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**The Dissertation Committee for Lauren Elise Apter Certifies that this is the approved version of the following dissertation:**

**Disorderly Decolonization: the White Paper of 1939 and the End of British Rule in Palestine**

**Committee:**

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Wm. Roger Louis, Supervisor

---

Judith Coffin

---

Yoav Di-Capua

---

Karen Grumberg

---

Abraham Marcus

---

Gail Minault

**Disorderly Decolonization: the White Paper of 1939 and the End of  
British Rule in Palestine**

**by**

**Lauren Elise Apter, B.A.; M.A.**

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## **Dedication**

For the next generation

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# **Disorderly Decolonization: The White Paper of 1939 and the End of British Rule in Palestine**

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Lauren Elise Apter, Ph.D.  
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Supervisor: Wm. Roger Louis

Britain's presence in Palestine coincided with a promise to Zionists to support the establishment of a Jewish national home. For two decades, Britain continued to support Zionist aims in Palestine including immigration and colonization, even in the aftermath of the first phase of an Arab Revolt in 1936 that shook the foundations of British colonial rule and could not be suppressed without intervention from neighboring Arab states. With the Arab Revolt in full force again from 1937 to 1939, in the midst of preparations for war in Europe, British statesmen questioned and reinterpreted promises the British government had made to Zionists two decades earlier. The resulting new policy was published in the White Paper of May 1939. By using the White Paper as a lens it is possible to widen the scope of

investigation to examine the end of British rule in Palestine in a broader context than that provided by the years after World War II, 1945 to 1948.

The White Paper of 1939 introduced three measures: immigration quotas for Jews arriving in Palestine, restrictions on settlement and land sales to Jews, and constitutional measures that would lead to a single state under Arab majority rule, with provisions to protect the rights of the Jewish minority. The White Paper's single state was indeed a binational state, where it would be recognized by law that two peoples, two nations, inhabited Palestine. But the provisions of the White Paper were self-contradictory. Constitutional measures and immigration restrictions advanced the idea of a binational state with a permanent Jewish minority, while land restrictions aimed to keep Jews where they had already settled, legislation more in keeping with the idea of partition. The debate between partition and a binational state continued throughout these years.

This work examines the motivations for the White Paper, foremost among them to keep the world Jewish problem separate from Britain's Palestine problem and to assure stability throughout the Middle East. An investigation based on the White Paper introduces a number of important debates that took place between 1936 and 1948 and echo into the present.

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## **Introduction**

### **The White Paper of 1939: Holding Palestine to the Empire<sup>1</sup>**

Palestine was one of Britain's holdings in the Middle East, designated a League of Nations mandate in 1922. Palestine did not follow the same model as Britain's other Middle Eastern mandates, all of which, in the spirit of the League of Nations mandate system, were being prepared for self-rule. Instead, the British Colonial Office governed Palestine as they did their crown colonies, with the High Commissioner in charge of the entire population, with few positions in the government for Jews or Arabs. The Jewish community, the *Yishuv*, had its own governing body, the Jewish Agency, an entity mentioned in the text of the League of Nations mandate. The Jewish Agency became the mediating body between the Jewish population and the British authority. Palestinian Arabs had no parallel structure. Attempts of the first High Commissioner, Herbert Samuel, to establish a unified government came to nothing, and in short time the government was built on

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<sup>1</sup> Carl Bridge, *Holding India to the Empire: The British Conservative Party and the 1935 Constitution* (New Delhi, 1986), puts forward the theory that the Government of India Act of 1935 was not the prelude to independence, but rather an attempt by the British government to retain control of India. Likewise, the White Paper attempted to hold Palestine.

the basis of separate institutions for Jews and Arabs.<sup>2</sup> This separation of Jews and Arabs in the earliest years of the Mandate proved irreversible. Repercussions of dividing the population rippled through the mandate in the 1920s but were not felt in their full strength until the 1930s. The present work argues that the 1930s lend invaluable context for understanding the outcomes in Palestine in 1947 and 1948. The White Paper of 1939, the culmination of Palestine's turbulent 1930s, is used as a prism to refract Jewish, Arab, and British experiences in Palestine from the turbulent 1930s through the end of British rule in 1948. This is the first work to explore the White Paper's role in ending the mandate.

The May 1939 White Paper articulated a threefold policy for the British Mandate in Palestine several months before the outbreak of World War II. Its essence was a vision for a single state in Palestine, indeed a binational state, where the law would recognize Arabs and Jews as two distinct national groups living there as citizens. The White Paper envisioned a representative democracy, where the majority Arabs would rule. The Jewish community, the *Yishuv*, would be a permanent minority, kept at no more than thirty-three percent. To this end, the White Paper not only promised a constitution for Palestine, but also included plans to limit Jewish immigration. After five years, the number of Jews who could enter

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<sup>2</sup> On this and for the best overview of the first decade of British rule in Palestine, see Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab-Jewish Conflict, 1917-1929* (Oxford, [1979] 1991). See also the revisionist work by Sahar Huneidi, *A Broken Trust: Herbert Samuel, Zionism, and the Palestinians*, (London, 2001). Not simply an evaluation of Samuel's performance, despite its title, this book looks beyond Samuel to indict the British en masse for early policies in Palestine.

Palestine legally would be dictated by the governing body of the Palestinian Arabs. The final provision stated the need for land laws to restrict the growth of Jewish settlement. The White Paper remains of interest today not only because of its impact on the end of the mandate but also because issues debated in the mandate – governance, land, and population balance – echo in the conflict that persists between Israel and Palestine.

A focus on the White Paper makes it possible to consider the positions of Jews, Arabs, and the British in Palestine in their contexts. The White Paper was equally portentous for all actors, not more significant to any one “side.” Palestine was prominently placed as the locus of three worlds, the British Empire, the Jewish Diaspora, and the Arab world. The Arab world also extended at times throughout other lands of Islam. In the case of Palestine this was particularly so when it seemed that British policy favored Zionists at the expense of the Palestinian Arabs. Britain’s investment in this greater Islamic world was considerable. A large number of Muslims lived within the colonial empire, many in India, the epicenter of imperial strategy. Also in part because it was the land route to India, the Middle East was strategically important to Britain. In the interwar period, Palestine itself took on renewed strategic importance in the region. Britain’s need for calm in the Arab and Islamic world came into direct conflict with the pro-Zionist policy that had been in place in Palestine since World War I.

The relationship between Britain and the Jewish Diaspora was not as direct. Jews returned to Britain in the seventeenth century, when they established themselves commercially, and over time became involved in government to a far larger extent than in the United States, for example, where immigration had only recently built a substantial Jewish population.<sup>3</sup> Jews were integrated into the British government to such an extent that it was possible to negotiate a pro-Zionist policy toward the end of World War I, but the crucial piece of this is that Britain's promise to prominent Zionists in England did not translate into taking responsibility for all of Jewish Europe. When the situation in Europe worsened for Jews after the rise of Hitler in 1933, the British Mandatory Authority in Palestine was placed in an awkward position. They had promised in the early years of the Mandate to facilitate the building of a Jewish national home in Palestine, a promise they had fulfilled. But in the 1930s the British government did not intend to provide refuge in Palestine for millions of Jewish refugees. The impossible task of separating Palestine from the Jewish refugee crises that bracketed World War II occupied British statesmen from 1936 until 1947.

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<sup>3</sup> The first Jews to return to England and establish themselves came from the Sephardic (Spanish) community of Amsterdam. A very good introduction is Todd M. Endelman, *The Jews of Britain, 1656 to 2000* (Berkeley, 2002). See also Bernard Wasserstein, *Herbert Samuel: A Political Life*, (Oxford, 1992). In addition to being a useful biography of Herbert Samuel, the first British High Commissioner in Palestine, the book is particularly strong for the insight it provides into the history of Jewry in England. Herbert Samuel descended from the elite "Cousinhood," a close-knit group of several intermarried families who were among the first to return to England under Cromwell in the seventeenth century. The book also considers the impact of Russian refugees who arrived in England after 1881. This was the same wave of immigration that brought many Jews to the United States.

In the mid-1930s, after the rise of Hitler, Jewish immigration to Palestine spiked. In 1936, Palestinian Arabs launched a large-scale revolt, aimed mainly against the Mandatory Authority, which for so long had fostered the growth of the Jewish Community, the *Yishuv*, while giving short shrift to Arab concerns. The White Paper was a response to the grievances that drove the Arab revolt in Palestine in 1936, a popular uprising, fueled by Palestinian Arab concern over the growing Jewish population and territorial presence. Britain sent the Palestine Royal Commission, also known as the Peel Commission, to ascertain the reasons for the uprising, or disturbances as they were called in the Commission's terms of reference. The Commission uncovered widespread unrest at all levels of Arab society in Palestine, and a divide so profound between Jews and Arabs that partition was the only workable solution to the conflict there. But partition was far from the outcome for which Palestinian Arabs fought, and immediately the revolt resumed. In 1938, Arab elites were exiled from Palestine, causing a void in leadership that haunted them for the rest of the Mandate.<sup>4</sup>

The White Paper responded to Arab grievances, but it did so only after the exile of Palestinian Arab elites and a recent development—the involvement of regional Arab leaders in Palestine affairs. There is a stereotype that Palestinian

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<sup>4</sup> Wrote Israeli historian Benny Morris, “the end-result of the rebellion, its suppression and the following six years of world war was the political and military neutering of the Palestinian Arabs,” in *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge, 1987). This was a pioneering work by one of Israel's “new historians.” See my conclusion for a comment on their impact and legacy twenty years later.

Arabs have never missed a chance to miss an opportunity.<sup>5</sup> Palestinian Arabs rejected the White Paper, a document that had offered most of what they had asked, furthering the stereotype that they were backward, not politically savvy, too Eastern to play at European politics.<sup>6</sup> But their rejection of the White Paper was the outcome of a number of factors including Palestinian Arabs' sincere belief that British rule itself was illegitimate and the hardening of their position in response to British waffling on past promises. This is a perspective that is all but missing from many studies of the mandate, and the present work restores it to the extent possible within the limits of the author's linguistic abilities.

The White Paper made available to Jews 75,000 immigration certificates to be granted over five years. As will be shown, some British statesmen believed that this number of visas to Palestine was ample contribution for Britain to make toward the plight of Jewish refugees before the war. Yet, owing to the situation in Europe, immigration quotas were not filled during the war. Many Jewish refugees in the first year of World War II, illegal immigrants according to British law, were detained, or, in the most extreme case, deported to the reaches of the colonial empire, because they did not possess the correct documents or because they had come from enemy territory. Sources reveal that implementation of the White Paper, over the course of

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<sup>5</sup> See Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston, 2006) for a particularly valuable examination of Palestinian Arab political failure during the Mandate.

<sup>6</sup> On the West's racism toward the East, the pioneering work was Edward Said, *Orientalism*, (New York, 1978).

the war years, did not directly correspond to numbers of immigrants, nor was it an attempt to trap Jews in Europe, but rather it was about rigidly, and quite literally, enforcing a policy. The application of the White Paper exemplified the Mandatory's commitment to upholding law and order.

The impact of the White Paper was the opposite of what its framers intended. A policy designed to hold Palestine to the Empire instead led to a disorderly decolonization. Decolonization, as I use the term, refers not only to the end of British rule in Palestine, but also to the colonial elements that drove it, as well as to international and economic pressures.<sup>7</sup> Decolonization becomes an umbrella for incorporating all of these currents; while my use of the White Paper as the fulcrum allows for a closer examination. It must also be noted that Palestine does not fit neatly into the vision of orderly decolonization, in itself a myth, because no one had been designated to be the recipient of a transfer of power.<sup>8</sup> Adherence to the White Paper after World War II meant attempting to realize a policy defined by

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<sup>7</sup> For an overview of theoretical developments in the study of decolonization, see Dietmar Rothermund, *The Routledge Companion Decolonization* (London, 2006), introduction. For specific treatment of British decolonization, see John Darwin, *Britain and Decolonisation* (London, 1988). The present work does not delve into economic motives driving Britain to end its rule in other parts of the Empire during the period under consideration, or the motives that drove the larger process of decolonization. See also Wm. Roger Louis and Ronald Robinson, "The Imperialism of Decolonization," a path-breaking article that considered decolonization in the context of shifting economic power from Britain to the United States, reprinted in Wm. Roger Louis, *Ends of British Imperialism: the Scramble for Empire, Suez, and Decolonization* (London, 2006)

<sup>8</sup> The phrase "Transfer of Power," is often invoked with reference to the end of British rule in India. Louis and Robinson call this a "half truth": "It was the emergence of two national fronts of non-cooperation that drove the bitter transition to a relatively stable and scarcely revolutionary succession," in "The Imperialism of Decolonization," 458. A recent well-received look at this "bitter transition" is Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (New Haven, 2007).

preference for the Arab majority. This policy broke down as statesmen repeatedly failed accurately to grasp the impact of exiling Palestinian Arab leaders to stop the revolt in the 1930s and, on the other hand, the Jewish response, not to mention world response, to Britain's depriving European Jews of one possible refuge before World War II and of a new life after the Holocaust. By 1945 the White Paper's pro-Arab logic was out of touch with reality.

#### **SOURCES**

The bulk of documentary sources for this work were gathered in England at the National Archives, previously the Public Record Office (PRO), in 2005 and 2007. A number of these documents had been released just before my arrival at the archive, including Security Service files, designated as series KV, as well as some Admiralty (ADM) and Colonial Office (CO) files. These mostly pertained to the movement of Jewish refugees in the 1930s and to activities of Jewish paramilitary organizations in the 1940s.

Documents from the Central Zionist Archives and Israel State Archives, also gathered in 2007, fill in gaps left by the British sources. Additionally, the Tarlton Law Library at the University of Texas is home to copies of the transcripts from the Anglo-American Committee of Inquiry's hearings. The Anglo-American Committee was a joint effort by the United States and Great Britain to resolve the Palestine situation and the problem of Jewish refugees in post-war Europe. The American

Chair of the Committee was a Texan, Joseph Hutcheson. To this base of documents, I have drawn from published compilations of letters and writings.

At the Central Zionist Archives, a student of the Mandate might spend at least a day maneuvering through the maze of Hebrew finding aids and databases to arrive at documents that are predominantly written in English. Nevertheless, some Hebrew language materials have been consulted. The work would have been enriched throughout by the use of Arabic materials, most especially in the chapter on land, for which there are sources in Arabic. To my great regret, Arabic is not among the languages in my toolkit. For the Arab perspective, I have relied on sources in English, including secondary works and documents in the British and Israeli archives. It must be acknowledged that any claim to balance is quickly refuted by sources consulted and the resultant heavier weight given to a Jewish and Zionist narrative. This imbalance should not be mistaken for intent to downplay the agency of Arabs in Palestine and throughout the region.

## **TERMS**

Because many of my sources come from the British archives, I have adopted the language of those documents. The term “White Paper” is used often in the following chapters, to refer specifically to the White Paper of 1939. “White paper” is a general term that refers to published policy documents emanating from the British Government. In fact there were many white papers on Palestine, several of

which are explored in this work. The white paper of 1939 became “The White Paper” by virtue of its infamy. I have used other descriptive language to differentiate between this and other policy documents.

The label “Palestinian” in the era of the Mandate was used to refer to Jews and Arabs in Palestine. “Palestinian Arab” appeared in British documents as early as 1930, and it is used repeatedly in the documents that form the basis of this study.<sup>9</sup> While it becomes cumbersome to refer to “Palestinian Arabs,” when one could just as easily use the more current term “Palestinian,” it is an anachronistic usage. My use of “Palestinian Arab” should not be construed as a political statement denying the existence of Palestinian Arab nationalism at the time of the Mandate. The Arab Revolt in Palestine, an event central to the current analysis, was a manifestation of nationalism, as were Arab demands for the immediate end of the Mandate.<sup>10</sup>

In the period between 1922 and 1948, the geographical area under consideration was called the Palestine Mandate. Many scholars refer to this area as the Land of Israel, AY or EY, both acronyms for the same phrase in Hebrew. Again, following British documents, and attempting as always to break with the shibboleths of biased scholarship, the present work uses the name Palestine. One exception is

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<sup>9</sup> See Roza I.M. el-Eini, *Mandated Landscapes: British Imperial Rule in Palestine, 1929-1948* (London and New York, 2006), 261.

toward the end of the work in a discussion of Judah L. Magnes, American Rabbi and the head of Hebrew University in Jerusalem. Magnes's spiritual attachment to Palestine was indeed an attachment to the biblical Land of Israel.

In the British usage, undocumented Jewish immigration into Palestine was known as "illegal immigration." Another phrase that evokes the intrigue involved is "clandestine immigration." Surely it was not viewed as illegal by the refugees involved nor by the Zionists who organized it. To them it was *aliyah bet*. The movement itself, especially implying immigration against the White Paper, was known as *ha'apalah*. David Ben-Gurion, who would become the first Prime Minister of Israel, while leader of the Yishuv envisioned illegal immigration as the strongest weapon in his War against the White Paper. Ben-Gurion's opposition to the White Paper is immortalized in an oft-quoted phrase from September 1939: "We must support the [British] army as though there were no White Paper, and fight the White Paper as though there were no war."<sup>11</sup>

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<sup>10</sup> See Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: 1997). Khalidi refutes the commonplace of a formative connection between Zionism and Palestinian identity. Rather, he argues, the beginnings of Palestinian identity can be found in the *Tanzimat* reforms of the late Ottoman period. Khalidi's examination of the roots of Palestinian nationalist identity intersects often with Adeed Dawisha's *Arab Nationalism in the Twentieth Century* (Princeton, 2003), a work that impressively synthesizes a vast body of secondary sources in a sweeping account of the rise and fall of Arab nationalism.

<sup>11</sup> In Shabtai Teveth, *Ben-Gurion: the Burning Ground, 1886-1948* (Boston, 1987), p. 717. This statement appears in different forms in the historiography. Teveth is the best source, tracing Ben-Gurion's thought process from April 1939 to September 1939, when it was uttered in the above formula. The famous version that became a rallying cry for the Yishuv is "War against Hitler as though there were no White Paper, and war against the White Paper as though there were no Hitler." Teveth, *Ben-Gurion*, 718.

Finally, a comment on the term “binational” is in order. In the context of the Mandate, the binational state is most often associated with Judah L. Magnes, the American Rabbi who became head of Hebrew University in Jerusalem. Magnes advocated binationalism as the realization of Jewish-Arab cooperation in Palestine. According to his model, Jews and Arabs would share power equally in Palestine, despite the likelihood that Jews would always be a minority in Palestine. He used the term “parity” to describe his vision of equality in government despite disparity in numbers. But in general, the term binational refers to a single state where two national entities are recognized. The White Paper, which advocated a single state under Arab majority rule, was indeed a binational state, because it included recognition and protections for the Jewish minority.

## **CHRONOLOGY**

The present work is based in some sources that historians have consulted over decades. Its contribution is a new interpretation that privileges the White Paper, especially its central role in undoing the mandate. In common usage, “White Paper” evokes quotas for Jewish immigration. The present work places those quotas among the provisions of a major British policy swing from pro-Zionist to pro-Arab, a move that involved Foreign Office regional priorities overcoming Colonial Office local understanding. The White Paper is so often associated with immigration quotas because of the spectacle of keeping Holocaust survivors out of Palestine in the years

immediately after the war. It was this policy that introduced me to the topic in the first place. While working as an archivist at the U.S. Holocaust Memorial Museum, one of my assignments was to research photographs from displaced persons camps in Europe. Depicted in these images were large protests where survivors hoisted signs declaring, often in broken, Yiddishized Hebrew, “We want Palestine as our country!” Yet the outcome of studying the end of the Mandate based on 1945 to 1948 is that the aftermath of the war – including the contribution of the Jewish displaced persons – takes on an exaggerated causality. In other words, the Holocaust becomes the reason for the establishment of Israel.<sup>12</sup> By shifting the chronology into the 1930s, a more complicated narrative of Palestine emerges, one of British and Palestinian Arab failure, Zionist success, and the unpredictability of international diplomacy.

## **OVERVIEW OF CHAPTERS**

The organization of the following chapters is both chronological and thematic, leading to some overlap. Broadly, chapters examine government, land, and immigration. In these discussions some additional themes emerge repeatedly, testifying to the prevalence of certain historical problems. On the question of

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<sup>12</sup> This is not to diminish the role played by the Jewish displaced persons. It is also important to note that Yehuda Bauer, the expert on the Jewish displaced persons, would disagree with the above point. To him, the “major factor in the process that led to independence” was “the DP inmates specifically and the Holocaust survivors generally.” *Rethinking the Holocaust* (New Haven, 2001), 245. Bauer

government, British statesmen debated partition versus the binational state for over a decade. Containment of the Jewish territorial presence would be necessary for either a binational state or for partition, according to British logic. Jewish immigration was a central concern of the British Authority because it related directly to the question of population balance in Palestine. In the 1930s it had been determined that the Jewish community should not be permitted to grow to more than one-third of the total population. The major concern of Palestinian Arabs, from the earliest days of Jewish immigration, was that Jews would become a majority and that they would expand beyond Palestine's borders.

Chapter One examines the history of the British Mandate, beginning at the beginning, but moving quickly to the growing Jewish presence and to the responding Arab Revolt in 1936. The Palestine Royal Commission, also known as the Peel Commission, was dispatched to examine the causes of the riots. The Royal Commission Report must be counted among the most important documents of the Mandate for its detailed assessment of the Mandate and the conflict that already divided it by 1937. The Report informed the discussion until the end of British rule. Its calculations about population balance and land would contribute to the White Paper, even though the Peel report recommended partition and the White Paper its opposite, a binational state.

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begins the "period of the Holocaust" with the rise of Hitler in 1933, offering a chronological formulation that centers on the Jewish experience in Europe, 242.

Chapter Two picks up with the topic of the binational state. The chapter considers binational models advocated by Jews and Arabs, focusing on Judah L. Magnes and Izzat Tannous, a Christian Arab pediatrician from Jerusalem. Magnes's activities on behalf of the binational state date back to the late 1920s. The chapter discusses his reception by mainstream Zionist leaders, who didn't share his vision, and by Arab elites. Magnes and Tannous connected over negotiations in the winter of 1937-1938 that sought to determine a model for Palestine that did not bear the stamp of British involvement. This conversation went all the way to the Colonial Office, where Tannous skillfully represented the Palestinian Arab position, much of which would be incorporated into the White Paper.

