to the Supreme Arab Committee on Wednesday, May 13th. The

* Later events moved the British Government to increase the British troops in Palestine to nearly one Division under the supreme command of General Dill.

High Commissioner is reported to have informed the Arab Committee that His Majesty's Government had decided to appoint a Royal Commission to inquire into the three main demands of the Arabs after civil order was restored and the strike ended. That Commission, he added, will be appointed by the King himself and will have wider powers than a Parliamentary Commission. It does not appear that the Arab leaders thought it conceivable, in the face of the hostile public opinion, to subscribe their names to a proclamation ending the strike, before immigration was stopped. In welcoming the suggestion, as one which will enable the Arabs to prove their case once more, they explained to the High Commissioner that it was not within their power to end or call off the strike unless immigration was stopped.

For a few days the question formed the subject of much speculation until on Monday, May 18th, Mr. J. H. Thomas, former Colonial Secretary, made an announcement in the House of Commons concerning the proposed Commission: "It has been further decided," the Colonial Secretary announced, "to advise His Majesty to appoint a Royal Commission which, without bringing into question the terms of the Mandate, would investigate the causes of unrest and the alleged grievances of either Arabs or Jews." *

* The Royal Commission has since been appointed by His Majesty under a Commission dated August 7th, 1936, consisting of the Right Honourable Earl Peel, the Right Honourable Sir Horace George Montagu Rumbold, Sir Egbert Laurie Lucas Hammond, Sir William Morris Carter, Sir Harold Morris and Professor Reginald Coupland. Its terms of reference were stated to be: "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 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."

The Commission commenced its proceedings in Jerusalem on November 12th, 1936.

In general, the proposal for the appointment of the Commission was regarded, in Arab circles, as a step to end the strike and to defer the final determination of Arab grievances. It was difficult for the Arabs to see how any new Commission can add anything of value to the Reports of the previous Commissions.

The Arab Higher Committee declared that the Arabs have no faith in fresh inquiries, Arab claims having been fully admitted in the Reports of the Shaw Commission, Sir John Hope Simpson and Mr. Lewis French. Nevertheless, there was a marked readiness to co-operate with the Commission if immigration was stopped. "The strike," the Committee asserted, "was a spontaneous expression of the Arabs' desire to defend their national existence which has been imperilled through the policy of the Jewish National Home."

Although the offer was intended as a means of bringing the strike and the state of disorder to an end, yet unfortunately, it failed to have the desired effect. It seems that the persistent refusal of Government to stop immigration and the adoption of the daring step of issuing 4,500 new permits for Jewish immigrants under the Labour Schedule was considered by the Arabs, and rightly so, as a direct challenge.* In consequence the situation took a more dangerous aspect and the national feeling of the Arabs was further aroused to a degree of desperation.

It is not intended to give a full detail of the various and many incidents which took place since the announcement

* It is unfortunate that the British Government should have found themselves compelled again under Jewish pressure to issue a further six-monthly labour schedule of 1,800 certificates. This was announced by the Secretary of State for the Colonies before the House on November 5th. The reaction of such further provocative act cannot be foretold at the time of writing.

of the Royal Commission was made. It does not appear that the present situation is likely to end soon.* It is perhaps necessary to state that the reinforcements, which were continually sent to Palestine to quell the disorders, have had a contrary effect in arousing the indignation of the people.

The attitude of the new troops and the police in general in dealing with the excited public, due perhaps to tedious duty, nervousness, or lack of knowledge of local conditions, created a feeling of animosity between the public and Government. This manifested itself in the increased cutting of telephone and telegraph lines, the attempt to blow up railway bridges and lines, and in the formation of armed bands which were reinforced by volunteers from Iraq, Syria and Transjordan.

Various vigorous measures were adopted by Government to check the undesirable situation which arose. Persons who were thought to be associated with the strike or disorders, were arrested and detained under custody. Villages were searched during which much damage was

* Actually the strike and state of disorder continued for a period of almost six months and the country resumed its ordinary life after the issue of an appeal by the Arab kings and rulers to the Arabs of Palestine which was the outcome of protracted negotiations between the Arab rulers, the Arab Higher Committee and the British Government. The Appeal which was in the form of a telegram in identical terms was sent by Their Majesties King Abd El Aziz Al Saoud, King of the Arab Saoudite Kingdom, King Ghazi of Iraq and His Royal Highness Amir Abdullah of Transjordan; it was couched in the following terms:

"To our sons the Arabs of Palestine. We have been deeply pained at the prevailing situation in Palestine. In agreement with our brothers the Arab Kings and Amir Abdullah, We call on you to resort to quietness in order to avoid the shedding of blood, Relying upon the good intentions of our Ally the British Government and its declared desire to insure justice. Be confident that we will continue our endeavours to assist you."

This Appeal, which was published on October 11th, was implemented by a Manifesto by the Arab Higher Committee calling upon the Arabs to "resort to quietness" and to put an end to the strike and disorders. The strike was actually ended the following day.

done to house effects and foodstuffs. Houses were demolished,* and considerable loss in life and property was incurred.

By the end of May some forty Arab men who were associated with the local National Committees had already been exiled to different parts of the country. They were forced to reside in places selected for them for periods ranging between three months to one year under police supervision.†

* On June 16th, Government announced its decision to embark on the most detrimental of all schemes. In an official Communiqué of that date it was stated that: "The Government is about to initiate a scheme for opening up and improving the Old City of Jaffa by the construction of two roads, to the benefit of that quarter and of the town as a whole."

This scheme meant, and actually resulted in, the demolition of hundreds of houses and the displacement of several hundred families who were left with no shelter or dwelling. The legality of this measure was questioned by M. E. Mogannam on behalf of a number of house owners, in proceedings before the High Court. In his judgment the Chief Justice severely criticized Government for "the singularly disingenuous lack of moral courage displayed in the whole matter." It would have been more creditable," he said, "if the Government, instead of endeavouring to throw dust in people's eyes by professing to be inspired with æsthetic or other quasi-philanthropic motives, such as those concerned with town planning or public health, in the demolition which was contemplated, had said frankly and truthfully that it was primarily for defensive purposes which one may assume means enabling the forces of the military or police an easier means of access in the congested quarters of the town in question. . . . It would be a negation of justice if, in a glaring case of evasiveness such as that before us, the High Court did not speak its mind freely. . . . In the exercise of its powers by Government, at any time, frankness is always to be desired. In exercise of any of the exceptional and drastic emergency powers such as are conferred by the Order-in-Council in question, the absence of such candour is peculiarly to be deprecated."

Sir M. McDonell's services have since been terminated on retirement for reasons, it is assumed, connected with this judgment and with his general attitude towards the Administration as displayed in cases arising out of the Disturbances.

† At a later stage a Concentration Camp was established at Auja Al Hafir in the desert of Beer Sheba, which was later transferred to Sarafand. The number of Internees in this Camp rose to the high figure of 450 persons including members of all classes of the Arab community and leading political workers such as: Ouni Bey Abdul Hadi, Secretary of the Arab Higher Committee; Faiz Bey Haddad, Chairman of the National Committee of Jerusalem; Fakhri Bey Nashashibi, formerly Assistant Mayor of Jerusalem; Izzet Effendi Darwaza, General Director Awkaf; Nebih Bey Al Admeh, a leading member of the Istiklal Party; Abdul Hamid Effendi Shuman, General Manager of the Arab Bank; Hassan Sidky Bey Dajani, Chairman of the Motor Transport Strike Committee; Ajaj Effendi Nuwaihed, Editor of the *Arab Weekly*;

(Continued in footnotes on p. 306)

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The Arab people were further enraged by a speech which was broadcast by the High Commissioner at the Levant Fair, Tel-Aviv on Empire Day, May 25th, before a large Jewish audience, in which he said : " I again assure you that no strike and no acts of violence will cause Government to deflect one jot from its determination to discharge in full its obligation under the Mandate."