If the binational state defined Britain's vision for an independent Palestine, the land Restrictions that followed the White Paper in 1940 revealed uncertainty about its viability. Chapter Three explores land in Palestine, the topic richest in terms of secondary works—at least a handful of good books have been released since 2000. Land law presented the greatest challenge to the Mandatory Authority in terms of policy. Working from Ottoman laws, they struggled to determine who owned which land and, more importantly, how to protect Palestinian Arab peasants from encroachment and dispossession. The land restrictions sought to contain Jews geographically. A concentrated Jewish population would facilitate matters in the event of partition or perhaps one of the steps along the way, such as cantons or provincial autonomy, where certain regions would be designated as Jewish or Arab.

Maps provide an important source for this chapter. They demonstrate the extent to which maps of partition from 1937 and 1938 defined the Land Restrictions of 1940.

With concerns about Zionist land ownership came the policy of containing numerical growth of the Jewish population. Chapter Four considers illegal immigration and the White Paper, reserving this topic for the fourth chapter, because it would become the most contentious issue after the war, and as such it is a theme that carries through to the last two chapters. The implementation of the White Paper's immigration quotas meant arresting a number of Jewish refugees who had fled Europe in 1939 and 1940. The chapter considers in depth the deportation of passengers from the *Atlantic* to Mauritius, the test case for a new interpretation of the White Paper that would have deported all illegal immigrants from Palestine. The war intervened in a number of ways to stop that policy. In the first place, it would have been expensive and logistically difficult during a war; also, and more menacingly, the movement of Jews out of Europe ceased almost entirely by 1941. The Mauritius exiles returned to Palestine in August 1945, by which point a new Jewish refugee crisis had begun in Europe and with it renewed demand for visas to Palestine.

Chapters Five and Six are of a piece, both considering Palestine in the international arena, but focusing also on local themes. Chapter Five looks closely at the Anglo-American Committee of Inquiry, a joint effort by the United States and Britain to resolve two problems at once: the Jewish refugee situation in the

displaced persons camps of Europe and the Palestine impasse. Transcripts from the hearings of the Committee reveal the polarization of Jewish and Arab positions on Palestine; while the Committee itself would show preference for an idealized vision of a Palestine where neither Jew nor Arab would dominate. Chapter Six picks up with the reception of the Anglo-American Committee Report and reactions from both sides of the Atlantic. By this point, a new and dangerous element had been added to the equation, the Yishuv's war against the White Paper, which utilized both illegal immigration and anti-British terrorism. The chapter ends with Palestine at the United Nations, representing both the end of the White Paper policy and the end of British rule.

While scholarship on the Palestine Mandate abounds, it is useful to mention a handful of historians who are referenced frequently throughout the present work. Inspiration at an early stage came from Bernard Wasserstein's *The British in Palestine* and *Britain and the Jews of Europe*. Martin Kolinsky's *Law, Order, and Riots in Mandatory Palestine* makes a strong argument for the importance of the early 1930s for understanding what came later. Michael Cohen has written extensively on the Mandate, on nearly every theme pursued in the present work, including two articles about the White Paper. Despite the similarity of our interests, the questions we ask have led us down different paths. Finally Joseph Heller has written the most thorough accounts of particular aspects of the Mandate, including Jewish terrorism and Zionist debates in the lead up to the establishment of Israel.

Rashid Khalidi's *The Iron Cage* must be included as the best book to explore the Palestinian Arab failure in the Mandate, from their perspective. The scholarship most relevant to specific themes is discussed in notes. The year 1948 has spawned its own school of historiography, inhabited by the Israeli "new historians." The conclusion includes a comment on their relevance for this study and for future scholarship on the Mandate. The present work breaks with most scholars of the Mandate by shifting the chronology back to the 1930s and carrying it through to the end of the Mandate: 1948 only truly makes sense when viewed from the pivotal period from 1936 to 1939. To the best of my knowledge, mine is the first study to consider the origins of the White Paper and then to use it as an organizing principle.

Scholarship on Palestine has divided along the lines of the ongoing conflict. How does the White Paper fit within the polarized scholarship on Palestine? It is perhaps because the White Paper arouses such passion that it is rarely studied for its own sake, but is more often mentioned in passing, its impact downplayed.<sup>13</sup> Its history is so highly charged because this document defined legal versus illegal immigration, setting quotas for Jewish immigration to Palestine in May 1939, just months before the beginning of World War II and the escalation of the war against the Jews. Steadfast adherence to the principle that Palestine was not to be open to unrestricted Jewish immigration motivated British policy before and after the war.

But it requires a logical leap to place too much blame at Britain's door for the plight of Jewish refugees. Archival sources reveal that British authorities attempted to locate alternate destinations for Jewish refugees—this epitomized Britain's wish to separate the Jewish refugee situation from the issue of Palestine.<sup>14</sup> It is important to bear in mind that other Western countries, the United States included, made little room for Jewish refugees from Europe.<sup>15</sup> Nevertheless, looking forward from the White Paper in 1939 to the destruction of European Jewry that soon followed, it is difficult to avoid the interpretation of this policy as betrayal of Britain's promise to the Jews.<sup>16</sup>

The British Mandate for Palestine grew out of promises made during World War I and ended amidst worldwide censure in the years following World War II. While Jews grappled with the aftermath of the Holocaust, events in Palestine coincided with the first stage of decolonization of the Britain's colonial Empire. My research grows from the intersection of these separate but overlapping processes. I

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<sup>13</sup> The exception is Ronald W. Zweig, *Britain and Palestine During the Second World War*, (London, [1985] 1986). Zweig writes of the implementation of the White Paper during the war and is particularly useful on immigration and constitutional measures. The work lacks adequate consideration of the implications of land policy.

<sup>14</sup> See Bernard Wasserstein, *Britain and the Jews of Europe, 1939–1945* (Oxford, 1979) and Dalia Ofer, *Escaping the Holocaust: Illegal Immigration to the Land of Israel, 1939-1944* (New York, 1990), which taken together paint a detailed picture of Britain and the pre-war Jewish refugee crisis.

<sup>15</sup> For the United States and Jewish refugees, see Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington, 1987).

begin from the premise that decolonization in Palestine can be traced to the Royal “Peel” Commission Report of 1937. The White Paper of 1939, which proposed an independent Palestine in ten years, at first delayed the decolonization of Palestine. Britain attempted to determine Palestine’s progression from mandate to independent state throughout the years of World War II, with the Anglo-American Committee of Inquiry on Palestine in 1946, and then with the United Nations. The White Paper policy, adhered to by the Foreign Secretary, Ernest Bevin, in the years after the war, was the obstacle to orderly decolonization.

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<sup>16</sup> See two articles specifically about the White Paper written by Michael J. Cohen in the 1970s: “Appeasement in the Middle East: The British White Paper on Palestine, May 1939,” *The Historical Journal*, Vol. 16, No. 3 (Sep., 1973), 571-596. And “The British White Paper on Palestine, May 1939: Part II: The Testing of a Policy, 1942-1945,” *The Historical Journal*, Vol. 19, No. 3 (September, 1976), 727-757. The first looks at the White Paper as appeasement; the second is a more objective examination of wartime discussions about Palestine spearheaded by Winston Churchill, a critic of the White Paper.

## Chapter 1

### **Toward the White Paper of 1939: the context for a changing policy, 1917-1937**

The history of the British Mandate for Palestine can be told as the relationship among the three antagonists—the British Authority, Palestinian Arabs, and the Jewish community, the *Yishuv*.<sup>17</sup> But in order truly to understand the events that unfolded in Palestine between 1917 and 1937, it is necessary to view this sliver of land within both international and transnational contexts, where the former designates a connection between nations and the latter between peoples. This is not only a history internal to Palestine but also one that encompasses great power diplomacy as well as the overlapping worlds of the British Empire, Islam, and the Jewish Diaspora. In order to understand the process by which British rule reversed course in Palestine in 1939, it is necessary to integrate international developments with the reality on the ground in Palestine, where two burgeoning colonial nationalisms collided with increasing violence throughout the period of British rule, with the British authority acting as referee and sometimes target. The White Paper of 1939 signaled a sea change in British policy from supporting Zionist growth in

Palestine to attempting to contain it, from overlooking the Arab population to foregrounding their demands out of a desire to assuage regional leaders. The logic of the White Paper can be found in Britain's response to developments in the Middle East in the 1930s.

The local communities of Palestine functioned within a far greater geography than the mandate itself. Jewish Nationalism, Zionism, successfully settled Palestine with financial support from Jews the world over. Palestinian Arabs, during the first decade of the mandate, watched neighboring countries progress toward independence while their chances of self-rule dwindled due, as they saw it, to the steady growth of the Yishuv and a pro-Zionist inclination in British policy. A Chatham House paper described the global context for tension in Palestine in 1937:

Perhaps the most serious aspect of any disturbance in Palestine is the fact that the two communities chiefly concerned – the Jews and the Arabs – are not local entities, but form part of two groups with religious and racial affinities all over the world.

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<sup>17</sup> The Mandate was confirmed by the Council of the League of Nations on July 24, 1922, and formally began on September 29, 1923, with the conclusion of the Treaty of Lausanne with Turkey on July 24, 1923. The British Mandate ended on May 14, 1948. On the formation of the mandate see "British Mandate for Palestine," *The American Journal of International Law*, Vol. 17, No. 3, Supplement: Official Documents (Jul., 1923), pp. 164-171.

Any trouble in Palestine, therefore, at once takes on international dimensions. It affects 15,000,000 Jews dispersed throughout most countries in the world; it is a matter of intimate concern to the new Arab States and to Egypt; it is a vital problem for Great Britain as Mandatory Power and for the whole British Commonwealth with its tradition of friendship to both communities and its Moslem population of 100,000,000.<sup>18</sup>

Jews, Arabs, and non-Arab Muslims around the world, many of whom lived under British rule, closely followed events in Palestine. Yet the problems in Palestine went beyond Jews, Arabs, and the British Empire's Muslim populations to take on imperial strategic dimensions:

Palestine, under whatever regime it is governed, is as important as Egypt from the point of view of British imperial communications.

Strategically, it is the eastern outpost against any potential threat to the Suez Canal; it is the outlet of the oil pipeline from Mosul; it is a halting place on the international air route to India and beyond, and it is a starting point for the desert motor road to Asia.<sup>19</sup>

According to this explanation of Palestine's geostrategic position, this small territory, no larger than Wales, became a British imperial linchpin.<sup>20</sup> Because interest in affairs inside Palestine spanned the globe, conflict in Palestine had the potential to unsettle the region and Britain's position in the world through the threat to the Suez Canal and even more importantly to India, home to more than eighty-

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<sup>18</sup> Great Britain and Palestine 1915-1936. *Royal Inst of Internatl Affairs Information Dept. Papers No. 20*, London, 1937, p.9. For the connections, unofficial and official, between the Foreign Office and the Royal Institute of International Affairs, Chatham House, see Elie Kedourie, *The Chatham House Version and Other Middle Eastern Studies* (Chicago, [1970] 2004), chapter 12.

<sup>19</sup> *Ibid*, p. 9.

million Muslims and the axis upon which much imperial strategy revolved.<sup>21</sup> Of increasing importance was oil—Britain’s pipeline from Iraq terminated in Palestine, in Haifa.

The Middle East had a strategic role to play, too, as the land bridge between the Mediterranean and India.<sup>22</sup> This chapter seeks to position the British Mandate in Palestine within its Middle Eastern context. It begins with the background of British rule in Palestine from 1922 to 1936, giving an overview of the laws and practices that allowed Zionist expansion and development. These would be upended by the White Paper of 1939. The next section focuses on 1936, a year that exemplified the changes that were taking place throughout the region. Internal social dynamics incorporated an attraction to fascism that was associated especially with Italy at the time. But among urban elites, formerly with ties to Istanbul, there was also an admiration for Germany that remained after the dissolution of the Ottoman Empire. Some British statesmen feared that the independent states of the Middle East would turn toward Italy and Germany rather than standing by Britain and France, the major

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<sup>20</sup> The Palestine Mandate covered approximately 10,154 square miles. Converted from the figure of 26.3 million metric *dunams* in Roza el-Eini, *Mandated Landscapes: British Imperial Rule in Palestine, 1929-1948* (London, 2006), p 15. One metric dunam was equivalent to one square kilometer.

<sup>21</sup> This is the figure given by Reginald Coupland in *The India Problem, 1833-1935*, published as Part I in *The India Problem: Report on the Constitutional Problem in India* (New York and London, 1944), p 29.

<sup>22</sup> For a very good treatment of Britain in the Middle East, including a discussion of strategic priorities and Palestine in the 1930s, see Martin Kolinsky, *Britain’s War in the Middle East: Strategy and Diplomacy, 1936-1942* (London and New York, 1999). See also Michael Cohen and Martin Kolinsky, editors, *Britain and the Middle East in the 1930s: Security Problems, 1935-1939* (New York, 1992), especially chapters 1, 2, and 12.

European powers in the region. The social unrest of 1936 was most evident in Palestine, where an Arab Revolt tore across the mandate. For some British leaders, increasingly in the majority, a pro-Arab policy in Palestine would not only restore order to Palestine but would also buttress Britain's position in the region.

The first two sections of the chapter thus explore the view from inside Palestine and turn a wide-angle lens on the Middle East. These sections encapsulate the conflict between the British Colonial and Foreign Offices in the late 1930s. Officially Britain's role in Palestine was to prepare its population for self-rule. But Palestine was entirely administered by the Mandatory authority. Although it had been recognized that Palestine's Arabs were as ready for self-rule as any others in the region, the Colonial Office was also charged with guarding the development of the Jewish National Home. The Foreign Office monitored developments in Egypt, in Iraq as it transitioned to independence, and in Yemen and Saudi Arabia, the other independent states in the Middle East. Because of its direct contact with most of the powers in the region, the Foreign Office had a better awareness of the profound social changes taking place there in the 1930s; the Colonial Office, at least in position on Palestine at the time, was characterized by myopia. Taking views from both Offices together illuminates the local, regional, and European considerations that played a part in imperial decision-making in the lead up to the White Paper policy. In short, the Middle Eastern context and Britain's interpretation of the significance of developments there are the keys to understanding the White Paper.

The Middle Eastern context lends a logic to the White Paper that is otherwise missing from a discussion based entirely on events inside Palestine. A Palestine-centric interpretation limits the debate to the binary of pro-Arab or anti-Zionist. On the other hand, an awareness of social developments in the region serves to refute the assumption that the White Paper was a direct response to Palestinian Arab violence. Lines of communication flowed from dissidents in Egypt, Iraq, and Syria, under French rule, to Arabs in Palestine. In their resistance to British rule, Palestinian Arab leaders took cues from Iraq and Saudi Arabia. Indeed the Middle Eastern context better establishes the reach and therefore the intransigence of the situation not only in Palestine but also in areas formerly or still under colonial rule, both British and French. This discussion of the rise of a new social consciousness in the Middle East directly connects with the outbreak of the Palestinian Arab Revolt itself. It was this expression of Palestinian Arab solidarity that awakened Britain to the need to reassess policy in Palestine. Whitehall's response to the revolt was to send a commission of inquiry – the Royal “Peel” Commission. Their report unsettled the status quo by proposing partition and prompt independence—decolonization in haste. A discussion of the Peel Commission and its aftermath concludes the chapter.

## **BRITISH RULE IN PALESTINE 1917-1936**

In the Balfour Declaration of 1917, the British government pledged support for the establishment of a Jewish national home in Palestine. It read:

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.<sup>23</sup>

The wording of the Balfour Declaration was incorporated into the League of Nations Mandate for Palestine.<sup>24</sup> It is important to have some sense of how the Balfour Declaration came about. Zionist leader Chaim Weizmann played a central role in winning this concession for the Zionists. A Russian Jewish chemist living in England, Weizmann developed a way to produce acetone, a component necessary for wartime munitions.<sup>25</sup> This discovery brought him from Manchester, where he was a professor, to London, where a laboratory had been set up for him. From his new home in London, in 1916, Weizmann was introduced to a number of British politicians who supported Zionist aims.<sup>26</sup> While he and other Zionists had attempted to gain government support for a Jewish state in previous years, from his new

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<sup>23</sup> *Report of the Palestine Royal Commission* (London: HMSO, 1937) Cmd. 5479, Chapters I and II.

<sup>24</sup> League of Nations, *Mandate for Palestine together with a Note by the Secretary-General relating its Application to the Territory Known as Trans-Jordan, under provisions of Article 25*, Cmd. 1785 (London, 1922).

<sup>25</sup> Volume One of Chaim Weizmann's autobiography, *Trial and Error* (Philadelphia, 1949), includes the tale of Weizmann's first meeting with Winston Churchill, then First Lord of the Admiralty, in the context of supplying 30,000 tons of acetone to the Navy, p 173.

<sup>26</sup> See *Trial and Error*, Volume 1, Chapter 15 for a discussion of the process of meeting important people in the British government.

geographical and social position, Weizmann was better placed to oversee the progress to the Declaration itself. He discussed the road to the Balfour Declaration in three chapters of *Trial and Error*. The agreement was complicated by prior arrangements between France and England, the Sykes-Picot treaty of 1916, where the two countries had agreed to divide the Ottoman Empire between them.

But a third agreement predated both Sykes-Picot and the Balfour Declaration. In 1915 Britain had courted the Sharif of Mecca to encourage Arab participation alongside Britain in a revolt against Ottoman rule.<sup>27</sup> On the basis of the Hussein-MacMahon correspondence, Palestinian Arabs rejected the Balfour Declaration and the Mandate, believing that their independence had been included in the 1915 negotiations. The British presence, coupled with the possibility that a large number of Jews might move to Palestine, and in the worst case might become a majority, immediately sparked Arab opposition. Jewish leaders believed that the Mandate should accept all Jewish immigrants, to further the goal of building a national home. But the Balfour Declaration had also promised to see that no harm came to “non-Jewish” inhabitants of Palestine, in other words to the Muslim and

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<sup>27</sup> For the correspondence between Hussein and MacMahon, see George Antonius, *The Arab Awakening: The Story of the Arab National Movement* (Safety Harbor, Florida: Simon Publications, [1939] 2001), Appendix A. The agreement reached through this correspondence led to the Arab revolt against Ottoman rule made famous by the involvement of T.E. Lawrence. For interpretations of the correspondence, see Elie Kedourie, *In the Anglo-Arab Labyrinth: the McMahon-Husayn Correspondence and its Interpretations, 1914-1939* (London, 2000). See also Emile Ghory, “An Arab View of the Situation in Palestine,” *International Affairs (Royal Institute of International Affairs, 1931-1939)*, Vol. 15, No. 5 (September-October, 1936), pp. 684-699.

Christian Arabs, the indigenous population, who remained the majority throughout the period of the mandate but in decreasing proportion to the Jewish population.<sup>28</sup>

To address the wishes and concerns of both Arabs and Jews, months before the text of the League of Nations Mandate had been approved, Herbert Samuel, first British High Commissioner for Palestine, drafted an official interpretation of the Balfour Declaration.<sup>29</sup> Published in June 1922, this document is known as the Churchill White Paper.<sup>30</sup> It introduced the concept of economic absorptive capacity, the valve by which Jewish immigration would be regulated for years to come:

For the fulfillment of this policy [the Balfour Declaration] 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.

The availability of work for Jewish immigrants determined how many could enter Palestine at any time. Excluded from the land available for Jewish immigration was the territory of Trans-Jordan, which had been set aside to be ruled by Abdullah in

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<sup>28</sup> In 1922, the proportion was about 90 percent Arab to 10 percent Jewish; by 1936, about 70 percent Arab to 30 percent Jewish. See Justin McCarthy, *The Population of Palestine: Population History and Statistics of the Late Ottoman Period and the Mandate* (New York, 1990), 35. See Roza I. M. El-Eini, *Mandated Landscapes: British Imperial Rule in Palestine, 1929-1948* (London, 2006), 15-16. This book is notable for its many useful statistical tables and maps.

<sup>29</sup> Viscount Herbert Samuel, 1870–1963, in addition to other government posts, served as High Commissioner and Commander in Chief, Palestine and Trans-Jordan, 1920–5. See Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab-Jewish Conflict* (Oxford, [1978] 1991), especially chapter 4. This book remains the most important on British rule in the first part of the Mandate. It is enriched by Sahar Huneidi's revisionist treatment of Herbert Samuel, *A Broken Trust: Sir Herbert Samuel, Zionism, and the Palestinians* (London, 2001). Another important work on Palestine until 1929 is Rashid Khalidi's *Palestinian Identity: The Construction of Modern National Consciousness* (New York, 1997), which argues against the Zionist idea – made infamous by Golda Meir – that Palestinian Arabs lacked a national identity.

<sup>30</sup> “British White Paper of June 1922” (Cmd. 1700), July 1, 1922.

partial fulfillment of Britain's promise to Hussein in 1915.<sup>31</sup> Herbert Samuel's experience in Palestine allegorizes the greater British encounter. Samuel had been involved in Zionist politics in England prior to the Balfour Declaration. While he remained personally devoted to the Zionist undertaking, he attempted to create a Palestinian community that would embrace the entire population. Yet from the beginning the British government in Palestine negotiated with Arabs and Jews separately, thus entrenching divides that existed even before the arrival of the British.<sup>32</sup>

Jews immigrated to Palestine at a trickle during the 1920s, moderated by economic absorptive capacity; nevertheless, trouble brewed between Jewish settlers and the Arab indigenous population. Arab peasants, in particular, were affected immediately by Zionist land purchases, by changes in markets brought on by mandate policy, and by Jewish labor practices which showed preference for Jewish over Arab labor.<sup>33</sup> Tensions simmered throughout the decade, boiling over in August 1929 in spectacular anti-Jewish violence at the Western Wall that spread to the rest of Jerusalem and to other towns. Following the riots, the Mandatory Authority was forced to confront the volatility of the situation. A commission of

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<sup>31</sup> The other piece of fulfilling the deal with Hussein was that Iraq was to be ruled by Faysal, who had claimed the Syrian throne in March 1920 only to be deposed in July when France invaded Damascus to claim Syria as a French Mandate. In March 1921 Britain installed Faysal as the King of Iraq, a position he retained until his death in 1933.

<sup>32</sup> So argues Bernard Wasserstein in his *The British in Palestine*. For an overview of the Mandate between 1920 and 1930, see *Report of the Palestine Royal Commission*, Chapter III.