This statement made, as it was, at Tel-Aviv, at such critical times, caused great resentment in Arab circles, not for what it contains but for the manner in which it was said, the place, time and before whom it was delivered.

The Arabs have invariably asserted that Government was not discharging its obligations under the Mandate towards them, while it has more than fulfilled its promise to the Jews.

(Continuation of footnote on p. 305)

Ibrahim Effendi Shanti, Proprietor and Editor of *Ad-Difaa* newspaper ; Rasheed Effendi Al Haj Ibrahim, Manager of the Arab Bank, Haifa ; Ahmed Effendi Shukairi, Advocate of Acre ; Hanna Effendi Asfour, Advocate of Haifa ; Dr. Mustapha Busknak, Local Director of Awkaf, Nablus ; Subhi Bey Al Khadra, Advocate and Local Director of Awkaf, Acre ; Akram Effendi Zwaiter of Nablus ; and many other Doctors and Advocates were amongst those whose lot was to be interned in Sarafand for periods ranging from three to six months.

CHAPTER XX

A SOLUTION !

WITH the present state of unrest and anxiety, with a long history of casualties, with scores of people in hospital, seriously wounded, with the warlike state into which Palestine was transformed, with the existing deadlock between Government and the Arab people, with no apparent hope for a way out of the present impasse, it will be difficult, if not impossible, to find a satisfactory solution for the extremely intricate problem of Palestine which has been left unsolved for the past eighteen years.

It does not appear feasible that a permanent settlement of the present situation can be hoped for or expected unless the British Government were able to devise some practicable means which will ensure to the Arabs full protection of their natural rights. One thing is clear at least, whatever has been done by the Mandatory Power to conciliate between its dual obligation under the Mandate, it has failed to avoid such occurrences as are at present prevailing. The general strike had inevitably to end and civil order be restored, but that does not mean that similar outbreaks will not recur in future, unless the whole question is settled once for all.

The establishment of the proposed Legislative Council does not appear to be a sufficient safeguard against future disorders. Such Council might have postponed these occurrences for some time, but it would not have ended the

dispute. Some more practical solution must therefore be sought if it is not desired to make of Palestine a scene of continual strife.

In addition to the many recommendations of the various Commissions which inquired into the affairs of Palestine, there had been many suggestions put forward by impartial English writers and statesmen. Mrs. Steuart Erskine, the English author on Near-Eastern affairs, in her well-written and unbiassed book on "Palestine of the Arabs" which was recently published, favoured the cantonization system as a possible solution. As a sincere and, no doubt, appreciated endeavour to find a solution for this intricate problem, Mrs. Erskine suggests that the whole country be divided into two cantons, one Arab and the other Jewish. To use her own words, Mrs. Erskine makes the following suggestion :

"(i) To limit the Jewish canton to the coast North of Jaffa, thence to near Haifa, thence to Esdrealon and the western shore of Tiberias, thence to Rosh Pina, and thence to the Jewish canton, with Tel-Aviv as its port and capital, Jaffa, however, remaining the port of the Arab State, Jerusalem its capital.

(ii) To declare Haifa as a free port.

(iii) To declare Jerusalem, Hebron, Tiberias, Safed, Bethlehem and Nazareth as religious cities, subject to laws and regulations enacted by the League of Nations.

(iv) To join Transjordan to Palestine.

(v) To form two States, one Arab, the other Jewish, which will ultimately join the League of Nations. . . ."

• "Palestine of the Arabs," by Mrs. Steuart Erskine, pp. 229-230.