<sup>33</sup> See Steven A. Glazer, "Picketing for Hebrew Labor: A Window on Histadrut Tactics and Strategy," *Journal of Palestine Studies* XXX, no. 4 (Summer 2001), pp. 39-54.

inquiry led by Sir Walter Shaw was sent out to Palestine in October to investigate this outbreak. The Shaw Report acknowledged the conflict inherent in the mandate and recommended new measures for limiting Jewish immigration as well as a study of cultivation methods in Palestine.<sup>34</sup> Next, John Hope Simpson came out to Palestine to follow up on the Shaw report's request for a new inquiry on agriculture in the Mandate.<sup>35</sup> Published concurrently with the Hope Simpson report, the Passfield White Paper of 1930 articulated these recommendations.<sup>36</sup> The Shaw and Hope Simpson Reports, along with the Passfield White Paper, pointed toward the need for a new policy that would respond to the situation of Palestinian Arabs. The Passfield Paper called for limits to Jewish immigration and criticized exclusionary Jewish labor practices. While economic absorptive capacity remained the standard by which immigration was measured, the Passfield White Paper used the lack of cultivable land to demonstrate that there was no need to increase the labor force. It argued for greatly reducing Jewish immigration.

Arab Palestinian leaders reacted with guarded optimism to the Passfield White Paper, but Zionists, perhaps none more than Chaim Weizmann, reacted with

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<sup>34</sup> "A National Home for the Jews, in the sense in which it was widely understood, was inconsistent with the demands of Arab nationalists while the claim of Arab nationalism, if admitted, would have rendered impossible the fulfillment of the pledge to the Jews." *Report of the Palestine Commission on the Disturbances of August 1929*, Cmd. 3530 (London, March, 1930), p. 64, quoted in *Report of the Palestine Royal Commission*, p. 68.

<sup>35</sup> Sir John Hope Simpson, *Palestine Report on Immigration, Land Settlement, and Development*, Cmd. 3686 (London, October 1930).

<sup>36</sup> Passfield White Paper is *Palestine: A Statement of Policy by His Majesty's Government in the United Kingdom*, Cmd. 3692 (London, 1930).

alarm to this attempt to limit the building of the Yishuv.<sup>37</sup> Under pressure from Weizmann, before long the government reinterpreted the policy to allay Jewish fears. In a letter to Weizmann, Prime Minister Ramsay MacDonald reverted to the Churchill White Paper of 1922, in effect overturning the Passfield Paper's proposed limits to Jewish immigration, but, at the same time, urging Jews of the Yishuv to recognize Britain's "double undertaking."<sup>38</sup> Thus the principle of economic absorptive capacity survived attacks from expert commissions, as well as Arab discontent, to remain the metric of Jewish immigration. Yet MacDonald recognized that a resolution to the conflict in Palestine could not be reached without cooperation between all residents of Palestine. He wrote, "[T]he full solution of the problem depends upon an understanding between the Jews and the Arabs." The MacDonald letter of 1931, while reestablishing the rights of Jews in Palestine, was explicit about the impact of the Jewish presence on Arab Palestinians:

In one aspect, his Majesty's Government have to be mindful of their obligations to facilitate Jewish immigration under suitable conditions, and to encourage close settlement by Jews on the land; in the other aspect, they have to be equally mindful of their duty to insure that no prejudice results to the rights and position of the non-Jewish community.

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<sup>37</sup> Wrote Chaim Weizmann: "[T]he Passfield White Paper may be regarded as the most concerted effort – until the White Paper of 1939 – on the part of the British Government to retract the promise made to the Jewish people in the Balfour Declaration," *Trial and Error*, Volume II, p. 335. For the Palestinian Arab perspective on the Passfield White Paper, see W.F. Abboushi, "The Road to Rebellion in Arab Palestine in the 1930s," *Journal of Palestine Studies*, Vol. 6 No. 3 (Spring, 1977), pp. 23-46.

<sup>38</sup> The MacDonald letter is reproduced in Walter Laqueur and Barry Rubin, editors, *The Arab-Israeli Reader*, sixth edition (New York, [1969] 2001), p. 36. The MacDonald letter is the subject of chapter 8 in Martin Kolinsky's *Law, Order, and Riots in Mandatory Palestine: 1928-1935* (London, 1993), a solid work on the "middle years" of the Mandate.

It is because of this apparent conflict of obligations that his Majesty's Government have felt bound to emphasize the necessity of the proper application of the absorptive capacity principle... The considerations relevant to the limits of absorptive capacity are purely economic considerations.<sup>39</sup>

MacDonald spoke of protecting the “non-Jewish community,” but, with this letter, he had overturned the Passfield White Paper and its policy that would have recognized Arab rights. Instead, Jewish immigration continued to be regulated but not limited by “economic considerations.”

Economic facts on the ground were sufficient to allow immigration of yet more Jews, many of whom came to Palestine in the first years of the 1930s in search of economic opportunities in the midst of a global economic depression. It is also true that many Arabs entered Palestine from neighboring areas for the same reason. Little changed in the policy of the Mandate, despite the acknowledgement, articulated in the Passfield White Paper, that the situation of some Arabs had worsened while the Jewish national home had flourished. The accumulated experience of appearing before commission after commission and accepting reports only to have them ignored or overturned soured Palestinian Arabs on the diplomatic process. This reluctance to engage in negotiations characterized the Palestinian Arab leadership going forward, as economic opportunities only increased with Zionist development. As long as the economy established the baseline for Jewish

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<sup>39</sup> Macdonald letter, *The Israel-Arab Reader*, 40. The language “close settlement of Jews on the land” was taken from the text of the League of Nations Mandate.

immigration, the Jewish Agency could make the case that there would be work for a large numbers of Jews.

It was not the Arabs alone who felt frustration with British policy. Jewish immigration took on an even greater significance for the Yishuv as the situation of Jews in Europe worsened. The Jewish Agency could argue for immigration certificates to Palestine, but their requests were not always met. On December 20, 1933, the *Palestine Post* published the text of a speech delivered by David Ben-Gurion and Professor Zelig Brodetsky, representing the Jewish Agency Executive and the World Zionist Executive, that criticized the Mandate's immigration policy.<sup>40</sup> The British High Commissioner, Arthur Wauchop, defended himself against accusations that he had cut Jewish visas to Palestine in response to Arab protests. He referenced statements by the Foreign Secretary and Colonial Secretary, both of whom "were at pains to make it clear that, with every sympathy for the state of German Jews, the Mandatory Government could not depart from the policy that the

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<sup>40</sup> David Ben-Gurion, 1886–1973, came to Palestine in 1906 from Plonsk, Poland. He served as the secretary-general of the Histadrut from 1921 to 1935. He was a member of the Jewish Agency Executive from 1933 and chairman of the Jewish Agency Executive 1935–48. He was a major actor in most of the events discussed in the present work, but he emerges especially in chapter 2 on the binational state in the 1930s, in chapter 5 in the discussion of the Biltmore program, and in the final chapter, which ends with Israel's beginning.

economic conditions of Palestine must govern the number of immigrants.”<sup>41</sup>

Wauchope emphasized that he had “personally intervened again and again to secure the largest possible allocation of Certificates under the Labour Schedule to German Jews, including in particular refugees in France and Belgium.” But it was not these immigrants that worried Wauchope: “For a considerable time I had been gravely concerned as to the increase of illegal entry and settlement on the part of Jews.” As early as 1933, the immigration policy of the mandate was restrictive enough that some Jews devised ways to circumvent the system.

The immigration figures of 1933 were dwarfed by the number of refugees to arrive legally in the next couple of years, as Jews now fled Germany and Poland in large numbers, with the Jewish Agency remaining as the intermediary between the British government and the prospective immigrants. The Jewish Agency requested a number of visas for laborers to be measured against what was believed to be the current economic absorptive capacity. The British Authority regularly granted far fewer certificates than the Agency requested. David Ben-Gurion wrote to Wauchope thanking him for additional certificates in 1933 and to ask for even more in the coming year: “The fact that the number of certificates granted us is far from meeting

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<sup>41</sup> All quotes this paragraph, Wauchope to Cunliffe-Lister, 25 December 1933, TNA CO 733/254/8. The historical irony is that Wauchope was one of the most Zionist of the British High Commissioners. Wrote Weizmann: “Sir Arthur was a distinguished administrator and scholar, perhaps the best High Commissioner Palestine had, and, I believe, a proof of Ramsay MacDonald’s serious effort to undo the harm of the Passfield White Paper.” *Trial and Error*, Volume II, 344. See Martin Bunton, “Wauchope, Sir Arthur Grenfell (1874–1947),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence

our needs (I ought, perhaps, to apologise for mentioning it on this occasion) does not in any way diminish our appreciation or gratitude.”<sup>42</sup> By 1933, the Jewish Agency had grown frustrated with the subjective use of economic absorptive capacity to regulate the number of Jews who could immigrate to Palestine legally.

Wauchope submitted a memorandum to the Colonial Secretary, Philip Cunliffe-Lister (Lord Swinton), that included an analysis of Zionist arguments in favor of increased immigration and the Arab response.<sup>43</sup> Despite Zionist claims that Jewish immigration helped to curtail Arab migration to urban areas, stopped wage inflation, and encouraged legal business, these arguments, according to Wauchope, were screens for “political necessities as Zionists conceive them.” One Zionist concern, Wauchope stated, was the population balance in Palestine: “The urgent importance of increasing the number of Jews in Palestine so that they should number at least one-half of the total population and so be in a position to disregard Arab protests or opinion.” Controversy over the population balance between Arabs and Jews only increased in fervor from this point on.<sup>44</sup> By the mid-1930s, the Yishuv constituted nearly one-third the population of Palestine, with many of that

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Goldman, January 2008, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/36786> (accessed June 28, 2008).

<sup>42</sup> Ben-Gurion to Wauchope, July 23, 1934, reprinted in C.P. 209, August 1934. CO 733/254/7.

<sup>43</sup> Arthur Wauchope, “Some Factors in Our Present Immigration Policy,” C.P. 209, August 1934, CO 733/254/7. For more on the Colonial Secretary see Keith Robbins, “Lister, Philip Cunliffe- , first earl of Swinton (1884–1972),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2008, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/30990> (accessed June 28, 2008).

<sup>44</sup> For Zionist dissenters who advocated for a permanent Jewish minority in Palestine during the 1930s, see my chapter 2; for their revised position in the wake of the Holocaust, see my chapter 5.

number immigrating since 1933 and settling in cities rather than in agricultural communities. That they were able to do so with the support of British policy, despite the High Commissioner's avowed misgivings, further divided Palestinian Arabs from the Mandatory Authority.

The deteriorating condition of Jews living in Europe was the second Zionist preoccupation. Some German Jews were able to migrate to Palestine under a new category of certificates that was introduced for "capitalists," immigrants who could pay £1,000.<sup>45</sup> These certificates were outside of quotas for laborers and therefore not subject to economic absorptive capacity. The large sum made it possible for approximately 50,000 middle-class German Jews to migrate to Palestine between 1933 and 1939, but excluded most Jews in Eastern Europe.<sup>46</sup> The last resort of some impoverished Polish Jews was the "illegal entry and settlement," mentioned by Wauchope, or what was also called "illicit immigration" in this period. Jews often entered Palestine on a temporary visa and stayed beyond its expiration. By the late 1930s, immigrants from Eastern Europe who could neither obtain a certificate nor buy legal entry into Palestine resorted to desperate measures. One organization, *Af-al-Pi*, transported young Jewish men from Europe and dropped them off the coast of Palestine at night so that they could swim to shore under cover of darkness. Among these illegal immigrants were members of Betar, the youth movement associated

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<sup>45</sup> Kolinsky, *Law, Order, and Riots*, 197. See Chapter 10 for negotiations that took place between Zionist and Nazi leaders that allowed German Jews to bring some of their assets with them to Palestine.

with Revisionist Zionism, the maximalist rival to the Jewish Agency that was led by Vladimir “Zev” Jabotinsky and sought a Jewish state on both banks of the River Jordan.<sup>47</sup> These young illegal immigrants fled Europe not only to escape the desperate situation there but also to fight for a Jewish State in all of Palestine.<sup>48</sup>

### **THE MIDDLE EAST AND REVOLT IN PALESTINE, 1936**

Palestinian Arabs witnessed the numerical and economic growth of the Yishuv with dread. The closest Palestine had come to self-rule was a proposed Legislative Council, which British authorities discussed but did not attempt to realize throughout the period of the Mandate, as well as a revived attempt to draft a constitution in 1935 based upon proportional representation. Wauchope issued a statement in December 1935: “each of the three communities should have its own electorate, i.e., provision will be made for the Moslems to elect eight members, for

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<sup>46</sup> Ibid., 199.

<sup>47</sup> Revisionist Zionist Union was founded in 1925 with goal of establishing a Jewish commonwealth in Palestine and Transjordan. The revisionists withdrew from the World Zionist Organization in 1935 after a power struggle with Mapai and formed the New Zionist Organization. See Zeev Tzahor, “The Struggle between the Revisionist Party and the Labor Movement: 1929–1922,” *Modern Judaism*, Vol. 8, No. 1 (Feb., 1988), pp 15–25. The conflict between the Jewish Agency and Zionist Revisionism, in essence the debate over geographical containment versus Zionist expansion, is explored in Avi Shlaim, *The Iron Wall: Israel and the Arab World* (New York, 2001).

<sup>48</sup> In this way, Shlomo Ben-Yosef, a young Betari, who would be the first Jew hanged by the British authority as a terrorist, arrived in Palestine. David Niv, *Maarakhot ha-Irgun ha-Tsevai ha-Leumi*, Vol 2 (Tel Aviv, 1965), pp 61–74, hereafter *Battles of the Irgun*, Vol 2.

the Jews to elect three members, and for the Christians to elect one member.”<sup>49</sup> The 1935 constitution foundered on objections from all sides. In addition to the ongoing conflict between Palestine’s populations, it was Britain’s “dual obligation” to both Jews and Arabs – the Mandate itself – that stood in the way of Palestinian independence.

It was during the first years of the 1930s that neighboring Arab countries began to achieve independence from Britain and promises of independence from France. Iraq became independent by treaty with Great Britain in 1930 and joined the League of Nations in 1932, with the Royal Air Force retaining bases and political control through British advisers in the Iraqi government. Egypt, threatened from the West by Italian expansion into North Africa, signed a treaty of alliance in 1936. In September and November of 1936, France signed similar treaties with Syria and Lebanon that later led to their independence. These developments came about through a combination of pressures from Europe and internal popular agitation, as it was construed by British statesmen. 1936 was a pivotal year for anti-colonial agitation in the Middle East, nowhere more so than among the Palestinian Arabs.

In order to understand the surge in anti-colonial sentiment in 1936, it is important to comment on the social structures that persisted from Ottoman times into the first decade of European mandatory rule in the 1920s. These structures were

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<sup>49</sup> The idea for the constitution was delivered as an address to Arab and Jewish leaders on December 21 and 22, 1935, later published as “Proposed New Constitution for Palestine,” (London: HMSO, March 1936) Cmd. 5119. Jewish leaders rejected the plan, instead advocating “parity,” a concept that

contested across the region in the 1930s. Urban elites collaborated with Britain and France as they had with Istanbul under Ottoman rule, in so doing retaining a certain local power and prestige into the 1920s.<sup>50</sup> The 1930s witnessed a movement of social change from below that, although not identical in Egypt and Iraq, would in both places destabilize the position of traditional elites and by extension of Britain in the region. In Egypt, the popular agitation of a youth movement, Young Egypt, combined with Britain's concern about the threat from Mussolini's Italy to prompt the signing of an Anglo-Egyptian treaty of alliance in August 1936.<sup>51</sup> Iraq gained formal independence in 1930 but security remained in the hands of the Royal Air Force. Anti-British opposition emerged from Sunni officers, who in 1936 staged a coup under the leadership of General Bakr Sidqi. The emergent military leaders in

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would allow Jews to have equal representation despite their minority status. Parity is associated with the binational model advocated by Judah L. Magnes of Hebrew University, see my chapters 2 and 5.

<sup>50</sup> This is known as the Politics of Notables, after Albert Hourani's famous paper: "Ottoman Reform and the Politics of Notables," reprinted in Albert Hourani, Philip Khoury, and Mary C. Wilson, editors, *The Modern Middle East, 2nd edition* (London, [1993] 2004), pp 82-109. Although Hourani wrote specifically of notables under Ottoman rule, the article concludes: "After 1860, the fire dies down for a generation, but the rivalry of notable families and consulates as intermediaries, political organizers and potential claimants to rule continued. As one Arab province fell under European rule it came to the surface in a new form, the opposition of alien ruler and nationalist movement," p. 108.

<sup>51</sup> See James P. Jankowski, *Egypt's Young Rebels: 'Young Egypt': 1933-1952* (Stanford, 1975), p. 21-22 for a detailed treatment of the sequence of events.

Iraq challenged Britain's practice of exercising influence through natural collaborators, the urban notables.<sup>52</sup>

In the 1920s, urban elites in Palestine provided fertile ground for British collaboration. The existence of rivalries between elite families was one characteristic of the social structure. The elite Palestinian Arab families of Jerusalem provide a good example.<sup>53</sup> The best known of the quarrels was between the al-Husseinis and the al-Nashishibis, two prominent Jerusalem families. The 1922 appointment of al-Hajj Amin al-Husseini as the Mufti and the concurrent appointment of Raghib Bey al-Nashashibi as Mayor of Jerusalem assured compliance from the rival factions. Left out of the equation were the Palestinian Arab peasants. It was from this rural population that the general strike erupted in April 1936, directed not only against British Mandatory rule but also against elites such as al-Husseini and al-Nashashibi who had failed to protect the interests of the general population. The elite families supported the revolt quickly, as it escalated

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<sup>52</sup> For strategic aspects of Britain's relationship with Iraq, see Liora Lukitz, "Axioms Reconsidered: the Rethinking of British Strategic Policy in Iraq during the 1930s," in Michael J. Cohen and Martin Kolinsky, editors, *Britain and the Middle East in the 1930s* (New York, 1992), pp. 113-127. For a good overview of Britain's relationship with local structures of power in the Middle East, see Glen Balfour-Paul, "Britain's Informal Empire in the Middle East," in Judith M. Brown and Wm. Roger Louis, editors, *The Oxford History of the British Empire, Volume IV: the Twentieth Century* (Oxford and New York, 1999), pp. 490-514.

<sup>53</sup> See Ann Mosely Lesch, *Arab Politics in Palestine, 1917-1939: The Frustration of a Nationalist Movement* (Ithaca and London, 1979). These rivalries are also explored in *The Iron Cage*, chapter 3, "A Failure of Leadership," p. 65.

from a general strike to an open rebellion, from the countryside to the cities.<sup>54</sup> In his address to Chatham House, in 1936, the Palestinian Arab Emile Ghory explained the origins of the uprising and its progression from strike to revolt: “The people became desperate and hopeless. They foresaw their fate, and decided on April 19th last to declare a general strike. That strike has developed into a revolution. It is not the act of terrorists or marauders or snipers: it is a revolution.”<sup>55</sup> The elites who had once collaborated with British rule joined the revolution in 1936.

While pan-Arab identity did not yet connect individuals in the region, anti-imperial sentiment united the new states of the Middle East and those still under colonial rule.<sup>56</sup> Egypt, specifically members of Young Egypt, along with Iraq, Syria, and Lebanon, supported the revolt of the Palestinian Arabs. This was later described as the “intrusion of the external factor:”

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<sup>54</sup> The classic work on the revolt that still holds up is Yehoshua Porath, *The Palestinian Arab National Movement: From Riots to Rebellion, Volume Two, 1929-1939* (London, 1977). See also the Anthropologist Ted Swedenburg’s work, *Memories of Revolt: the 1936-1939 Rebellion and the Palestinian National Past* (Minneapolis, 1995), a compelling oral history of men who participated in the revolt, see also Ellen Fleischmann, *The Nation and its New Women: the Palestinian Women’s Movement, 1920-1948* (Berkeley, 2003).

<sup>55</sup> “An Arab View of the Situation in Palestine,” p. 691.

<sup>56</sup> The point is that while British statesmen perceived an Arab identity based on religion, Arabs themselves at this time were more likely to have a local identity based on family, village, city, for example. A strong overview is given by Adeed Dawisha in *Arab Nationalism in the Twentieth Century: From Triumph to Despair* (Princeton, 2002).

Previous outbreaks in Palestine had excited the interest and sympathy of the neighboring Arab peoples: but this time, not only was considerable popular feeling displayed against the British Government as well as the Jews, but a substantial number of volunteers, including the ultimate leader of the rebellion, came from Syria or Iraq, and the Arabs of Trans-Jordan were with difficulty prevented from joining the conflict.<sup>57</sup>

If not united by an overarching Arab identity, the Arabs of the Middle East universally opposed the European presence in the region and, even more so, the Zionist presence in Palestine.<sup>58</sup> This description was taken from the report of the Palestine Royal “Peel” Commission, a document that responded to the British Government’s questions about the origins of the revolt. The commission and its findings form the subject of the next section.

#### **“AN ACT OF VERY DREADFUL MUTILATION”: THE PEEL REPORT**

While British authorities on the spot attempted to suppress the revolt, Whitehall sought a diplomatic resolution. In May 1936, the month after the outbreak of violence, the British government announced plans to appoint a royal commission that would come to Palestine to investigate the causes of the “disturbances” and to assess the validity of Arab grievances. The Commission’s members were appointed in August 1936, but they would not begin their investigation in Palestine while the rebellion raged. The appointment of the Royal “Peel” Commission represented

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<sup>57</sup> *Report of the Royal Commission*, pp. 104-5.

<sup>58</sup> But see *The Iron Cage*, 107, where Khalidi argues that there was a “lack of significant external support for the revolt.”

another attempt on the part of the British Government to examine the situation of Arabs in Palestine, but in this case there was an important difference. The scale of the Arab Revolt and British failure to suppress it turned a spotlight on the inadequacies of the mandatory regime, not least the failure to protect the Palestinian Arab peasants who had been among the first to rise against the British in 1936. Not only was the commission sent to reexamine policy and to respond methodically to Arab demands for an independent Arab Palestine and containment of the Jewish national home. But also, for the first time, the British Government had empowered an investigatory body to recommend major changes in the governance of the Mandate.