There is no doubt that Palestine means a great deal to the British Empire, and even if there were no Jewish National Home to establish, Great Britain must in its own interest find some means to protect the Imperial route to India. It is likewise of vital importance to the British Empire to maintain the friendship of the Arab and Moslem world. Palestine is sacred to the Moslems, in the same degree as Mecca and Medina, and Moslems in different parts of the Empire will not acquiesce in any policy which will subordinate their Moslem brethren in the Holy Land or make their position otherwise inferior to an alien people.

There is also another aspect to the question to which sufficient weight must be given. Arab rulers have recently embarked on a scheme of establishing a fortified front against foreign intrusion. The first step was taken in the recent Treaty of friendship which was concluded between King Ibn Saoud and the King of Iraq, and it will not be long before Imam Yahia of Yemen and other Arab rulers are admitted to this Treaty. Almost all hereditary causes of enmity which existed between these Arab rulers have been removed and replaced by cordial and friendly relations. What should be the attitude of Great Britain towards this fortified Arab front ?

The Arabs in general, and Moslems in particular, have always looked upon Great Britain as their ally and the British people as their friend, but it will not be an exaggeration to suggest that the Arabs' case in Palestine, and the general belief which is now gaining widespread ground in the Moslem world that the Arabs were being unjustly treated by the British Government through the Zionist policy, will make of the Arabs in particular, and of the

Moslems as a whole, bitter enemies to the Crown, and prompt them to seek other foreign assistance. Almost all countries are undergoing a radical change in their relations with one another, and it certainly does not lead to any good to adhere to a policy which experience has shown to be futile.

It is no use arguing that the Mandate was entrusted by the League of Nations to Great Britain, and that the British Government was here to discharge an international obligation. It is no more a denied fact that the Covenant was used as an instrument by the victorious Powers at Versailles to distribute territories conquered from Germany or Turkey amongst themselves under the disguise of a Mandate. In the case of Palestine, the Mandate has imposed the Jewish National Home on the Arabs in direct contradiction to their wishes and interests. Events have shown that the League, far from helping to remove causes of war, was responsible for sowing seeds of struggle in a country which of all countries should enjoy complete peace. The case of Ethiopia has proved beyond any doubt that the League could not prevent acts of unspeakable savagery and invasion, and Ethiopia has been sacrificed on the defiled altar of colonization. We must face the fact that the League of Nations has failed to carry out the ideal which was embodied in its original conception.

In the light of such bitter experience the Arabs in Palestine do not look to the League for justice or support. They have always considered the League as an international instrument used to serve the interests of its powerful members. This may appear a severe judgment, but it is a fact. The Arabs think, and rightly so, that the dispute, if it can be so called, is directly between themselves and Great

Britain and they refuse to consider the Jews except as a distant third party to the issue.

The disturbances which have repeatedly taken place in the country, with all that they involved of loss in life and property, are a depressing sign of the antipathy which exists between the Arabs and the Jews. It would be useless to pretend that the disturbances were due to one reason or another or that the real cause, on any occasion, was not that permanent or intense racial hostility which exists between the two races, due to the present policy. It is clear that there will be no great hope for the success of any policy which will not effectively remove all causes of such hostility. It does not appear possible that the country will ever develop into a state of perpetual peace and prosperity unless the present policy which is in direct conflict with the terms and spirit of Article 22 of the Covenant of the League of Nations and detrimental to the rights and position of the Arabs of Palestine, who compose about 75 per cent. of the population, is replaced by a free and unfettered self-government.

That the Zionist experiment in Palestine has failed there is no doubt. That the Jewish National Home has already been established, "by the re-creation in Palestine of a Jewish community (now numbering about 450,000) with its own political organs, an elected assembly for the direction of its domestic concerns, elected Councils in the town and an organization for the control of its schools," every reasonable Jew will admit. That Great Britain has actually fulfilled its obligations to the Jews under the Balfour Declaration cannot be denied. That the Arabs have been deprived of their constitutional rights and debarred from attaining similar independent political

status as Iraq or Syria primarily through the Zionist policy is a matter which has been definitely established. That the Arab rights and position has been prejudiced through excessive Jewish immigration and sale of land is common knowledge. The conclusion must therefore be drawn that the present form of Administration in Palestine can only be maintained under the protection of a large army of British troops and at the risk of repeated disorders and the possible loss of British prestige in the Arab and Moslem countries.