The members of the Royal Commission were experienced in the running of empire and were cognizant of the evolution of the British Empire that was taking place between the wars—indeed they had presided over some these changes. The Commission’s Chair, Earl Peel, had served as Secretary of State for India and on roundtable conferences in India and Burma. Peel’s last public service was to the Royal Commission on Palestine—he died shortly after the publication of the commission’s report. Oxford historian Reginald Coupland, who also had participated in previous policy assessments in India and Burma, assumed a central role. In addition to his experiences in the colonial empire, Coupland had made a study of the cases of Canada, South Africa, and Ireland, leading him to conclude that binationalism could only succeed in cases where “one of the parties concerned

was English or British.”<sup>59</sup> The Peel Commission arrived in Palestine in November 1936 and remained there through January of 1937. They heard abundant testimony from Zionists but there were obstacles to bringing Palestinian Arabs to meet with the Commission—so gravely had they lost faith in the diplomatic process.

Palestinian Arab leaders themselves were implicated in the riots, and it took intervention from neighboring States to bring about a cessation of violence in the first place and then to convince them to testify. This set the precedent for the regional voice in Palestinian affairs: from this point forward, regional Arab leaders spoke for Palestine’s Arabs, often muting the voices of Palestinian Arabs themselves.<sup>60</sup> In an address at Chatham House one week after the publication of the Royal Commission’s Report, Lord Peel explained the difficulty of meeting with Arabs:

Their view was, I understood, that their case had often been publicly stated and that it was open to us to study the relevant documents. They held, further, that report after report had discussed the Arab case, and presented it, and then nothing had happened, or nothing anyhow beyond a pigeon-holing of the report somewhere in the Colonial Office.

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<sup>59</sup> In T.G. Fraser, “A Crisis of Leadership: Weizmann and the Zionist Reactions to the Peel Commission’s Proposals, 1937-8,” *Journal of Contemporary History*, Vol 23, No 4 (Oct, 1988), 657-680, 659.

<sup>60</sup> Rashid Khalidi describes the intercession of regional leaders during the first phase of the Arab revolt as “the beginning of a series of interventions that would eventually end with the subordination of the Palestinians to the Arab states, a situation that continued for many decades, until the mid-1960s.” *The Iron Cage*, 111.

But what, I think, governed them most, was this, that they really believed that the British Government was so much under the influence and control of the Jews, not only the Government but Parliament as well, that their case would not get a fair hearing. It was only towards the end of our visit, after an immense amount of pourparler and discussion, that they did appear before us and finally stated their case.<sup>61</sup>

In addition to disillusionment with the diplomatic process, Palestinian Arabs resented the close relationship between the Mandate and the Yishuv.

In an address to Chatham House, Emile Ghory, a Palestinian Christian, illustrated Arab disillusionment: “The High Commissioner and all the Government officials stand up for the ‘Hatikvah’ – the Jewish National Anthem – as if it were ‘God Save the King.’”<sup>62</sup> The “pourparler” that finally brought Palestinian Arabs to the table featured interventions from Saudi Arabia and Iraq.<sup>63</sup> The Mufti of Jerusalem, Al-Hajj Amin Al-Husseini, met with the Peel Commission in January 1937.<sup>64</sup> He gave two causes for the revolt: British policy that had, first, deprived Palestinian Arabs of their right to self-rule and, second, had sacrificed Arab land to

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<sup>61</sup> Earl Peel, “The Report of the Palestine Commission,” *International Affairs* (Royal Institute of International Affairs 1931-1939), Vol, 16, No. 5. (Sep., 1937), 761-779, 762.

<sup>62</sup> “An Arab View of the Situation in Palestine,” 690.

<sup>63</sup> See *Report of the Palestine Royal Commission*, p 103. The risks and benefits of involving regional leaders in the Palestine problem would be debated in 1937; by 1939 it was a fait accompli.

<sup>64</sup> See Philip Mattar, *The Mufti of Jerusalem: Al-Hajj Amin Al-Husayni and the Palestinian National Movement* (New York: Columbia University Press [1988] 1998). For a lengthy discussion of the mufti, see also Khalidi, *The Iron Cage*, chapter 2. Khalidi emphasizes that the mufti cooperated with British authorities until the Arab Revolt. His activities after that point, particularly his meetings with Nazis, overshadowed memories of his previous cooperation. But it is also true that the mufti was often motivated by jealousy and self-interest in dealing with rivals among the elites who made up the Arab Higher Committee. With regards to the White Paper of 1939, which the Mufti opposed while other members of the Committee supported it, Khalidi equates the Mufti and Yasser Arafat, both examples of the “damaging conflation of the national cause with the personality of an overweening leader,” *The Iron Cage*, 117.

the establishment of the Jewish national home. This had been the Palestinian Arab position since the beginning of British rule, and it held through the very end of the Mandate as did Palestinian Arab skepticism about official commissions sent from Britain.

The members of the Peel commission were candid in their assessment of Jewish - Arab relations and the role of the Mandatory Authority in contributing to the conflict. The report is a masterful account that begins with the history of Palestine and the historical claims from of both Jews and Arabs. The report continues with an assessment of the causes of the revolt and the larger conflict within Palestine and how to resolve it for the sake of local populations and to the benefit of Britain. The report includes a discussion of how the situation might be solved under the existing Mandate by limiting Jewish immigration to 1,000 per month and restricting land sales to Jews. These ideas resurfaced in the White Paper of 1939—in fact the calculations published by the Peel Commission shaped the White Paper's immigration quotas. But it is the second part of the Peel report that called for the decolonization of British Palestine. The members of the commission found the Mandate in its existing form to be unworkable, from the points of view of Jews and Arabs. Especially considering the purpose of the mandate, the Mandatory had failed to prepare the population of Palestine for self-rule:

The Arabs of Palestine, it has been admitted, are as fit to govern themselves as the Arabs of Iraq or Syria. The Jews of Palestine, it is clear, are as fit to govern themselves as any organized and educated community in Europe or elsewhere. Yet, associated as they are under the Mandate, self-government is impracticable for both peoples.<sup>65</sup>

Their coexistence within the mandate bound Jews and Arabs to live under a mandatory structure that, in failing to bring about self-governing structures, had failed to allow Palestine to advance to independence.

The Commission's proposal offered a radical approach to solving the Palestine riddle: the land should be partitioned into two states, Arab and Jewish, with Britain remaining as the Mandatory Authority over a small corridor that included Jerusalem and Jaffa, allowing access to the Mediterranean. The Jewish state would cover an area in the North—twenty percent of the total, corresponding with existing areas of Jewish settlement. From the Peel partition map, the Jewish Agency and the Jewish National Fund, the body that purchased land for Jewish settlement, learned the importance of a widely dispersed territorial presence.<sup>66</sup> As it was conceived, the absorptive capacity of the Jewish state was estimated to be no greater than one million persons. The Palestinian Arab state would reconnect with Transjordan, the area that had been divided from Palestine to be ruled by Abdullah.<sup>67</sup> It was hoped that by relegating Jewish immigration and settlement to

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<sup>65</sup> *Report of the Palestine Royal Commission*, Cmd. 5479 (London: HMSO, 1937), p. 362.

<sup>66</sup> For the logic of Jewish settlement, often in contravention of Land Restrictions of 1940, see maps, chapter 3.

<sup>67</sup> See Mary C. Wilson, *King Abdullah, Britain, and the Making of Jordan* (Cambridge, 1987); see also Avi Shlaim, *Collusion Across the Jordan: King Abdullah, the Zionist Movement, and the Partition of Palestine* (New York, 1988).

the new Jewish state, these matters would cease to be of concern to Palestinian Arabs.

In his Chatham House presentation, Lord Peel summarized the experience of the Commission and their findings. Sir Ronald Storrs, in discussion after the talk, condemned partition as a policy:

[T]he Report of the Royal Commission had come to most people as a very painful shock. The ugly word ‘cantonization’ had been canvassed as a possible solution. Partition was a frank admission of failure for the British Government... even at this last moment, some effort should be made to avoid or to all events postpone an act of very dreadful mutilation.<sup>68</sup>

Because partition was believed to be a bankrupt policy, the findings of the Commission, which included some of the most experienced scholars and servants of the Empire, are telling. They reveal an awareness that the situation in Palestine had reached an absolute impasse as early as 1937. In the opinion of the experts on the committee, the dual obligation could not be met. As one observer commented: “The

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<sup>68</sup> Earl Peel, “The Report of the Palestine Commission,” Storr’s comment, p 779. For a brief overview of Storrs’s association the Middle East see Ritchie Owendale, “Storrs, Sir Ronald Henry Amherst (1881–1955),” in Oxford Dictionary of National Biography, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/36326> (accessed June 28, 2008). Cantonization was a variation on partition wherein districts or cantons would be designated as Arab or Jewish. See Itzhak Galnoor, *The Partition of Palestine: Decision Crossroads in the Zionist Movement* (Albany, New York, 1995); table 2.1, “Various Sources of the Concept of Cantons,” explores the evolution of the cantonization idea between 1907 and 1936.

underlying argument of the Report was that there had been, from the beginning, a contradiction in the Mandate itself.”<sup>69</sup>

The Peel Report, as the outcome of an official investigation, was unprecedented in its indictment of British Rule in Palestine. Yet it is important to understand the ways that the Peel Report upheld certain founding principles of the Mandate. The Peel Report did not depart from the pro-Zionist British policy that had grown from the Balfour Declaration. The report supported establishing a Jewish national home in Palestine, and in fact took the idea further. The proposed Jewish territory was believed to be the Jewish national home realized in the form of a Jewish state. “We should be able to give to the Jews all the dignity of a state, instead of merely a Jewish National Home,” said Peel. “We should get rid at one blow of all ambiguity about the difference between Palestine as a Jewish Home and a Jewish Home in Palestine; all that bundle of controversy and difference would be swept away.”<sup>70</sup> This was one official British interpretation of the phrase “Jewish National Home,” more explicit than the Balfour Declaration had been in calling for a Jewish state.

While a series of commissions of inquiry was sent out to Palestine, the Peel Commission and their report, with its many details across the board, became

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<sup>69</sup> Ibid. Sir Andrew MacFadyean comment, 773. For background on MacFadyean, including his long association with Chatham House, see G. C. Peden, “McFadyean, Sir Andrew (1887–1974),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2006, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/31390> (accessed June 28, 2008).

<sup>70</sup> Ibid., 772.

required reading for later bodies appointed to examine the Mandate. It served and serves as a reference work on the history of the Mandate and contains an array of statistics. The Peel Commission had offered a new approach to the dual obligation—territorial separation. But with it they carried on the contradiction built into the original mandate: how could a Jewish national home in Palestine be built over Palestinian Arab objections? Even a Jewish state covering twenty percent of Palestine would be unacceptable to most Palestinian Arab leaders, who were also not keen to see their “independence” realized as part of Trans-Jordan. Nevertheless, the Peel Commission and the British Government, but not Parliament, truly believed, at first, that partition was a solution to satisfy both Arabs and Jews.<sup>71</sup>

The Royal Peel Commission made a thorough assessment of the situation in Palestine and proposed that Palestine be partitioned into Arab and Jewish states, believing that this would be acceptable to both groups. But neither Jews nor Arabs were quick to accept what the Peel proposal offered. As the situation of Jews in Europe grew ever worse, partition offered Zionists control over immigration into a small Jewish state. Despite debate amongst prominent Zionists, the leaders of the Yishuv would be authorized to negotiate with Britain on the basis of the Peel partition plan.<sup>72</sup> But unbeknownst to them, this was the end of British preference for

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<sup>71</sup> Support for partition was published as a Statement of Policy (Cmd. 5513) concurrently with the publication of the Peel Report and reiterated in the House of Commons on July 21, 1937. Relevant statements and resolutions were published as a single document, *Policy in Palestine*, Cmd. 5634 (London, December 23, 1937).

<sup>72</sup> See Shulamit Eliash, *The Debate in the Yishuv about the Partition Plan*, [Hebrew], (Israel, 1971).

the Yishuv. In contrast to the heated debates among Zionist leaders, the Palestinian Arab response to partition was unequivocal: the Arab revolt began its second and far more violent stage in the wake of the Peel Report's publication.<sup>73</sup>

With the Arab revolt entering its second phase, the British government had to weigh the risks of implementing partition, especially facing the possibility that neither Jews nor Arabs would favor it. Partition by force, and involving the transfer of a large Arab population from the Jewish state, no longer seemed to be the path of least resistance in Palestine. The Colonial Secretary Ormsby-Gore continued to support partition, while his counterpart in the Foreign Office, Anthony Eden, opposed it. Both men spoke before parliament in late 1937 arguing the rival positions.<sup>74</sup> Ormsby-Gore's can be characterized as pro-Zionist; Eden's as pro-Arab. They spoke not only to the situation in Palestine, but also to the international pieces of the Palestine puzzle. Because their statements encapsulated the debate between the Foreign Office and the Colonial Office, between a regional and local view, it is instructive to look at each individually.

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<sup>73</sup> The file CO 104/7 contains letters about the escalation of violence after 1937 that included Arab attacks on other Arabs as well attacks on Britons and Jews. This file also contains the series of Orders in Council that were passed to address the new security situation. See also Charles Townshend, "The Defense of Palestine: Insurrection and Public Security, 1936-1939," *The English Historical Review*, Vol. 103, No. 409 (October, 1988), 917-949.

<sup>74</sup> D. R. Thorpe, "Eden, (Robert) Anthony, first earl of Avon (1897-1977)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2008, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/31060> (accessed June 29, 2008); K. E. Robinson, "Gore, William George Arthur Ormsby-, fourth Baron Harlech (1885-1964)," *M. C. Curthoys in Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2008, <http://www.oxforddnb.com/view/article/35330> (accessed August 7, 2008).

On November 19, 1937, Anthony Eden, then Secretary of State for Foreign Affairs, offered arguments against the partition of Palestine.<sup>75</sup> Eden feared the response of Muslims in the Arab world to a Jewish state in Palestine fathered by Britain. Eden catalogued the Foreign Office's objections to partition in Palestine, objections that reflected awareness of international opinion. The Foreign Office worried about international response to a partition that could only be imposed by force. Certainly a forced partition would hit a snag at the League of Nations, which still monitored the mandate in Palestine. Eden went beyond an awareness of potential problems on the international scene should partition be implemented. He offered an assessment of the problem of Palestine and a programmatic solution. In short, Jewish immigration had created the problem in Palestine, and partition would serve no purpose other than to find a destination for Eastern and Central European Jews seeking refuge from anti-Semitism. For Eden, the Jews of Palestine were "foreign immigrants from outside [Palestine], who are, in fact, and setting aside for a moment Old Testament associations, as alien to present-day Palestinians as the Greeks to Asia Minor and the Moors to Spain."<sup>76</sup> Eden was far more sympathetic to the Arab point of view and aware of their sophistication, a point that he expressed in colorful language that reflected the prejudices of the time: "The Arabs are not a

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<sup>75</sup> "Palestine: Cabinet Memorandum by Mr. Eden on the Arguments Against Partition," Document 18 in S. R. Ashton and S. E. Stockwell, editors, *British Documents on the End of Empire, Series A, Volume I: Imperial Policy and Colonial Practice, 1925-1945*, p. 120.

<sup>76</sup> *Ibid.*, 127.

mere handful of aborigines, who can be disregarded by the ‘white colonizer’,” he explained:

They have a latent force and vitality, which is stirring into new activity. If any stimulus were required to their rapidly growing nationalism, it is hard to imagine any more effective method than the creation of a small dynamic State of hated foreign immigrants on the seaboard of the Arab countries with a perpetual urge to extend its influence inland.<sup>77</sup>

Eden argued that partition would be a match to the tinderbox that would ignite Palestine and spread throughout the region.

Eden continued with an overview of the significance of Palestine for the situation in Egypt, Iraq, Saudi Arabia, and Yemen. In Egypt, British concerns included the threat from Italy and Germany as well as the danger among Egyptians of “sympathy with their Arab co-religionists.”<sup>78</sup> He explained that “Palestine’s neighbors are not ‘foreign’ to Palestine in the European sense,”<sup>79</sup> citing the growth of Arab nationalism in Egypt and Iraq, as well as in Syria. In Iraq, British concerns were similar to those in Egypt with the added incentive of oil: “It must be remembered that Iraq is now a very important source of our oil supplies, and that it would be of little avail to have safeguarded the seaward end of the pipe-line at Haifa if the oil-fields themselves were to be seriously threatened.”<sup>80</sup> Eden proposed that the British Government offer a reassurance to Arabs throughout the region that Jews

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<sup>77</sup> Ibid., pp. 122-123.

<sup>78</sup> Ibid., p. 124.

<sup>79</sup> Ibid, p. 124.

<sup>80</sup> Ibid, p. 125.

would not become a majority in Palestine and that they would not be given sovereignty over any amount of territory. This could be achieved by maintaining a fixed population ratio. This proposal is of particular interest for the present work, because it presages the policy that would be implemented with the White Paper of May 1939.

In less colorful language than that offered by Eden, William Ormsby-Gore of the Colonial Office, a long-time supporter of Zionism, argued the case for partition.<sup>81</sup> He reviewed the findings of the Peel Commission that had led to their recommending partition, specifically that both Jews and Arabs were justified in their national aspirations, and that support for partition could be found across a wide swath from Parliament to the Zionist Congress that met in Zurich in August 1937.<sup>82</sup> Indeed, for Ormsby-Gore, it was Zionist support for partition that should have pushed the government to continue down that path:

On what grounds could we justify to the Jews the repudiation of a Statement of Policy issued only four months ago, and the offer to the Jews, in place of a settlement by partition, which follows inevitably from acceptance of the arguments and conclusions of the Royal Commission, of a permanent minority position in Palestine? I know of no new development which would provide us with a defence against the charges of betrayal which would be leveled at us from Jews throughout the world. . . .<sup>83</sup>

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<sup>81</sup> "Palestine: Cabinet Memorandum of Mr. Ormsby-Gore on the arguments in favour of partition," 1 December 1937, Document 19 in *BDEEP, Series A, Volume 1*, p. 129.

<sup>82</sup> This was the outcome of the Zionist Congress, but it was not without heated debate among proponents and opponents of partition. See *The Partition of Palestine*.

<sup>83</sup> *Ibid.*, p. 131.

Ormsby-Gore objected to the British government's reversing course after endorsing partition and the establishment of a small Jewish state. He dreaded the charges of betrayal that surely would follow should the government then wish to back the plan mentioned by Eden, whereby Jews would be kept at a permanent minority.<sup>84</sup>

Beyond his support for partition on the basis of continued support for Zionism, Ormsby-Gore responded to Eden's reasons for objecting to partition. Ormsby-Gore's responses were prescient, demonstrating a keen understanding, beyond that of the Foreign Secretary's, of the Palestinian Arab position and implications for Palestine. Furthermore, on the subject of Arab objection to partition, Ormsby-Gore countered that Arabs objected to the Balfour Declaration and always had. "It is clear to me," he said, "that with such objections there can be no compromise."<sup>85</sup> This comment explains the objection of Palestinian Arabs to the partition plan and, later, to the White Paper of 1939, a document that delivered much of what they had fought for in three years of rebellion.<sup>86</sup> Indeed, Ormsby-Gore understood that by moving away from partition Britain could retain control over the mandate, potentially with dire consequences for the British:

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<sup>84</sup> The possibility of an agreement between Jews and Arabs on the basis of a permanent Jewish minority was discussed throughout the 1930s. See my chapter 2.

<sup>85</sup> *BDEEP, Series A, Volume 1*, p. 132.

<sup>86</sup> Khalidi's *The Iron Cage* is the best work on the repercussions of the revolt for Palestinian Arabs, specifically their inability after the cessation of the second phase of the revolt in 1939 to compete on equal footing with the Yishuv and with other regional leaders.

[Mr. Eden's] proposal would involve the indefinite postponement of the self-government and independence which are the primary demands of the Arabs of Palestine and Trans-Jordan. We should be committed indefinitely to the course of repression from which we are now trying escape, aggravated by the fact that we should have to meet active opposition not, as at present, from Arabs alone, but from both races.<sup>87</sup>

Already in 1937, before partition had been abandoned, the head of the Colonial Office was aware that while partition could not have been implemented without force, it also could not be overturned without a grave threat to Britain's position in Palestine. As for the regional repercussions of policy in Palestine, Ormsby-Gore doubted that the pan-Arab movement was quite so strong as Eden had stated. Furthermore, Ormsby-Gore did not support the involvement of regional Arab leaders in Palestinian affairs. That Eden won this debate decisively demonstrates the dominance of the Foreign Office over the Colonial Office.

## **CONCLUSION**

This chapter began by stating the wider geographical context for the Palestine Mandate. Not only was interest in Palestine international, involving cooperation as well as rivalry and conflict between nations, but also it was transnational, evoking strong responses between peoples across the globe. The three worlds of Palestine can be categorized as the British Empire, the Arab and Islamic worlds, and the Jewish Diaspora. The Jewish Diaspora exercised sway over British

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<sup>87</sup> *BDEEP, Series A, Volume 1*, p. 133.

statesmen from World War I to the mid-1930s, especially in the person of Chaim Weizmann, leader of the Yishuv. It was also the Diaspora that made it possible for the Yishuv to establish a foothold in Palestine, funding programs above and beyond any economic contributions generated from within the Mandate itself.<sup>88</sup> But by the 1930s, the Arab Middle East appeared to be turning toward Fascism, as espoused by Britain's European foes, Italy and Germany. In the aftermath of the uncertainty that followed the Abyssinian Crisis in Ethiopia, and corresponding with unrest in Egypt and Iraq, as well as in the French Mandates of Syria and Lebanon, the Palestinian Arabs rose against the mandatory authority in 1936. In the pivotal year of 1936, the revolt in Palestine roused sympathy and support across the Middle East. It was this revolt of the Palestinian Arabs that made apparent to Britain the need for change in the Mandate.

The Peel Report recommended large-scale change by suggesting that Palestine should be partitioned into Arab and Jewish states. Within the British Government, there was at first enthusiasm for partition. But quickly the Colonial Office, with its local view of the Palestine problem, was overcome by the more powerful Foreign Office. The Foreign Office brought to the fore regional and strategic concerns about the Middle East, strengthened by the fear that the newly independent Arab nations in the region, already aroused in anti-British sympathy,

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<sup>88</sup> See Khalidi, *The Iron Cage*, 13.

would switch their allegiance to Germany and Italy.<sup>89</sup> The British government quickly back-pedaled from partition. In 1938 the Woodhead Commission found partition unworkable based on technical considerations, among them the impossible task of establishing a Jewish state that would not contain a sizeable Arab minority. Next, a conference held in London in early 1939, the St. James Conference, failed to achieve compromise between Jews and Arabs. In May 1939, the British Government published a new official policy for Palestine. The White Paper called for the establishment of a single state in Palestine to be ruled by the Arab majority, but not before ten years more of British rule. The three provisions of this document for government, land, and immigration are considered in the following chapters.

The path to the White Paper demonstrated the combination of international, regional, and local concerns that defined imperial policy in Palestine, especially when it appeared that appeasing Arabs there would reap rewards throughout the region.<sup>90</sup> Whereas the Peel Commission had advocated decolonization, the White Paper put the offer on hold for ten years and amended the vision of an independent Palestine. Thus the White Paper was neither a formula for decolonization nor a

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<sup>89</sup> See Aaron S. Kelieman, "The Divisiveness of Palestine: Foreign Office versus Colonial Office on the Issue of Partition, 1937," *The Historical Journal*, Vol. 22, No. 2 (June, 1979), pp. 423-441.

calculated step along the way. With the White Paper, Britain retained control over every aspect of governing Palestine and ended permanently the practice of regulating Jewish immigration according to economic absorptive capacity. For Zionists, the White Paper was betrayal; for Palestinian Arabs, ever after a missed opportunity.<sup>91</sup> But at its root, the White Paper was over all a pro-British policy. The logic of the White Paper can be understood only by placing Palestine in its larger geographical context—Britain’s priority had shifted from calming Palestine itself to securing the entire region by reasserting firm control over the Mandate and by breaking with the Yishuv.

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<sup>90</sup> See Michael J. Cohen, “Appeasement in the Middle East,” which, as the title implies, describes the White Paper as appeasement along the lines of Chamberlain in Europe. Cohen argues: “Appeasement was a hollow policy in the Middle East, just as it was to prove in Europe. Appeasement was essentially a policy of making concessions to one side at the expense of someone else. If it failed in Europe because the appeased refused to be satiated, it failed in the Middle East because the British concessions at the expense of ‘someone else’ were not sufficient—and because Britain was not prepared for the self-sacrifices which alone could perhaps have appeased the Arabs.” For Cohen, the White Paper in 1939 fit squarely beside Munich in 1938. This perspective falls within the scholarly tradition of seeing the White Paper in its anti-Zionist aspects and not within the broader context argued for in this chapter.

<sup>91</sup> Philip Mattar takes on the stereotype of Palestinians as “never [missing] a chance to miss an opportunity.” The idea of a missed opportunity in the context of the White Paper, on the other hand, Mattar acknowledges. “The first real opportunity came in 1939, in the form of the 1939 White Paper policy. . . . To have rejected such a policy was short-sighted and irresponsible at a time when the Palestinian community was, as a result of British suppression of the Arab Revolt, depleted of leadership, institutional structures, arms, and even the will to fight on, and when the Zionist side was growing in strength.” *The Mufti of Jerusalem*, pp 150-151. But it is only possible to flesh out this idea of the White Paper as missed opportunity in the context of developments during the war and in the years that followed, especially in 1947 and 1948, as we will see by the end of the present work.

## Chapter 2

### **The White Paper's Binational State: Zionist Dissenters, Moderate Arabs, and the Colonial Office, 1936-1939**

The White Paper of May 1939 advanced a new interpretation of the Balfour Declaration's Jewish national home. Long interpreted by British statesmen and Zionist leaders as a Jewish State, a definition the Palestine Royal "Peel" Commission had reaffirmed in 1937, now the Jewish national home was declared to have been realized in the form of the existing Jewish community of Palestine, the *Yishuv*, and its governmental structures as they stood in 1939. Rather than partition into Jewish and Arab states, the mandate would continue for ten years, after which Palestine would be granted independence provided it was deemed to be ready for self-rule at the end of that period. In the meantime should instability in Palestine cease, self-governing institutions would be developed based on the principal of majority rule, Arab rule, but recognizing Jewish rights. With all provisions taken together, the White Paper of 1939 modeled a binational solution for Palestine.

Because the terms single state and binational state are used often – and interchangeably – in the context of present day Israel and Palestine, it is important to define them as they were used during the mandate. A binational state is a country where "two, and only two national cultures are afforded pride of place, with juridically entrenched rights for control of shares of the state's resources, positions

of authority, symbols, etc.”<sup>92</sup> A binational state is a single state, but a single state is not necessarily binational. During the Mandate, two binational models emerged. The first, advocated by Zionist dissenters, called for a binational state governed on the basis of parity. A permanent Jewish minority would share power equally with the Arab majority. The other binational model, advocated by British administrators in the White Paper of 1939, would lead to rule by the Arab majority with an active role in government for the Jewish minority, which would be allowed to grow numerically but to no greater than 1/3 of the total population. An even more extreme vision of a single state emerged from Arab Palestinian leaders who wished for power to devolve from the mandatory to an all Arab government and for the Jewish population to freeze at its existing numbers. While this arrangement might be called a binational state by today’s definition, in the Mandate, it was the polar opposite of what was meant by the term, because the Jewish presence was predicated on the right to grow through immigration.

This chapter explores the origins of the White Paper’s binational state, a vision that necessarily addressed multiple issues. Inextricably linked with the idea of a single state in Palestine were questions of Jewish immigration, as well as how much land Jews could legally acquire and settle. Of the two questions, it was immigration that loomed largest, for it was the growing Jewish presence in Palestine

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<sup>92</sup> Ian S. Lustick, “The cunning of history: a response to the case for binationalism,” *Boston Review*, December 2001 – January 2002, quoted in Tamar Hermann, “The bi-national idea in Israel/Palestine: past and present,” *Nations and Nationalism* 11 (3), 2005, 381-401, 382. Hermann offers definitions

– and the Mandatory Authority’s role in accepting as legal immigrants a large number of Jewish refugees from Europe between 1934 and 1936 – that was most alarming to Palestinian Arabs in this period. The Yishuv grew through immigration; the Arab population had grown to some extent through immigration, too, but was mainly enlarged by natural increase. Between 1937 and 1939, all negotiations and proposals on the topic of a single state involved the assumption that temporary limits would be placed on Jewish immigration, that is to say that Jews would be held at a set minority, in order to quiet Palestinian Arabs. The size of the proposed Jewish minority varied from scheme to scheme.

During the period of the mandate, and especially between 1937 and 1939, a number of single state solutions were imagined within the Palestine Mandate and amongst interested parties throughout the world. These years represent a time when partition was the recommended policy of the British Government, yet it was also a time of enthusiasm for the single state. This chapter returns to 1937 and 1938 to investigate two models of an independent unified Palestine advocated by prominent Zionists and Arabs in this pivotal moment. Proponents of the binational state model were outside of the political mainstream, and they were forward-thinking when it

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of five models of binational states, p 384. Two of them are applicable to the way the term was used in the 1930s and 1940s.

came to negotiating an equitable settlement in Palestine.<sup>93</sup> The first model is the binational state advocated by Zionist dissenters in Palestine. The second was that proposed by “moderate Arabs” and pro-Arab Britons, inside and outside of Palestine. “Moderate Arab” is the term used in British documents to denote an Arab who would meet with British statesmen, in these, the most violent years of the revolt.<sup>94</sup> These Arab diplomats belie stereotypes of Arabs in over their heads in the European political realm.<sup>95</sup> Furthermore the existence of moderate Arabs and Zionist dissenters complicates received wisdom about the universality of the Arab revolt and of Zionist consensus. Most importantly for the present work, these single state solutions shed light on the sources of the White Paper. The White Paper integrated British policy ideas with provisions discussed between Jews and Arabs, and later between Arabs and the Colonial Office.

The White Paper is sometimes called the MacDonald White Paper, after Malcolm MacDonald, the British Colonial Secretary from May 1938 to 1940. But it

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<sup>93</sup> See Michael Cohen, “Secret Diplomacy and Rebellion in Palestine, 1936–1939,” *International Journal of Middle Eastern Studies*, Vol. 8, No. 3 (Jul., 1977), pp. 379–404, p 403. Cohen states that there was a connection between negotiations that took place between Arabs and Jews in the mid-1930s and the later White Paper, but he does not connect the dots between those talks and the Colonial Office. Although it was the men who captured the diplomatic spotlight, some Zionist women played key roles in advocating Arab–Jewish cooperation. In the 1920s, Beatrice Magnes was a member of Brit Shalom, an early organization devoted to Arab–Jewish rapprochement in the Mandate; her husband, Judah Magnes, was not. Henrietta Szold, founder of the Zionist women’s organization Hadassah, was a founder of the Ihud Association in 1942. Arab Palestinian women were also involved in their nationalist movement. See Ellen Fleischmann, *The Nation and its ‘New’ Women*.

<sup>94</sup> Minute on cover letter to Prime Minister from Colonial Office, 23rd August, 1938, in PREM 1/352.

<sup>95</sup> See Edward Said, *Orientalism* (New York, 1978), the by now classic account of European racism toward the Middle East.

is an oversimplification to say that MacDonald was the White Paper's sole author. Rather the provisions of the White Paper were pieced together from chronologically sequential sources, beginning with the speeches and writings of Judah L. Magnes, the American chancellor and later president of Hebrew University in Jerusalem, who from 1925 through the 1930s addressed the issue of Arab–Jewish cooperation.<sup>96</sup> These ideas next appear in the Royal “Peel” Commission Report, published in 1937, which offered a model for a single state in Palestine before arriving at the partition recommendation for which the report is better known.<sup>97</sup> Documents drafted in London the next year again conjured the binational state idea and led Magnes into negotiations with moderate Arab leaders, including Dr. Izzat Tannous, a prominent Jerusalem pediatrician.<sup>98</sup> The final pieces of the puzzle are discussions Tannous then had with Malcolm MacDonald as the Woodhead Commission was about to find partition unworkable and the British government, to move toward the White Paper's binational state.<sup>99</sup>

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<sup>96</sup> See *A Land of Two Peoples: Martin Buber on Jews and Arabs*, edited by Paul Mendes-Flohr (Chicago [1983] 2005). Mendes Flohr's introduction is particularly useful on relations between Jews and Arabs, and the various organizations that worked to foster cooperation. Buber, the philosopher and theologian, collaborated with Magnes for over a decade, even before Buber immigrated to Palestine in 1939. In 1942, the two men, along with Henrietta Szold, formed the Ihud Association. See also Yossi Heller, *Me-Brit Shalom le-Ihud* (Jerusalem, 2004).

<sup>97</sup> *Report of the Palestine Royal Commission*, Cmd. 5479, London: HMSO, 1937. I use the names “Peel” and “Royal Commission” interchangeably.

<sup>98</sup> Tannous was described as “a Christian Palestinian Arab, who is now in this country for the purpose of reorganizing the Arab Centre in Victoria Street.” Colonial Office to Prime Minister, 23rd June 1938, PREM 1/352.

<sup>99</sup> The records of these discussions are preserved in memoranda circulated by MacDonald, in PREM 1/352 and in CAB 104/8. See also Izzat Tannous's recollections in his *The Palestinians: A Detailed Documented Eyewitness History of Palestine Under British Mandate* (New York, 1988).

## JUDAH L. MAGNES AND THE BINATIONAL STATE

Of the Zionist supporters of the binational state, Judah Magnes was the most prolific, and the connection between Magnes, his ideas on Jewish-Arab cooperation, and the White Paper has not been studied adequately. Judah L. Magnes was born in San Francisco in 1877 and raised in Oakland, California. Magnes scholars attribute much of his independence of thought, his tendency toward dissent, to his Western frontier childhood; at the time of Magnes's birth, San Francisco was the furthest outpost of the United States. Near the end of the century, Magnes departed California for Ohio. He attended the University of Cincinnati and Hebrew Union College, where he was ordained as a Rabbi. He then pursued a doctorate in Berlin at a time of great Jewish revival in Germany. He returned to New York – “at the new center of gravity of American Jewish life” – before World War I.<sup>100</sup> One scholar has described the conjuncture of Magnes's Americanism, Judaism, and Zionism: “Magnes' cultural Zionism, inspired by *Ahad ha-Am*, emphasized the mutual interdependence of Jewish culture in the diaspora and in a resurrected old Zion;”<sup>101</sup> In other words, Magnes's was Zionism without negation of the diaspora. “His multiethnic America celebrated a pluralistic United States where diverse ancestral

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<sup>100</sup> Moses Rischin, “Introduction: Like All the Nations?,” in Brinner, William M. and Moses Rischin, editors, *Like all the Nations? The Life and Legacy of Judah L. Magnes* (Albany, 1987), pages 1-15, 6.

<sup>101</sup> *Ahad ha-Am* was the pen name of Asher Ginzberg (1856-1927). His cultural Zionism was the counterpart to Theodore Herzl's political Zionism. See Steven J. Zipperstein, *Elusive Prophet: Ahad Ha'am and the Origins of Zionism* (Berkeley, 1993).

folkways reinforced every American's instinctive love of his country. . ."<sup>102</sup>

Through the screen of his idealism, his pacifism, Magnes perhaps refused to believe that American-style pluralism was out of place in Palestine. Sectarian conflict had already begun by the time of his arrival there in 1925, when the Yishuv composed less than 15% of the total population. He saw the relationship between Jews and Arabs, in the words of his biographer, as "the supreme moral and political test of Zionism."<sup>103</sup> He devoted the last two decades of his life to the reconciliation of Arab and Jewish aims in Palestine.

Magnes first voiced ideas on Arab–Jewish cooperation in his presidential address at Hebrew University in 1925. In 1929 he responded to rioting at the Western Wall that had left 133 Jews and 116 Arabs dead; 339 Jews and 232 Arabs wounded.<sup>104</sup> Magnes contrasted his position on Arab–Jewish relations in the aftermath of violence at the wall with that of Vladimir Ze'ev Jabotinsky, founder of the Union of Zionist Revisionists, who advocated the establishment of a Jewish state on both banks of the Jordan River, encompassing the land in both the mandates for Palestine and Transjordan.<sup>105</sup> Jabotinsky and Magnes occupied the poles of Zionist

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<sup>102</sup> Rischin, "Introduction: Like All the Nations?", 7.

<sup>103</sup> Goren, ed. *Dissenter in Zion: from the writings of Judah L. Magnes* (Cambridge, Mass, 1982), ix.

<sup>104</sup> See Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab–Jewish Conflict, 1917-1929* (Oxford, [1978] 1991), 237.

<sup>105</sup> See Yaacov Shavit, *Jabotinsky and the Revisionist Movement, 1925-1948* (London, 1988).

belief, from militarism at the one extreme to pacifism at the other.<sup>106</sup> Magnes wrote to Chaim Weizmann, then chair of the Jewish Agency Executive:

I think the time has come when the Jewish policy as to Palestine must be very clear, and that now only one of two policies is possible. Either the logical policy outlined by Jabotinsky . . . basing our Jewish life in Palestine on militarism and imperialism;

Or a pacific policy that treats as entirely secondary such things as a “Jewish State” or a Jewish majority, or even “The Jewish National Home,” and as primary the development of a Jewish spiritual, educational, moral, and religious center in Palestine.<sup>107</sup>

A pacific policy would be based in Jewish values and would take full consideration of Arab claims. The binational state – a state neither Jewish nor Arab – was Magnes’s pacific policy.

Chaim Weizmann in coming years accused Magnes of advocating a permanent Jewish minority in Palestine, because Magnes had questioned the need for a Jewish majority. His position on the size of the Yishuv in general requires some examination, and his statement in 1929 should be read in context. At that time, Palestinian Arabs sought containment of Jewish colonization and land purchase. Magnes responded to the primary concern of Palestinian Arabs – that their land and livelihood would be overtaken by Jewish interests – with an awareness of just how slowly the Yishuv had grown over the past decade. The Jewish population of

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<sup>106</sup> Their political differences would occasionally lead them to take the same position, but for very different reasons. For example, both men would oppose partition.

<sup>107</sup> Magnes to Weizmann, Zurich, September 7, 1929, in Goren, ed, *Dissenter in Zion*, Document 64, 276.

Palestine in 1929 was 165,000 out of a total of one million, or 16.5% of the total.<sup>108</sup> Jewish immigrants had trickled into Palestine in the decades prior to Britain's arrival during World War I and from 1918-1929. In 1929 it would have been impossible to anticipate the influx of Jewish immigrants who would arrive in Palestine after the rise of Hitler, a wave of immigration that would bring the Yishuv near to thirty percent of the total population by 1939.<sup>109</sup> The size of the Jewish population relative to the Arab had immediate bearing upon the question of the future government of Palestine. But it was also true that for Magnes it would not have mattered if Jews remained a minority in an independent Palestine. Within the binational state the Jewish minority would share power equally through the mechanism of parity. Jews and Arabs would be represented in the same numbers in the central government.

Throughout the 1930s Magnes tried to reconcile Arabs and Jews, suggesting temporary limits on Jewish immigration up to certain percentages—the percentage rising as the situation of Jews deteriorated throughout Europe. Despite these being short-term limits, he could never shake his reputation for advocating a permanent minority. His commitment to Arab–Jewish cooperation gained Magnes many friends among Palestinian Arabs, but not many converts to his ideas, while the same beliefs often placed him at odds with Zionist statesmen. Nevertheless, he was

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<sup>108</sup> Figures are rounded. From Justin McCarthy, *The Population of Palestine*, 35. The Jewish population Dec 31, 1929 was listed at 164,492 out of a total 1,010,224.

instrumental in facilitating discussions between Arab leaders and David Ben-Gurion, who attained leadership of the Jewish Agency Executive in 1935.<sup>110</sup>

Magnes himself participated in meetings with Arabs, but he was known not to have the backing of Ben-Gurion and others at the Jewish Agency. Outside of his failure to sway the top Zionists, the greatest challenge to Magnes and his ideas remained lack of support among Palestinian Arabs.

Not deterred by his critics, Magnes refined his binational state idea in the early 1930s. These years lend essential background to the series of events that unfolded in Palestine between 1936 and 1939 and the ensuing British response. Several factors combined to stir the pot of discontent among Palestinian Arabs: First, the increase in Jewish immigrants, most of whom were able to enter Palestine legally under existing regulations; second, the progression of Arab neighbors from League of Nations mandates to independent states. Palestine was not being prepared for self-rule. Instead it was run by the Mandatory Authority as if it were a crown colony.<sup>111</sup> Tensions that had incited Palestinian Arabs to violence at the Western Wall in 1929, and had continued to simmer over the issues of land and labor in the ensuing years, finally boiled over into a large-scale Arab strike and revolt in April

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<sup>109</sup> Jews were 27.75% of the population in 1936; 29.7% in 1939. Calculations based on figures given in *Ibid*, 35.

<sup>110</sup> See *Ben-Gurion, My Talks with Arab Leaders*, edited by Misha Louvish, translated from the Hebrew by Aryeh Rubinstein and Misha Louvish (New York, 1973).

<sup>111</sup> See my chapter one for the governmental structures of the Mandate.

1936.<sup>112</sup> The intensity of Arab discontent confirmed Magnes in his belief that the only path to peace would be found in agreement between Jews and Arabs.

Cooperation between Jews and Arabs had long been the goal of British leaders, articulated in the Ramsay MacDonald letter to Chaim Weizmann that overturned the Passfield White Paper of 1930.<sup>113</sup> Even earlier the first High Commissioner of Palestine, Herbert Samuel, had hoped to achieve unity among the populations of Palestine. But rapprochement had not been reached, as the revolt made painfully clear. The British government responded to the uprising by appointing the Palestine Royal Commission, better known as the Peel Commission after its chair, Earl Peel. Among its members was Reginald Coupland, the Oxford historian later credited with writing the Royal Commission Report. Judah Magnes submitted a memorandum to Coupland on Jewish–Arab cooperation. It began by acknowledging “the cardinal question of majority and minority.”<sup>114</sup> By 1937, the Jewish population of Palestine had increased to such an extent that immigration and its effect on the demographic balance had replaced land and labor as the primary Arab concern. Magnes’s memorandum to Coupland, and via Coupland to the Peel

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<sup>112</sup> See Martin Kolinsky, *Law, Order, and Riots*.

<sup>113</sup> Ramsay MacDonald, “Text of Premier’s Letter on Palestine,” *Annals of the American Academy of Political and Social Sciences*, Vol. 164, Palestine: A Decade of Development (Nov. 1932), 204–208.

<sup>114</sup> Magnes to Reginald Coupland, Jerusalem, January 7, 1937 in Goren, *Dissenter in Zion*, Doc 79, 315–319, 316.

Commission, suggested a fixed immigration for ten years.<sup>115</sup> Magnes also proposed that Jews and Arabs be appointed to positions in the government of Palestine, along with protection for peasants and tenant farmers that would include fair labor practices. According to this plan, immigration would not bring the Yishuv to more than 40% of the population; it was estimated that this figure would be reached after ten years by allowing 30,000 Jews into Palestine per year. This was called the 40/10 proposal.<sup>116</sup> It also included the hallmark of Magnes's binational state – “A Legislative Council upon the basis of parity, thus showing that neither people is to dominate the other.”<sup>117</sup> The report of the Peel Commission incorporated several but not all of these ideas.<sup>118</sup>

From the perspective of the binational state, the Royal Commission report is important on at least two levels. First, it incorporated ideas about land, immigration, and government that echo the memorandum that Magnes had submitted to Coupland. Immigration would be regulated by “political high level,” a new measure

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<sup>115</sup> The main points elaborated in the memorandum grew out of negotiations between “the group of five,” five Jewish thinkers, including Magnes, who conducted discussions with Arab leaders. The group of five included Gad Frumkin, Pinchas Rutenberg, Moshe Smilansky, Moshe Novomeysky, and Judah Magnes. See Susan Lee Hattis, *The Bi-national Idea in Palestine During Mandatory Times* (Shikmona, 1970), a book adapted from a doctoral thesis that contains a very useful discussion of the many ways that the binational state was envisioned and the individuals involved.

<sup>116</sup> Among British statesmen, this proposal was also supported by Herbert Samuel, who had served as the first High Commissioner for Palestine. See Wasserstein, *The British in Palestine*, and specifically on the topic of the future government, see Bernard Wasserstein, *Herbert Samuel and the Partition of Palestine: The Sixteenth Sacks Lecture* (Oxford, 1990).