What is then the solution for this deadlock? The answer is difficult to give and even if a solution is found it cannot be expected that it will satisfy the diverse interests of all parties. Some concessions on each side must inevitably be made in the interest of this country, and, perhaps, of the world peace.

A similar situation, though less intricate, arose some years ago in Iraq, and no less drastic measures were taken to suppress the disorders, but without avail. It was at the cost of thousands of lives on both sides that wise judgment at last prevailed and a Constitutional Government, now a member of the League of Nations, replaced the Administration under the Mandate.

Could not a scheme on similar lines as that of Iraq be worked out for Palestine in the light of the previous bitter experience?

It will at once be argued that the conditions in Palestine are fundamentally at variance with those obtaining in Iraq. But surely it is within the competence of such eminent British statesmen as the chairman and members of the Royal Commission to devise a scheme which, while applying itself to the abnormal conditions of Palestine, will insure to

the Arabs their legitimate and natural rights and safeguard Imperial interests.

It should be found possible to replace the Mandate which was never accepted by the Arabs and which is the underlying cause of all trouble by a Treaty with the British Government, fully guaranteeing the interests of all parties. The Treaty of Iraq may be taken as a model and adapted to meet the situation in Palestine.

A similar constitution to that of Iraq, with the necessary modifications, can be formulated, fully guaranteeing the rights of minorities.

In the Executive as in the Legislative, the Jews would be represented and their rights as a minority protected.

It would be advisable for such a treaty to include not only Palestine with its present boundaries but also the territory on the eastern side of the Jordan, commonly known as Transjordan, on the express condition that it will continue to retain its distinct administrative and political character, subject also to the strict continuation of the present prohibition of settlement in, and immigration of Jews to Transjordan or to any extended part of the present territory of Palestine with a view to retaining to that territory its purely Arab character.

The united Government in this territory may be headed by His Highness Amir Abdullah as Amir of Palestine and Transjordan with Jerusalem as his capital, assisted by a constitutional and representative Government. The wishes of the people on this important constitutional question may be ascertained through a plebiscite on the same lines as that which was carried out in the case of the late King Faisal in Iraq.

Special safeguards should be devised whereby the

number of the Jewish population in Palestine will not be allowed at any time to exceed the ratio which existed at the beginning of the year 1936, between the Arab and the Jewish population.

As regards land, which is one of the main grievances of the Arabs, special safeguards should also be made so as not to reduce or in any way affect the area of land which is at present in the possession of the Arabs. Jewish corporations, such as those at present existing in the country, should not be allowed to hold vast areas of land which were not only extra-territorialized, but, in many cases, left idle

According to this scheme a Palestine State friendly to the British may be formed and later admitted to the League of Nations, if that body continues to exist.

The Jews should give up their extreme ideas and content themselves to live with the Arabs, abandoning their claims to Palestine as a Jewish National Home and their idea of establishing a Jewish State.

The scheme might appear to some people as unworkable. It may be taken by others as a means to suppress the idea of the Jewish National Home. But it will be accepted, we hope, by the more enlightened people as a sincere proposal for ending a situation which has caused much unrest and loss of life and property.

The writer has refrained from dealing with the suggestion in detail, leaving that to more expert opinion. It is only put forward as a possible solution, and the scheme may be elaborated or else reduced. One thing, however, should not be forgotten at all events : whatever scheme or solution is worked out or embarked upon, it should contain sufficient safeguards against the recurrence of future disorders similar

to those from which Palestine has not as yet redeemed itself; it should be such as would enable the people of Palestine to work for the upbuilding of a modern State worthy of its name, forming, as it should, an important part of an Arab Federation and making its contribution to the world peace.

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