<sup>117</sup> Memorandum submitted by the Five, in Hattis, *The Bi-national Idea*, 151. The idea of a binational state based on parity resurfaced after World War II—see my chapters 5 and 6.

meant to account for economic, political, and psychological factors. In effect, the concept of political high level masked the precise mathematical calculations that underpinned the proposed policy. Immigration would be fixed at 12,000 per year, a number that, it had been determined, would hold the population balance of Palestine exactly where it was—3 Jews for every 10 Arabs. The Report also proposed land restrictions. Parity in government, the cornerstone of Magnes's binational state, was rejected outright because it was not democratic and it had raised Arab objection. Recalling the discussion between Weizmann and Magnes in 1929 about a permanent Jewish minority, it becomes clear that Weizmann had anticipated that parity would be rejected.<sup>119</sup>

The second reason the Royal Commission Report is relevant is the policy for which it is better known. The report recommended that Palestine be partitioned into Jewish and Arab states, a proposal published and simultaneously approved by the British government.<sup>120</sup> Magnes's reponse to the report appeared in the New York Times. He wrote:

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<sup>118</sup> *Report of the Palestine Royal Commission* (London: HMSO, 1937) Cmd. 5479. Most of this report is a recommendation for how to retain Palestine under mandate. The provisions and logical backbone of the report are discussed in Esco Foundation, *Palestine: A Study of Jewish, Arab, and British Policies*, New Haven, 1947.

<sup>119</sup> Prime Minister Ramsey MacDonald had supported the idea of parity in 1931, at the urging of his son Malcolm, who would later become Colonial Secretary. See Clyde Sanger, *Malcolm MacDonald: Bringing and End to Empire*, Montreal, 1995, page 96. Chapter 10 deals specifically with the relationship between Malcolm MacDonald and Chaim Weizmann; Chapter 16 is about partition and Palestine, 1938–1940.

<sup>120</sup> *Palestine Statement of Policy*, Cmd 5893, London: HMSO, November 1938.

It is a pitiless document. That is one of its great merits. It exhibits in all its nakedness our miserable failure—the failure of each one of us, Jew, Arab, and English. An extraordinary work of building up wasteland has been achieved. But we have failed. We have not known how to make peace. It is the well-documented story of two fierce nationalisms at war with one another, a document that would have commanded more confidence had it exposed equally to the light of day the failure also of mandatory imperialism to rise to its unparalleled opportunities....<sup>121</sup>

Magnes attributed the failure of the Mandate to all of Palestine's residents and to the British authority, who, according to Magnes, had failed both to capitalize on an "unparalleled" opportunity in Palestine and to admit its own flaws.

I agree that the present system must go. It has proved its inefficiency. But is partition the most practical alternative? I do not think so, although I admit that the commission has made out a strong case for partition. I do not think so drastic a step should be taken now, with all the passionate dissatisfaction it is bound to create, before the policy has been seriously and sincerely tried of creating conditions leading to freely and openly negotiated agreements between Jews and Arabs.<sup>122</sup>

Magnes opposed partition because, as he saw it, there had not been enough of an attempt to reconcile Jews and Arabs. But it was for the same reason that he sensed in the proposal an opportunity perhaps to realize the binational state. Jews and Arabs could find common ground in their desire to avoid The Peel Commission's partition plan.

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<sup>121</sup> JUDAH L. MAGNES. "Palestine Peace Seen in Arab-Jewish Agreements :Authority on Question Disagrees With Royal Commission's Finding That Partition Is Necessary Precedent to Future of the Country." *New York Times* (1857-Current file), July 18, 1937, <http://www.proquest.com.ezproxy.lib.utexas.edu/> (accessed June 29, 2008).

<sup>122</sup> *Ibid.*

Magnes and other advocates of Arab–Jewish rapprochement, along with their opposite, Revisionist Zionists, both opposed partition for ideological reasons. While they made their objections known, it was the Mapai party that led the Zionist movement and had the ear of British policy-makers.<sup>123</sup> These leaders of the Jewish Agency Executive were more inclined to negotiate. The Peel report was published July 7, 1937. The Mapai General Council met July 9–11. Most believed that the mandate could be saved, pending improvements in British policies. The party rejected the specifics of the Peel program, mainly because of the size of the proposed Jewish State, twenty percent of the total, but voiced neither support nor opposition to the idea of territorial separation of Jews and Arabs.<sup>124</sup> Although Zionists were divided on the subject of partition, an agreement was reached at the 20th Zionist Congress in Zurich, in August 1937, whereby the Jewish Agency executive was empowered to negotiate with Britain on the basis of partition.<sup>125</sup> Once again, Magnes found himself on the outside of majority Zionist opinion.

In contrast with Zionist majority responses, Palestinian Arab opposition to partition was immediate and violent—the Arab Revolt in Palestine that had begun in April 1936 entered its second phase after the publication of the Peel Report. But in

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<sup>123</sup> The Mapai and Revisionist parties had engaged in a power struggle in the first years of the 1930s, a battle from which the Mapai emerged on top. See Zeev Tzahor, “The Struggle Between the Revisionist Party and the Labor Movement, 1929-1933,” *Modern Judaism*, Vol. 8, No. 1 (Feb 1988) pp 15-25.

<sup>124</sup> The Peel partition plan would have left behind an Arab minority almost equal in number to the Jewish majority in the new Jewish state.

order to understand Palestinian Arab opposition to partition it is important to know the background dating back to World War I. Arab leaders opposed British rule, rejected the Balfour Declaration and the Jewish presence in Palestine, and called for immediate independence in the form of a state governed by the Arab majority.<sup>126</sup> British rule in Palestine was illegitimate, it was argued, because it went back on promises made to Hussein during World War I; likewise the Balfour Declaration was said to be nonbinding, because it was written several years after the British government had made its deal with Hussein.<sup>127</sup> Arab leaders lobbied for an immediate end to the mandate, the cessation of Jewish immigration, and restrictions on land that Jews could buy and settle. Palestine Arabs rejected partition, because it would reinforce past wrongs of the mandate by forcing the establishment of a Jewish state on land owned and inhabited by Arabs.

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<sup>125</sup> There was a group of vocal opponents of the Peel Report, among them labor leader Berl Katznelson. For debates within Mapai see Shulamit Eliash, *The Debate in the Yishuv about the Partition Plan* [Hebrew] (Israel, 1971).

<sup>126</sup> For Arab opinion – Palestinian and otherwise – about the future government of Palestine in 1939, the best source is the records of the St. James conference in London in February and March of 1939. See CAB 104/8, CAB 104/9, and CAB 104/10. These files also contain the records of the Cabinet Committee on Palestine.

<sup>127</sup> The entire correspondence between Hussein and MacMahon was published in 1937 in George Antonius, *The Arab Awakening: The Story of the Arab National Movement* (Safety Harbor, Florida, [1939] 2001). The publication of these materials made them available for review at the St. James Conference in 1938; previously they had been passed over by the Peel Commission. See Elie Kedourie, *In the Anglo-Arab Labyrinth: The McMahon-Husayn Correspondence and its Interpretations 1914-1939* (New York, 1976); and Isaiah Friedman, *The Question of Palestine, 1914-1918: British-Jewish-Arab Relations* (London, 1973). The conflicting promises are discussed in my chapter 1.

The leaders of the Arab Revolt, most notably Haj Amin al Husseini, the Mufti of Jerusalem, refused to deal with the British.<sup>128</sup> In a rare exception, the Mufti testified before the Peel Commission in early 1937.<sup>129</sup> He repeated the demands that underpinned the revolt: an end to the Mandate and the cessation of all Jewish immigration. But there were some Arabs, Palestinian and otherwise, who were willing to meet with Zionist and British statesmen. These men were labeled “moderate Arabs,” expressly because they would negotiate, but not because their views necessarily differed from those of the Mufti. In fact, Dr. Izzat Tannous, a Christian Arab from Jerusalem, would be the key moderate Arab in negotiations with Magnes and later with the Colonial Secretary. That he was the Mufti’s close associate was well known.

In the last months of 1937 the debate over partition continued in Parliament. Anthony Eden, then Foreign Secretary, delivered a scathing criticism of the policy; while William Ormsby-Gore, the Colonial Secretary, countered effectively with the policy’s merits. Eden’s speech encapsulated the Foreign Office position on Palestine, which held that Palestine’s regional significance should be the determining factor in future policy. Ormsby-Gore held the Colonial Office view that

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<sup>128</sup> See Philip Mattar, *The Mufti of Jerusalem: Al-Hajj Amin Al-Husayni and the Palestinian National Movement* (New York, [1988] 1998).

<sup>129</sup> The Mufti’s testimony to the Peel Commission is reproduced in Itzhak Galnoor, *The Partition of Palestine: Decision Crossroads in the Zionist Movement* (Albany, 1995), 68-70.

the Palestine case should be considered for its own sake.<sup>130</sup> The response to this debate was a stalling tactic. On January 4, 1938, terms of reference were published for a technical commission that would examine the practicality of partition. This was the Woodhead Commission, led by a former member of the Indian Civil Service.<sup>131</sup> The Commission worked in Palestine from April to August of 1938, overlapping with the months of the most concentrated political activity by Tannous through the recently revived Arab Centre in London, an office whose purpose it was to represent the Arab Palestinian perspective to policy-makers in London.<sup>132</sup>

#### **THE SEARCH FOR ARAB - JEWISH AGREEMENT**

Two Englishmen attempted to bridge the divide between Jews and Arabs. They were Albert Hyamson, a former official in the Palestine administration and a Zionist with ties to Magnes, and Col. S. S. Newcombe, who advocated the Arab Palestinian view in London.<sup>133</sup> The Newcombe-Hyamson draft attempted to merge the aims of Jews and Arabs by demanding an end to the mandate and limits on land sales to Jews, but allowing Jewish immigration to just under 50% of the population

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<sup>130</sup> It is of note that Malcolm MacDonald, then Dominions Secretary, supported Ormsby-Gore's position. For the conflict between the Colonial Office and Foreign Office see Aaron S. Kelieman, "The Divisiveness of Palestine."

<sup>131</sup> For the idea that the Woodhead Commission was sent expressly to overturn partition, see T.G. Fraser, "A Crisis of Leadership: Weizmann and the Zionist Reactions to the Peel Commission's Proposals, 1937-8," *Journal of Contemporary History*, Vol. 23, No. 4 (October 1988), 657-680.

<sup>132</sup> For more on the Arab Center see Rory Miller, *Divided Against Zion: Anti-Zionist Opposition in Britain to a Jewish State in Palestine, 1945-1948* (London: Cass, 2000), 10-16.

<sup>133</sup> See Herbert Parzen, "A Chapter in Arab-Jewish Relations During the Mandate Era," *Jewish Social Studies* 29, October 1967, 203-233.

over 5 years.<sup>134</sup> This plan left room for a large increase in the Jewish population, for a far larger Jewish minority than any that would follow. When Magnes was approached with this draft in late 1937, he communicated with Moshe Shertok of the Jewish Agency Executive to facilitate these negotiations.<sup>135</sup> Shertok had some doubts about the provisions of the draft, but for a brief time, he empowered Magnes to follow up with relevant moderate Arabs. The goal was to devise and agree upon an alternative to partition that would not be tainted by British official endorsement.

By the time that Magnes met with Dr. Izzat Tannous in January 1938, the Newcombe-Hymason draft had been amended to reflect the Mufti's original demands. This second version was the Beirut draft, named for the Mufti's place of exile. It was a revision that was in fact a total reversal. Rather than a template for compromise, the Beirut draft called for the end of Jewish immigration. The end of land sales to Jews. The end of the Mandate. The Beirut draft reflected the Palestinian Arab position, a refusal of both the mandate and the Jewish national home that left no room for compromise. At this point, the Jewish Agency Executive stripped Magnes of any official backing. In February 1938, Magnes met with Nuri al Said, a prominent Iraqi leader whose ties to the British went back as far as the Arab Revolt during World War I.<sup>136</sup> Together they composed a new draft which

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<sup>134</sup> Provisions of the Hyamson-Newcombe Draft, the Beirut Draft, and the Nuri Draft are printed in *ibid.*, 232-233.

<sup>135</sup> Moshe Shertok (Sharett), a labor leader, would be the second president of Israel, between David Ben-Gurion's two terms. See Gabriel Sheffer, *Moshe Sharett: A Biography of a Political Moderate* (Oxford, 1996); Sharett figures prominently in Avi Shlaim, *The Iron Wall*.

<sup>136</sup> See Christopher Bromhead Birdwood, *Nuri as-Said: A Study in Arab Leadership* (London, 1959).

restored much of the language of the original Newcombe-Hyamson proposal, with population percentage left blank to allow for an open negotiation. But this draft was an empty exercise. This time acting as a private subject, Magnes had no authority to make commitments, and Nuri could not speak for the Palestinian Arab point of view more than the Mufti had previously in the Beirut draft.

At first blush, Magnes's enthusiasm for the Newcombe-Hyamson and Nuri drafts might be explained by his commitment to Arab–Jewish cooperation and to a binational state. On closer examination, it becomes clear that the drafts have a good deal in common with Magnes's slightly earlier ideas, expressed in his letter to Coupland. Magnes had proposed the inclusion of Arabs and Jews within the mandatory government. This idea evolves into a request for immediate self-rule. Magnes's idea of protection for peasants and farmers becomes restrictions against land sales to Jews and boundaries to Jewish settlement. By this point, immigration quotas had been discussed over the period of several years, and had garnered some support from all sides. In the case of the original Newcombe-Hyamson draft, Jewish immigration would have been allowed almost to the point of population equality—an increase from Magnes's earlier 40/10 plan, where the Jewish population via immigration would increase to 40% of the total population over 10 years. The Nuri draft left the eventual percentage of the Jewish population blank, perhaps seeking the middle ground between 50%, in the original draft, and the immediate cessation of immigration found in the second version of the proposal, the Mufti's Beirut draft.

It is the Mufti's draft, in effect a refusal of the Newcomb-Hyamson and, by extension, the Nuri drafts, that is more telling for what came next. The Beirut Draft provided the point of departure for negotiations at the Colonial Office, even those involving a "moderate Arab," as the Colonial Office described Dr. Izzat Tannous.

In the coming months, Izzat Tannous expressed this position to the newly instated Colonial Secretary, Malcolm MacDonald, in a series of meetings. MacDonald had been an advisor to his father, Ramsey MacDonald, in the fateful aftermath of the Passfield White Paper, an early attempt by the British government to protect Arab interests in Palestine. With advice from his son Malcolm, Ramsey MacDonald repudiated the Passfield Paper in a private letter to Chaim Weizmann. Malcolm MacDonald then served as Colonial Secretary briefly in 1935. But by the time he returned to the post, Palestine had descended into sectarian and anti-British violence. He was appointed Colonial Secretary in the Chamberlain government in May of 1938. He remained at that post for two years, during which time he presided over a sea change in British policy in Palestine, contradicting his previously expressed positions, which had favored Zionists over Arabs.

#### **MACDONALD AND TANNOUS: THE PALESTINIAN ARAB POSITION AT THE COLONIAL OFFICE**

MacDonald's appointment was not welcomed by Palestinian Arabs, because his role in overturning the 1930 Passfield white paper was well known. Recalling

the occasion of MacDonald's appointment as Colonial Secretary, Izzat Tannous

wrote:

I was not happy about the appointment of Malcolm MacDonald for the high office of Colonial Secretary because his strong protests against his father's White Paper of 1930 were still not forgotten. The pro-Zionist attitude he adopted at the time, along with so many distinguished politicians. . . .made the Arabs lose all faith in British justice and fair play.<sup>137</sup>

MacDonald's pro-Zionist leanings were well known to Palestinian Arabs. But less than a decade later he would show himself to be open to hearing arguments from both sides. He would meet with Dr. Tannous five times between June and November of 1938. The conversations between Tannous and MacDonald reveal the evolution in the Colonial Secretary's thought on Palestine. Furthermore they testify to the influence of the Arab position on the proposals drafted by MacDonald during the St. James Conference in early 1939, later made into official policy when published as the White Paper.

The first meeting between MacDonald and Tannous took place on June 21, 1938. Tannous gave what MacDonald represented in his notes as "the well known case."<sup>138</sup> "It [The Palestine mandate] differed from the principle of all the other Mandates in that, instead of providing that the interests of the existing inhabitants of Palestine should be safeguarded, it actually gave preference to the interest of a new immigrant race." MacDonald countered, "Great Britain had undertaken a double

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<sup>137</sup> Tannous, *The Palestinians*, 241.

obligation in Palestine. . . .to facilitate the establishment of the Jewish national home, but we were also obliged to safeguard the interests of the Arab population of the country.” Their positions declared, Tannous emphasized the Arab argument against the Peel report: “Partition would only aggravate this situation, for the Arabs would never consent except if they were forced to, to the surrender of a part of their country to an immigrant race.” If British support for the Zionists continued, Tannous added, “the traditional friendship of the Arabs for the British – which they still felt – would disappear.” MacDonald replied that the revolt in Palestine “was doing the Arab case a great deal of harm.” Stalemate reached, both agreed to meet again and to speak with “complete frankness.” MacDonald reported: “I should probably say things with which he would strongly disagree, just as he would say things with which I would no doubt disagree. But I felt sure that we would discuss the problem in a very friendly spirit.” MacDonald’s responses to Tannous indicated his support for partition, the Colonial Office position. Just a month into his tenure as Colonial Secretary, MacDonald had not strayed far from existing departmental positions.

Their next meeting took place on July 19, 1938.<sup>139</sup> They returned to the topics of partition and the future of the Yishuv. Tannous accused the British Government of pursuing the policy of partition without listening to the Arab case

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<sup>138</sup> All quotes this paragraph from MacDonald notes on meeting with Tannous, 21st June 1938, PREM 1/352.

against it. MacDonald defended Britain's record in the Middle East, specifically mentioning the case of Iraq, which had transitioned from a British mandate to a sovereign state in 1930 and had become a member of the League of Nations in 1932. Regarding the opinions of Palestinian Arabs, "[The Arabs] had boycotted the Commission during most of its time in Palestine. Nevertheless the Commission had been at pains to get as much information as possible about Arab opinion, and it was only after considering this as well as other factors that they reached the conclusion that partition was the best solution." Tannous agreed that the position of Arabs outside of Palestine had improved, but Arabs inside Palestine "were wholly opposed to partition." Tannous offered an alternative that would have met with Palestinian Arab approval:

They were ready to go on living side by side with the Jews in Palestine as neighbours. They recognized that the two races had to live together. There were now 450,000 Jews in the country, and the Arabs were reconciled to accepting that large Jewish population in their country, and to giving them full rights as citizens. They could do this without partition. . . . Would not the British Government be prepared to let Palestine remain one country with Jews and Arabs living peacefully together?

Echoing ideas from the Beirut draft, Tannous was suggesting a single state solution under Arab majority rule, with guaranteed rights for the existing Jewish minority. But Tannous's suggestion would have frozen the Yishuv at its present numbers, ending Jewish immigration indefinitely.

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<sup>139</sup> All quotes this and the next paragraph from MacDonald notes on meeting with Tannous, 19th July 1938, PREM 1/352.

Anticipating MacDonald's criticism, Tannous continued: "[T]he Arabs were prepared to accept the present Jewish population in Palestine, and he even thought it possible later on, if the economic absorptive capacity of Palestine allowed it, that some additional Jewish immigration would be permitted."<sup>140</sup> MacDonald's report indicates that he immediately saw this as an empty claim:

[Tannous] was advocating the establishment of an Arab State of the whole of Palestine, in which the Arabs would decide whether further Jewish immigration should be allowed or not. In that case he and I had better admit frankly that not a single additional Jew would ever be allowed in Palestine. Whatever the economic absorptive capacity of the country, Arab nationalism had been so aroused that no Arab authority could ever consent to fresh Jewish immigration.

If Palestinian Arabs were placed in charge of Jewish immigration, it was acknowledged, no Jew would enter Palestine legally. Tannous conceded the point, but he would not be brought around on the subject of partition and he admitted that he hoped that Jewish immigration would be cut off permanently. MacDonald believed that Jewish immigration should continue but that Palestine should not be thought of as the refuge for all of the Jews of Europe—in the White Paper, MacDonald would find the middle ground between these two positions by allowing minimal immigration. The meeting ended with Tannous repeating that he hoped that the Woodhead Commission would reverse the partition plan and that an Arab delegation would be invited to negotiate.

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<sup>140</sup> See my chapter one for more on economic absorptive capacity, the measure for Jewish immigration that had been introduced with the Churchill White Paper of 1922 and remained British policy until the implementation of the 1939 White Paper's immigration quotas.

The third meeting between Tannous and MacDonald, on August 12, 1938, involved a pragmatic discussion.<sup>141</sup> MacDonald had by then traveled to Palestine and had seen the Arab revolt first hand. Tannous asked that MacDonald consider a small gesture or two that might mollify that Arab masses. He had two suggestions: first, free the Mufti and exiled leaders of the Arab Higher Committee and allow them to return to Palestine; second, arrange for discussions with Arabs before setting another policy. MacDonald explained that he was already considering meetings between Arab representatives and British policy-makers, and he hoped that Arab leaders would participate, especially if partition was still Britain's preferred policy. But there was not a chance that the Mufti and exiles would be freed, unless, perhaps, it would be temporarily so that some of the exiles could participate in meetings on Palestine's future. The Mufti would not be granted amnesty under any circumstances.

Tannous and MacDonald met again on October 20, 1938.<sup>142</sup> According to Tannous, the revolt had spread. As MacDonald reported, "[Tannous] found that many of his countrymen who had been lukewarm a year ago were now anxious to do anything they could to help the rebels." Tannous repeated past pleas for Britain to cease its policy of "helping the Jews to Palestine." "It was only because the

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<sup>141</sup> All notes this paragraph from MacDonald notes on meeting with Tannous, 12th August, 1938, PREM 1/352. About the meetings of July and August, Tannous indicated that MacDonald confided to him that partition would be abandoned. See Tannous, *The Palestinians*, 260-261. Tannous also recalled the August meeting as their last when in fact they met in October and twice in November. It is more likely that MacDonald mentioned the outcome of the Woodhead Commission in one of these later meetings.

Balfour Declaration had been made to the Jews,” said Tannous, “and the Jews had such immense power over British Government and Parliament, that Great Britain was pursuing a policy of repression against the Arabs.”<sup>143</sup> MacDonald disagreed.

[I]t was not hostility to the Arabs which made us bring troops in to crush the Arab rebellion. We were anxious for Arab friendship, for this was important to us. Our friendship was of still greater importance to the Arabs. Both peoples ought to co-operate together. Nor did we desire to drive the Arabs out of Palestine.<sup>144</sup>

British response to the revolt in Palestine was not motivated by anti-Arab sentiment, nor by support for Zionism. British self-interest predominated. MacDonald continued in the report:

I could assure him that one of my objects in Palestine was the same as his, i.e. that the interests of his people in their native land should be safeguarded and promoted. We were not crushing the Arab revolt because the Jews had told us to do this. We were taking firm measures against it because it was a revolt against the properly constituted government.

The Mandatory Authority was doing what it could to protect itself by restoring stability in Palestine. MacDonald separated British actions related to the revolt from his own position regarding Palestinian Arabs, whose interests he wished to protect. This statement, written after MacDonald had read the Woodhead report, but before it had been published, reveals that MacDonald was increasingly sympathetic to the Arab position.

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<sup>142</sup> MacDonald notes on meeting with Tannous, 20th October 1938, PREM 1/352.

<sup>143</sup> It was a common misperception that Jews had tremendous power over the British government, but it is true that there were more Jews than Arabs represented. This was the motivation for Tannous’s work at the Arab Centre.

The meetings between Tannous and MacDonald took place just as partition was jettisoned and negotiations about Palestine's future began anew. MacDonald had traveled to Palestine in August 1938 and returned more inclined than ever to reject partition and to contain the Jewish national home in an attempt to address Arab concerns.<sup>145</sup> In September 1938, MacDonald informed Zionist leaders that Palestine would not be partitioned but rather that the mandate would continue. In November 1938 MacDonald announced to Parliament the findings of the Woodhead Commission.<sup>146</sup> Partition was found to be impracticable, therefore the mandate would continue, pending further efforts to reach a resolution. Rejection of partition meant the continuation of the mandate. At least at first this was not an endorsement of the binational state. The next step would be meetings between Arabs, Jews, and British representatives and an attempt to iron out constitutional issues. Constitutional issues would be the real test of the binational state. MacDonald and Tannous would turn next to the specifics of a meeting in London.

MacDonald recognized that the ideal solution for Palestine would be an agreement brokered between Arabs and Jews, and planned to convene such a meeting in London. But with the Arab Revolt still raging, and many leaders of the

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<sup>144</sup> MacDonald notes, 20th October 1938. The "both peoples" in this quote are Britons and Arabs.

<sup>145</sup> Sanger, *Malcolm MacDonald*, 163.

<sup>146</sup> See Cmd. 5893. See also John Woodhead, "The Report of the Palestine Partition Commission," *International Affairs* (Royal Institute of International Affairs 1931–1939), Vol. 18, No. 2 (March–April 1939), pp. 171–193.

Palestinian Arabs, particularly the Mufti, implicated in the violence, not all were welcome. The statement that announced this meeting made this explicit:

It is clear that the surest foundation for peace and progress in Palestine would be an understanding between the Arabs and the Jews. . . . With this end in view, they propose immediately to invite representatives of the Palestinian Arabs and of neighbouring States on the one hand and of the Jewish Agency on the other, to confer with them as soon as possible in London regarding future policy, including the question of immigration into Palestine.<sup>147</sup>

The statement continued: “As regards the representation of the Palestinian Arabs, His Majesty’s Government must reserve the right to refuse to receive those leaders whom they regard as responsible for the campaign of assassination and violence.” Keeping the Mufti out of the meetings – and out of Palestine – remained a priority for MacDonald and others, but Tannous would argue for the inclusion of the Mufti and the return of other Arab Palestinian leaders from their places of exile.

Tannous and MacDonald met on November 9 and 11, 1938, just after the publication of the Woodhead Report.<sup>148</sup> Plans were being put into place for the conference in London, and MacDonald hoped for a positive response from Tannous on the matter of bringing Palestinian Arab delegates to the table. Instead, Tannous criticized the Colonial Secretary for his refusal to let the Mufti participate in the meetings. Tannous defended the Mufti and his significance as the chosen leader of Palestinian Arabs. Tannous’s connection to the Mufti had become apparent at the beginning of 1938 when Tannous was to meet with Judah Magnes on the basis of

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<sup>147</sup> Cmd. 5893, 3-4.

the Newcome–Hyamson draft but instead arrived with the Beirut draft, a document that represented the position of the Mufti. Again advocating for the Mufti, Tannous went on to suggest that there should be “general amnesty” in which case Palestinian Arabs would participate in the conference.<sup>149</sup> He offered no other suggestions for how to arrange for Palestinian Arab representation. In the end some Palestinian Arabs were brought out of exile to attend the conference. The Mufti’s rivals, the Nashashibis, were invited to bring delegates to the conference, and other states in the region were represented. Jewish delegates from around the world participated in the talks. Despite the extensive planning that went into the staging of the conference, it quickly became clear that Zionists and Arabs were unlikely to negotiate with each other.<sup>150</sup> Instead, as within the mandate itself, Arabs and Zionists dealt directly with British statesmen but not with one another. The St. James Conference failed to produce a settlement for Palestine. Instead it would pave the way for Malcolm MacDonald, with backing of the British Government, to impose a new policy: the White Paper of May 1939.

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<sup>148</sup> Notes from this discussion in CAB 104/8.

<sup>149</sup> While amnesty would not be offered to the Mufti at any point, eight of twelve exiled Palestinian Arab leaders were allowed to return to Palestine after December 1939. See Ronald W. Zweig, *Britain and Palestine During the Second World War* (London, 1986), 14.

<sup>150</sup> The intricacies of planning for the St. James Conference unfold in CAB 104/9.

## **CONCLUSION: THE WHITE PAPER**

The “MacDonald” White Paper of 1939 rejected the Jewish State and endorsed the idea of keeping the Jewish population of Palestine below one-third – exactly where it was – for five years via the introduction of immigration quotas. Indeed the White Paper’s provisions regarding immigration were not far from the Newcombe-Hyamson and Nuri drafts that Judah Magnes had hoped would form the basis for an agreement between Jews and Arabs in the winter of 1937–1938. But the White Paper quotas were to end after five years, at which point Jewish immigration was to continue only with Arab consent. In other words, the Yishuv would grow against Arab wishes, but by no greater than 75,000 persons and after that no more. MacDonald and Tannous had agreed that this would be the outcome of placing the regulation of Jewish immigration in Palestinian Arab hands. This was a rejection of the Palestinian Arab demand to cut off immigration entirely, but it was an endorsement of the demographic status quo. An increase of 75,000 in the Jewish population over five years would be demographically insignificant. The White Paper’s immigration quotas were meant to assist in the Jewish refugee situation, which by this point was felt around the globe, while making a strong statement that Palestine was not to be the primary place of refuge for Europe’s Jews, as MacDonald had previously stated to Tannous.

The White Paper promised a binational state in Palestine after ten years. The constitutional position of Jews and Arabs provided the real test of the White Paper’s national vision. “It should be a state in which the two peoples in Palestine, Arabs

and Jews, share authority in government in such a way that the essential interests of each are secured.”<sup>151</sup> The proposed first step would be the appointment of “Palestinians” – Jews and Arabs – to positions as heads of departments, “approximately in proportion to their respective populations.”<sup>152</sup> The heads of departments would be members of an Executive Council that would advise the High Commissioner, Harold MacMichael at the time of the White Paper’s publication.<sup>153</sup> MacMichael pushed for the implementation of the heads of departments scheme, but his entreaties were silenced by the beginning of World War II.<sup>154</sup>

The White Paper advanced a British policy that came closer than any had before to meeting Arab demands. Yet, Palestinian Arab leaders rejected the document because it did not end Jewish immigration immediately and completely and because it imposed a delay of ten years before an independent Palestine would emerge.<sup>155</sup> Arab leaders would not accept any increase in the Jewish population, nor were they willing to wait ten more years for independence. Palestinian Arab rejection of the White Paper has been the subject of much debate. The Mufti overruled other elites on the Arab Higher Committee, signaling his opposition to

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<sup>151</sup> “Palestine: Statement of Policy,” Cmd. 6019 (London, May 1939) 5.

<sup>152</sup> *Ibid.*, 7.

<sup>153</sup> See M. W. Daly, “MacMichael, Sir Harold Alfred (1882–1969),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2007,

<http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/34797> (accessed June 30, 2008).

<sup>154</sup> See Zweig, *Britain and Palestine During the Second World War*, chapter 1: “Implementing the Constitutional Provisions.” The theme of the chapter is avoiding the constitutional provisions.

<sup>155</sup> Documents detailing rejection of the White Paper by Palestinian and regional Arabs are in CO 733/411/3.

any and all agreements with Great Britain, as well as his continuing power over Palestinian Arabs, despite that he had been exiled and barred from returning to Palestine. Despite rejecting the White Paper at the time of its publication, in the years after it was implemented, especially after World War II, Palestinian Arabs insisted upon its constitutional and immigration provisions.<sup>156</sup>

The Zionist majority also rejected the White Paper because it signaled, at least symbolically, the end of the ability of the Yishuv to rescue European Jews. 75,000 certificates could not have had much impact in a crisis that endangered millions of Jews in Europe. The White Paper set immigration quotas that were to be implemented until 1944. It is not an exaggeration to say that the new immigration policy marked a new chapter in the history of the Yishuv. Under David Ben-Gurion's leadership, the Yishuv went to war against the White Paper by encouraging illegal immigration before and after World War II. When, in the aftermath of the Holocaust, the mandatory authority continued to impose immigration quotas after the five years for which the White Paper policy had been declared, the Yishuv's war against the White Paper entered its decisive phase.<sup>157</sup>

Zionist opinion had split on what should be the nature of an independent Palestine. Partition had not been the best option. The only thing to recommend it was that sovereignty would have been achieved much sooner than anticipated, if

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<sup>156</sup> See my chapters 5 and 6 on challenges to the White Paper after World War II.

<sup>157</sup> The Yishuv's War Against the White Paper is explored in chapter 6.

Britain's word could be trusted.<sup>158</sup> The Woodhead Commission and the St. James Conference in combination dealt a severe blow to the Zionists, who had debated partition up to the moment it was rescinded. Zionist leaders became aware that British policy was reorienting in the direction of the Arab world. For Zionists – especially for Chaim Weizmann who had enjoyed a close relationship with Malcolm MacDonald since the early 1930s – this meant betrayal. It signaled the end of the idea that the Jewish national home was meant to be a sovereign state, an interpretation that the Royal Commission had endorsed just two years earlier.<sup>159</sup> This betrayal, as it was viewed, led to increasing support among Zionists for a Jewish state in all of Palestine, whereas in the past this model had been supported officially by a minority of Zionists like Jabotinsky who had been described as “extremist” by British authorities.

The White Paper's constitutional provisions did not replicate the binational state that Judah L. Magnes had advocated, for he had hoped to reconcile Arab and Jewish claims and for both groups to govern Palestine on equal footing through parity. In contrast with Magnes's vision, the White Paper combined an Arab-led independent Palestine with the promise to put Jewish immigration under Arab control in five years, a clear recipe for a permanent Jewish minority of no more than thirty percent. But the White Paper did not quash Magnes's belief in the binational

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<sup>158</sup> Labor leader Berl Katznelson had argued that it would be a mistake to trust Britain's word. See Berl Katznelson, *Letters of B Katznelson* [Hebrew] (Tel Aviv, 1961), 369.

state. For Magnes the White Paper left the door open for an agreement between Jews and Arabs. Magnes wrote:

Who knows, it may even come to be realistic politics again to permit a sense of justice and decency to get the upper hand, so that the destinies of the Holy Land may be determined not from the point of view of imperialist interests, but from that of the welfare of the Holy Land and its peoples and religions.<sup>160</sup>

That Magnes still hoped to achieve rapprochement between Arabs and Jews, justice in the Holy Land, is striking.

It is perhaps because of his idealism and his refusal to be brought into the majority Zionist fold, that Magnes – as well as the binational state idea and its other adherents – are not always treated favorably in the historical record. In a review of Yossi Heller’s 2004 book on Magnes and Arab - Jewish cooperation, *From Brit Shalom to Ihud*, Israeli historian and journalist Tom Segev emphasizes that none of the organizations advocating Arab - Jewish cooperation during the mandate could claim more than 100 members at any time; and that Magnes never reached higher than an American Secretary of State in his political activities.<sup>161</sup> Contrary to Segev’s claim that Magnes had little impact on politics, this chapter has argued that Magnes’s ideas, if not Magnes the man, reached the highest levels of the British Colonial Office. His quest for cooperation between Arabs and Jews would continue

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<sup>159</sup> Earl Peel, “The Report of the Palestine Commission,” *International Affairs*, (Royal Institute of International Affairs 1931-1939), Vol, 16, No. 5. (Sep., 1937), 761-779, 762.

<sup>160</sup> Document not reprinted in full in Goren, but quoted by the editor in *Dissenter in Zion*, p 311, cited as “Draft of unpublished letter,” May 1939, MP 400.

as the Ihud Association during World War II. Magnes and members of Ihud increasingly faced criticism from supporters of the Biltmore program, which in 1942 called for the establishment of a Jewish state in all of Palestine, an idea that gained momentum and urgency, especially after the discovery of the destruction of European Jewry.

Jewish intellectuals and moderate Arabs who sought Jewish - Arab cooperation and coexistence remain important historical figures. Zionist dissenters sought not a Jewish state, but rather, as Magnes put it in 1929, “a Jewish spiritual, educational, moral, and religious center”—equality within a state neither Arab nor Jewish. They provide the counter-narrative to the story of the Zionist majority. Likewise, Izzat Tannous offers the counterpoint to the profoundly anti-British Mufti. Tannous’s story demonstrates the extent of Arab Palestinian agency not only within the mandate but also to the highest levels of the Colonial Office in London. He, more than anyone, represented the Palestinian Arab position to the Colonial Secretary, Malcolm MacDonald. It is through Magnes and Tannous that voices from within Palestine can be heard within the “MacDonald” White Paper.

MacDonald is credited – or blamed – for the White Paper, but it did not come from out of the blue, nor did it come directly from the mind of MacDonald. The proposals it put forward grew out of years of negotiations between Zionists and

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<sup>161</sup> See Tom Segev, “A binational byway,” *HaAretz*, 20/08/2004, <<<http://www.haaretz.co.il/arch/objects/pages/ArchPrintArticleEng.jhtml>>> 3/18/2007, 11:03 p.m. Needless to say it is no small thing to have met with the American Secretary of State.

Palestinian Arabs, with interjections from other Arab leaders and British commissions and statesmen. The White Paper's promise of a single state under Arab rule was conditional on peace returning to Palestine—bear in mind that the Arab Revolt had not quite ended in May 1939. Of the White Paper's three provisions, independence, land restrictions, and immigration quotas, it is the future independent government alone that was never implemented, reflecting doubt that it was a viable political model. As Prime Minister in 1940, Winston Churchill, a vocal opponent of the White Paper, established a Secret Cabinet Committee on Palestine. This group took as its starting point the partition maps drawn by the Peel Commission in 1937.

## **Chapter 3**

### **The Land Regulations of 1940: Upholding the Maps of Partition**

The White Paper introduced the Colonial Secretary Malcolm MacDonald's vision of a binational Palestine. But it is the issue of land, discussed briefly in the White Paper of 1939 with regulations following in the next year, which reveals British skepticism about an integrated binational state. The Land Regulations of 1940 followed the White Paper, dividing Palestine into three zones, where land sales to Jews were permitted, restricted, and prohibited. These regulations reveal that Britain was attempting to have it both ways: Britain would protect Arab land rights in a way that would also stop Jewish expansion into areas of Palestine where Jews had yet to settle. In so doing, the British government upheld zones of Jewish population density, in fact encouraging these areas to become more heavily populated by Jews, while impeding Jewish geographical growth. A policy designed to keep Jews where they were at the very least betrayed a preference for separate Jewish administrative districts, but more so, as partition maps from the Peel and Woodhead commissions demonstrate, concern that partition might end up being the only solution. Discussions of Chamberlain's Cabinet committee on Palestine support the idea that the White Paper's land policy grew directly from plans for

partition, not from the binational state idea.<sup>162</sup> When viewed from the perspective of the land partition remained the more plausible outcome.

Jewish land purchases in Palestine predated the British mandate. A settlement movement that began while Palestine was part of the Ottoman Empire, land purchases by individual Zionists and through the body of the Jewish National Fund, whose function it was to purchase land for Jewish settlement, continued as Britain assumed authority over the lands of Palestine.<sup>163</sup> This process involved assessing Ottoman land practices and, at times, attempting to transform what was mainly a system of “co-ownership” into one based on individual property rights.<sup>164</sup> In the first decades of British rule in Palestine, the acquisition and the corresponding loss of land widened the rift between Jews and Arabs, and would remain the key source of conflict until Jewish immigration spiked in the 1930s. Suddenly it appeared to the Arabs of Palestine not only that their lands were vulnerable, but also that they might become a minority in Palestine. The revolt of 1936 was the Palestinian Arab response to this uncertainty. The Peel Commission, which searched for the causes of the revolt, found a divide so profound between Arab and Jew that

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<sup>162</sup> Records are in CAB 104/10.

<sup>163</sup> The classic work on the Jewish National Fund is Abraham Grannot (Granovsky), *Land Policy in Palestine* (New York, 1940). The Jewish National Fund features prominently in Kenneth Stein, *The Land Question in Palestine, 1917-1939* (Chapel Hill, 1984). See also the revisionist work by Walter Lehn, *The Jewish National Fund* (London, 1988).

partition was their recommendation. The next year, the Woodhead Commission was sent to examine the feasibility of partition and found that it was “impracticable.” The White Paper of 1939 reversed the course officially by overturning partition, and with it the immediate establishment of a small Jewish state. Instead the Colonial Office prescribed a binational state under Arab rule with protections in place for the *Yishuv*, the Jewish community. As has been previously argued, the White Paper signaled a major reversal: from two states to one state, from a Jewish state to a binational state with a permanent Jewish minority.

The argument that the White Paper followed earlier partition maps takes the Peel report as a starting point. The report studied Jewish land ownership up to 1936. But it is also important to examine the developments that made it possible for Jews to establish enough of a territorial presence between 1880 and 1936 to be viewed as a viable state according to the Peel Partition Plan in 1937.<sup>165</sup> The first step is to look at law and land during the late Ottoman period to understand how developments in land code during the mid-nineteenth century, as well as local changes in practice with regards to agricultural lands in Palestine, created a situation where outsiders

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<sup>164</sup> See Roger Owen, “Defining Traditional: Some Implications of the Use of Ottoman Law in Mandatory Palestine,” *Harvard Middle Eastern and Islamic Review* 1 (1994), 2:115-131, 118. Owen discusses the British perception that *musha’* lands, or agricultural lands, were communally owned, with the interpretation that they were co-owned. In the British version, the existing system of land tenure resembled practices in medieval Europe and were seen as evidence of Middle Eastern backwardness.

could purchase property, even before the British mandatory authority assumed control of state lands. The process of British “land settlement” was as complex if not more so than the system that preceded it. In this case, “settlement” did not refer to people living on the land, but rather to reconciling questions of ownership and boundaries.<sup>166</sup> The mandatory had to develop an official understanding of the Ottoman system of land tenure, as well as how and in which cases Ottoman land categories might be altered. All of this was conducted with an eye toward the promise to establish a Jewish national home and to encourage close settlement by Jews on the land, promises Britain made to Zionists in the Balfour Declaration that were then incorporated into the text of the League of National mandate.<sup>167</sup>

Jewish purchases and settlement introduce an overlapping but distinct set of economic, strategic, and political issues. In attempting to address the strategy behind Jewish settlement, it is important to bear in mind that where Jews chose to live in

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<sup>165</sup> And a state more economically viable than its Arab counterpart. This argument would be part of the Woodhead Commission’s case against partition. For the economics of the mandate see Jacob Metzger, *The Divided Economy of Mandatory Palestine* (New York, 1998); and Amos Nadan, *The Palestinian Peasant Economy Under The Mandate: a Story of Colonial Bungling* (Cambridge, MA, 2006).

<sup>166</sup> Robert Home, “Scientific Survey and Land Settlement in British Colonialism, with Particular reference to Land Tenure Reform in the Middle East, 1920-1950,” *Planning Perspectives*, 21 (January 2006) 1-22.

<sup>167</sup> These promises are restated in the White Paper of 1939 as Britain’s obligation “To place the country under such political, administrative, and economic conditions as will secure the establishment in Palestine of a national home for the Jewish people, to facilitate Jewish immigration under suitable circumstances, and to encourage, in co-operation with the Jewish Agency, close settlement by Jews on the land.” Cmd. 6019, London, May 1939.

Palestine differed by migrant group, or *aliyah*.<sup>168</sup> Immigrants from Eastern Europe and Russia who came with the first and second *aliyot* settled in different forms of collective farming colonies, with varying degrees of private ownership. Working the land was a key part of Zionist ideology's break with the urban, ghettoized diaspora Jew.<sup>169</sup> But the German and Austrian Jews who arrived in the 1930s were not necessarily interested in becoming agriculturalists.<sup>170</sup> They chose to live in cities where they contributed to the growth of cultural capital in Palestine in the form of symphonies and theater, not to mention Hebrew University, whose faculty came mostly from Germany.<sup>171</sup> The arrival of these Central European, previously assimilated Jews complicated the landscape; their presence in major cities, especially Tel Aviv, was to determine boundaries in a series of plans for breaking up Palestine—into cantons, at first, and later into two states.<sup>172</sup> The Jewish presence in Palestine was both rural and urban. The White Paper and the land regulations that

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<sup>168</sup> *Aliyah*, plural *aliyot*, literally ascending; describes immigration to Palestine and also refers to a wave of immigrants in a certain time period. There were six *aliyot* before 1948. See Zeev Sternhell, *The Founding Myths of Israel: Nationalism, Socialism, and the Making of the Jewish State*, translated by David Maisel (Princeton, 1998).

<sup>169</sup> See Efraim Ben-Zadok, "National Planning—The Critical Neglected Link: One Hundred Years of Jewish Settlement in Israel," *International Journal of Middle East Studies*, Vol. 17, No. 3 (August 1985), 329-345.

<sup>170</sup> Twenty-five percent of immigrants from the fifth *aliyah* settled in rural areas; the remaining 75% contribute to the growth of cities in Palestine. See Howard Sachar, *A History of Israel*, (New York, [1976-1987, 1996] 2003), 189.

<sup>171</sup> See Steven E. Aschheim, *Beyond the Border: The German-Jewish Legacy Abroad* (Princeton, 2007), chapter 1, "*Bildung* in Palestine."

<sup>172</sup> For cantonization, see Roza el-Eini, *Mandated Landscapes: British Imperial Rule In Palestine, 1929-1948* (London, 2006), 317.

grew from it followed the maps of Jewish settlement. The story of the contest for land in the mandate is equally one of the city and of the countryside.

The penultimate section of the chapter searches for the origins of the White Paper's land provisions and the land regulations that were passed in February 1940. Not without a fight was Malcolm MacDonald, the Colonial Secretary, able to push through another measure in Palestine that reinforced the White Paper, further articulating the reversal of British policy toward the Yishuv.<sup>173</sup> Malcolm MacDonald, Colonial Secretary from 1938 to 1940 and son of the Prime Minister Ramsay MacDonald, had been a close associate of Chaim Weizmann and was known to have been a supporter of the Jewish national home. During his tenure at the helm of the Colonial Office, MacDonald became more interested in hearing the Palestinian Arabs' case. His openness to viewing the mandate from multiple perspectives ultimately won him few friends on either side. Zionists blamed him for the White Paper; Palestinian Arabs blamed him for not going far enough in support of their cause. MacDonald followed existing models of the binational state to create the vision of a unified Palestine found in the White Paper, but he looked to the Peel and Woodhead partition plans to define the new land law.

Finally, Jewish critics were prolific and articulate in their objection to what they saw as the British government's attempt to push them back into a ghetto existence, into containment in urban centers, in other words, once again to alienate

Jews from the land. At the same time, a policy that was justified as a protection for Palestinian Arab *fellahin* was openly flouted as land sales to Jews continued. Because these policies were so widely circumvented, the land regulations are often left out or mentioned only briefly in histories of the mandate, even in discussions of the White Paper.<sup>174</sup> Regardless of the extent to which they were or were not implemented, the land regulations remain important because of what they reveal about the outlook for a binational state. The land regulations were the tell in the high stakes game Britain played by propagating the White Paper policy. Despite the great bluff – proclaimed support for a binational state – the land policy would leave partition in play.

#### **OTTOMAN LAND LAW AND BRITISH LAND “SETTLEMENT”**

With the Palestine Mandate Britain inherited both laws and traditions of land tenure from the Ottoman Empire. Laws came straight from the Ottoman land code of 1858. A policy of a recent era, land reform had been a centerpiece of the *Tanzimat* reforms of the mid-nineteenth century, a movement that among other provisions had dispensed with the long-standing practice of treating religious

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<sup>173</sup> Parliamentary Debates, Fifth Series-Volume 357: 6 Feb 1940–1 March 1940 (London, 1940), 2057-2060.

<sup>174</sup> See Ronald W. Zweig, *Britain and Palestine*, 2.

minorities as separate communities, with mixed results.<sup>175</sup> The land code of 1858 similarly sought to create equal access to land ownership, but it had the reverse of its desired effect, especially in Greater Syria, where the new law made it possible for “local strongmen, merchants or others,” often urban notables, to purchase state lands for commercial farming.<sup>176</sup> But there is another layer to the land system Britain found upon arrival, and that is the local reality. While the Ottoman Land Code applied to all areas of the Empire, land practices varied from place to place. This was still the case after World War I, when Britain assumed control of a number of former Ottoman territories under League of Nations mandate. One of the first tasks was to reconcile issues of borders and ownership, a process known as “land settlement.” The success of this endeavor depended upon Ottoman law and an understanding of the particular ways land functioned in Palestine.

The story of the mandatory authority’s dealings with land in Palestine transcends the rivalry between Jews and Arabs to reveal the role of stereotypes of

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<sup>175</sup> See Donald Quataert, “The Age of Reforms, 1812-1914,” in Halil Inalcik with Donald Quataert, eds, *An Economic and Social History of the Ottoman Empire, Volume Two, 1600-1914* (Cambridge, 1994), Part IV, 759-943. For a treatment that specifically looks at reform in Ottoman Syria and Palestine, see Moshe Ma’oz, *Ottoman Reform in Syria and Palestine 1840-1861: the Impact of the Tanzimat on Politics and Society* (Oxford, 1968).

<sup>176</sup> See Owen, “Defining Traditional,” 116. The greater intent of the Ottoman Land Code was to streamline tax collection.

backwardness in the defining of British policy.<sup>177</sup> Yet it is no coincidence that the lands that most vexed British surveyors were also those most sought after by Jewish colonizers, as they were known at the time without the post-colonial baggage that the term now carries. Through “land settlement” the mandatory sought to discover who owned pieces of agricultural land, particularly the land known as *musha*’. Musha’ land, consistently defined as communally-owned land in British documents, covered much of the coastal plains of Palestine and accounted for one-half of the cultivated land at the time of Britain’s arrival in Palestine.<sup>178</sup> The British land regime consistently equated *musha*’ with medieval European communal land ownership. Through the process of land settlement, the mandatory sought to bring Palestine out of what it understood to be a “feudal” or “semi-feudal” state.<sup>179</sup> But even some contemporary observers recognized *musha*’ as co-ownership, land with multiple owners versus communal land with no clear owner.

The joint ownership of Ottoman Law is analogous to that known to English lawyers as Tenancy in Common. . . . This type of ownership must be carefully distinguished from the true ‘joint tenancy’ of English Law.

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<sup>177</sup> As Historian Martin Bunton commented: “Concentrating too heavily on the politics of the Jewish national home, and on the struggles between Arab and Jew, risks denying the overall subject of rural property during the mandate of its own history, with its many winding paths and lack of final destinations. A review of the published law reports during the mandate reveals the significance of land disputes that took place not as formative political struggles between Arab and Jew, but between government and land-owners, or among Arab landowners themselves.” Bunton, *Colonial Land Politics in Palestine 1917-1936* (Oxford, 2007).

<sup>178</sup> Owen, *Defining Traditional*, 115.

<sup>179</sup> *Ibid*, 122. Owen’s argument is that the British in Palestine willfully misunderstood *musha*’.

Joint tenants, as distinguished from tenants in common, do not (in English Law) own separate undivided shares but all together own the whole property. As they do not hold separate shares the death of any one joint tenant will cause the interests of the deceased to accrue by operation of law to the survivors.

This form of joint ownership is unknown in Ottoman Law. . .<sup>180</sup>

Despite expert testimony that contradicted the idea that Palestinian Arab agricultural land was communally owned – a throwback to medieval England – British leaders persisted in this idea.

But the confusion went beyond a misunderstanding of practice. The local context becomes relevant in the case of Palestine's *musha'* lands. Prior to the Ottoman Land Code of 1858, a feature of *musha'* was that lands periodically were redistributed among the multiple owners, as a check on any one owner holding and regularly working the best land. But by the time of the British Mandate, much of the *musha'* land had ceased to be redistributed, and a good deal of it was held by one owner.<sup>181</sup> The unintended consequence of the 1858 Land Code were the opening up of agricultural land for buying and selling. Thus these *musha'* lands, now in the hands of one owner, perhaps a wealthy urbanite living outside of Palestine, became a stage for the various conflicts that emerged before the mandate and festered during the years of British rule. The history of *musha'* provides a crucial piece of the story of the Yishuv's establishment of a geographical foothold in Palestine. The location

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<sup>180</sup> Frederic M. Goadby and Moses J. Doukhan, *The Land Law of Palestine* (Tel-Aviv, 1935) 199. The authors were commissioned in 1927 to publish a study of Ottoman Land Law and its practice with regards to land in the British Mandate. The 1935 edition is a reworking of the earlier statement.

of Jewish settlements – many of which were built upon musha' land on the coastal plains of Palestine – defines the partition maps of the 1930s and the land regulations that followed the White Paper.<sup>182</sup>

### **ZIONIST COLONIZATION OF PALESTINE, 1880-1936**

Theodore Herzl, the founder of political Zionism, visited Istanbul in 1896, on a diplomatic mission to gain official Ottoman support for the Jewish colonization of Palestine.<sup>183</sup> Aware that European debtors suffocated the once-great Empire, Herzl attempted to make an arrangement with Sultan Abdul Hamid II: permit Jews to settle in Palestine in exchange for a lump sum payment that might assist the Ottoman government in their time of great economic weakness. But the Sultan was not swayed. He was concerned that the Zionists, at this point newly organized into a political group, sought to acquire land in Palestine as a first step toward expanding throughout Greater Syria or at the very least establishing a Zionist government over all of Palestine.<sup>184</sup> The Sultan also feared that by allowing Zionists into Palestine he

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<sup>181</sup> This interpretation is taken from Owen, "Defining Traditional."

<sup>182</sup> See Maps of Jewish settlement at the end of this chapter.

<sup>183</sup> See Mim Kemal Öke, "The Ottoman Empire, Zionism, and the Questions of Palestine (1880-1908), *International Journal of Middle East Studies* 14 (1982), 329-341. Öke gives a very good summary of Jewish colonization in Palestine during the late Ottoman period and how it succeeded despite government efforts, from Istanbul and locally, to stop it.

<sup>184</sup> *Ibid.*, 331. These fears would echo in the Mandate, as Palestinian Arabs noted the growth of the Zionist population and its control of certain territory.

might invite further European infiltration and influence, especially as the European presence related to practices associated with capitulations.<sup>185</sup>

By the 1800s, the capitulations, an incentive that had been given to Europeans centuries earlier at the height of the Ottoman Empire's power, had now been turned against the Ottoman government.<sup>186</sup> Europeans could extend protection to Ottoman subjects, undermining the Sultan's sway over residents of the Empire. As early as 1882, even before Herzl's diplomatic forays, from Istanbul came laws limiting the access of foreign Jews to Palestine. Beyond limiting the time Jews were permitted to stay in Palestine, there were new laws aimed at stopping foreign Jews from purchasing land in Palestine, a policy that left the door open for European Zionists to circumvent the laws by operating through Ottoman Jewish middle men. This loophole was discovered and soon closed by new legislation from Istanbul forbidding any Jew to buy land in Palestine. Yet despite Herzl's diplomatic failure, with the support of the Great Powers, by the onset of World War I, 80,000 Jews had immigrated to Palestine, helped by European backers and the system of capitulations.

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<sup>185</sup> Ibid., 333

<sup>186</sup> See Ma'oz for an explanation of the commercial reforms of the Tanzimat in the context of capitulations: "The major reforms of the Tanzimat regarding commerce – the commercial legislation and institutions – were initiated largely under European pressure and direction, and served, in fact, to reinforce the foreign privileges as acquired by the capitulations." *Ottoman Reform*, 173.

The 80,000 Jews were the immigrants of the first and second *aliyot*.<sup>187</sup> The concept of the six aliyot that predated the establishment of Israel is usually used to demarcate ideological position, in some cases the purity of Zionist belief. The first aliyah, 1881-1904, included the *Hovavei Zion*, the Lovers of Zion, Jews who came to Palestine even before Herzl brought the movement to the international stage.<sup>188</sup> These first immigrants purchased land and established 19 agricultural settlements that would have failed completely if not for financial support from Europe.<sup>189</sup> The immigrants of the second aliyah, 1904-14, epitomized the Zionist pioneer, remaking body and nation by working the land of Palestine. Among them were the men and women who would become the first leaders of the state of Israel. For our purpose, the most important distinction is ideological only in the sense that the Zionism of the early aliyot called for a return to the land. This muscular Zionism rejected the weakness of the Diaspora's urban existence.<sup>190</sup> These immigrants thus settled in rural colonies along the coastal plains and in the Galilee and became involved in agriculture, in so doing establishing a firm foothold in Palestine despite the best efforts from Istanbul and local Ottoman officials to stop this from happening.

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<sup>187</sup> The years of the aliyot were: First, 1880s and 1890s; second, 1904-1914; third, 1919-1923; fourth, 1924-1926; fifth, 1933-1939. In Sternhell, *The Founding Myths of Israel*.

<sup>188</sup> For further reading on the aliyot and their ideological significance, see Sachar, *History of Israel*, and Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881-1948* (New York, 1992). See also Sternhell, *The Founding Myths of Israel*.

<sup>189</sup> See Ben-Zadok. "National Planning," 332-333.

<sup>190</sup> See George L Mosse, "Max Nordau, Liberalism, and the New Jew." *Journal of Contemporary History* 27.4 (October 1992): 565-581, 570. Mosse's discussion revolves around the work of Max Nordau, beginning with his most famous book, *Degeneration* (New York, 1968). See also Sander Gilman, *The Jew's Body* (New York, 1991).

Muscular Zionism was motivated by self-diagnosed Jewish short-comings. Zionist sociologists in the early 20th century were among the early proponents of racial science. Racial science of the turn of the twentieth century posited a Jewish race with certain facial and physical characteristics as well as a certain disposition. For the most part, this was a cataloguing of inadequacies including small stature, near-sightedness, and lack of muscle. The relevance of these debates for the present work is that Zionism from its earliest decades internalized certain ideas of what a Jew was. Whether Jewish inadequacies were attributed to race or to environment, brought on by the ghetto life or assimilation, Jews believed themselves to be a degenerate race, therefore in need of regeneration. Zionists envisioned regeneration through a connection to the land, through productive labor that would transform muscles from weak to strong.

But by the fifth aliyah, 1932-1936, which included large numbers of Jews fleeing Germany, Austria, and Czechoslovakia, immigrants sought not to work the land, but to replicate the life they had left behind, in some cases in major European cities. The numbers are striking. In 1932 there were 185,000 Jews in Palestine. In 1935 the population had more than doubled to 375,000. Fully one-half of the newcomers settled in Tel Aviv.<sup>191</sup> Jewish populations of other major cities—

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<sup>191</sup> Tel Aviv during the mandate has been the subject of several recent studies. See Mark LeVine, *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine 1880-1948* (Berkeley, 2005); and Maoz Azaryahu, *Tel Aviv: Mythography of a City* (Syracuse, 2007); Barbara Mann, *A Place in History: Modernism, Tel Aviv, and the Creation of Jewish Urban Space* (Stanford, 2006).

Jerusalem, Haifa, Safed, and Tiberias, also surged.<sup>192</sup> The story of the aliyot is thus the story of Jews establishing a foothold not only in the agricultural lands of the coastal plains and the Galilee but also of building the cities of Palestine.

The counter-narrative to the Jewish colonization of Palestine is the story of Arab responses to the Jewish presence on the level of land. This discussion takes on economic and geographical aspects because Jewish agriculture led to a boom as well as to the displacement of Arab fellahin from farms to urban centers. This is the story of Palestinian Arab dispossession, the prelude to the situation that persists to this day. But even at the time of the mandate it was a controversial subject.<sup>193</sup> The mandatory government, continuing to work from the Ottoman Land Code, failed to understand with any clarity *musha'* land and the issue of ownership. Nevertheless, the government, under the guidance of a series of expert commissions, took steps legally to protect the rights of Palestinian Arab agriculturalists from loss of property and livelihood. These steps failed, because they consistently addressed the issue of Arab landlessness rather than its root causes.

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<sup>192</sup> Sachar, *History of Israel*.

<sup>193</sup> The debate over Palestinian Arab dispossession persists in the historiography. For an explicit Zionist position see Arie L. Avneri, *The Claim of Dispossession, Jewish Land-Settlement and the Arabs 1878-1948* (London, 1984). For a demonstration of the intensity of the debate, see exchange between Kenneth Stein and Rashid Khalidi in "Letters," *Journal of Palestine Studies*, Vol. 17, No. 4 (Summer, 1988), 252-256. The historiographical dispute was over the sale of land to Jews during the Mandate and whether or not that is a legitimate stopping point for the discussion. Khalidi suggests that the works of the Israeli New Historians, including Benny Morris and Avi Shlaim, give a more balanced account by looking at land in 1947 and after the establishment of Israel in 1948.

### **THE WHITE PAPER AND LAND: CONTINUITY OR REVERSAL?**

Just as it is important to understand how Jews established a foothold in Palestine, it is also important not to treat the White Paper's land policy as if it were without precedent. Indeed a number of commissions had examined the problem of Arab landlessness throughout the period of the mandate, but rarely had the government endorsed recommendations that undercut the mandatory government's relationship with the Yishuv, despite an awareness since 1922 and especially since 1929 that land was the main cause of conflict between Palestine's peoples. Arab suspicion of the British authority continued to build in all levels of society. In 1933, Arab notables of Nablus described "the mentality prevalent amongst the Arabs" in a letter to the British High Commissioner of Palestine: "It will not be an exaggeration to say that the anxiety which is now overwhelming the Arabs in the country in view of increased Jewish immigration has reached a degree where any Arab seriously feels the necessity of resistance in order to protect his existence."<sup>194</sup> In October 1933, Arab notables staged protests in Jerusalem, Jaffa, Haifa, and Nablus against Jewish immigration and land purchases, all made possible by the laws of the Mandate.<sup>195</sup>

Still it is difficult to ascertain the true extent of Arab displacement brought about by land sales to Jews. In a letter to the Secretary of State for the Colonies, High Commissioner for Palestine, Arthur Wauchop estimated that there were 889

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<sup>194</sup> Arab Notables of Nablus to High Commissioner, Sept 30, 1933. CO 733/248/17.

<sup>195</sup> See Kolinsky, *Law, Order and Riots*, 224.

landless Arab families.<sup>196</sup> This number emanated from a joint study conducted by the Department of Development, a legal assessor, and “in consultation with the Executive of the Jewish Agency.” Wauchope went on to list six “classes of person” who were excluded from the count of landless Arabs, for example “persons who, on account of poverty or other reasons subsequent to the sale of the land from which they were displaced, obtained land but have since ceased to cultivate,” and “persons who have equally satisfactory occupation although landless.” Wauchope admitted, “This rigorous definition has probably served to reduce the number of registered Arabs to a figure which may be far from representing the real situation.”<sup>197</sup>

The fifth aliyah brought a wave of immigration in the 1930s that included Jews from Germany, Austria, and Czechoslovakia, as well as from Poland, leading to a rapid increase in Jewish population in urban and rural areas. This was a primary cause for the mandate-wide peasant rebellion that had been building for over a decade. The 1936 revolt was a reaction to the rapid growth of the Yishuv and to a Mandatory Authority that showed preference for its development at the expense of Palestinian Arabs. Unlike the riots at the Western Wall in 1929 and subsequent protests, which occurred within a relatively contained geography, the 1936 revolt

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<sup>196</sup> Wauchope to Cunliffe-Lister, 25 December, 1933, TNA CO 733/254/8. General Sir Arthur Wauchope served as High Commissioner of Palestine from 1931 to 1938. Prior to his arrival in Palestine he was posted to Ireland. Despite a sincere interest in fairness and efforts to introduce a constitution for Palestine, he is best remembered for allowing hundreds of thousands of Jews into Palestine in the mid-1930s.

<sup>197</sup> Ibid.

spread across all of Palestine.<sup>198</sup> Unlike previous protests that had targeted Jews specifically, this sustained rebellion was aimed also at British authorities and British citizens working for the Mandatory government. This uprising is an early example of bottom-up Palestinian Arab solidarity. Urban notables supported the revolt only after it had engaged much of the rural population. The British authority, not able to rely on assistance from Arab leaders, did not have the manpower to protect themselves, let alone the Jewish settlements. The Yishuv's military organization, the Haganah, also failed adequately to protect its own.<sup>199</sup>

The Royal Commission, often called the Peel Commission after its chairman Earl Peel, traveled to Palestine in November 1936.<sup>200</sup> The Commission arrived in Palestine in November of 1936 and remained until January 1937. During their time in Palestine, members interviewed Jewish leaders from across the political spectrum, but were unable to meet with Palestinian Arab leaders until near the end of their time there. Zionist leaders Chaim Weizmann and David Ben-Gurion appeared before the Commission multiple times to discuss the possible solutions in Palestine, among them how best to deal with the land. With Weizmann specifically, Reginald Coupland suggested creative policies which were both political and

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<sup>198</sup> See Ted Swedenburg, *Memories of Revolt: The 1936-1939 Rebellion and the Palestinian National Past* (Minneapolis, 1995).

<sup>199</sup> See Avigur Shaul, ed., *Toldot Hahagana: History of the Haganah* [Hebrew] (Tel Aviv, 1955), 1317-1323.

<sup>200</sup> Members of the Royal Commission were William Robert Wellesley (Earl Peel), Sir Horace George Montagu Rumbold, Sir Egbert Laurie Lucas Hammond, Sir William Morris Carter, Sir Harold Morris, and Professor Reginald Coupland.

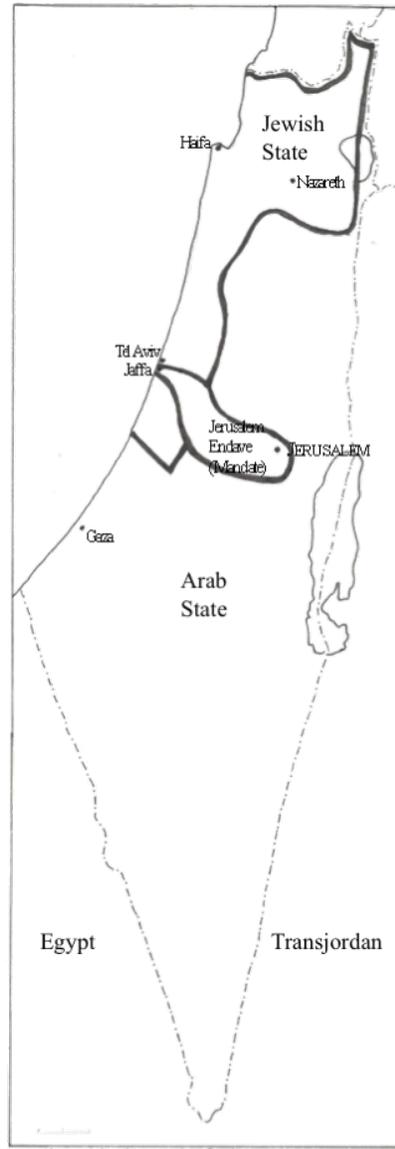
territorial.<sup>201</sup> Cantonization would establish separate Arab and Jewish zones, cantons, leaving the mandatory as an umbrella government. But the discussion of cantons was a prelude to Coupland's truly revolutionary idea: partition.<sup>202</sup> Partition went one further than cantonization by dividing Palestine into just two areas of self-government, a plan that would necessitate transfer of a large Arab population, not to mention extensive Arab land-holdings, from Jewish territory. Partition would end the mandate, other than over a small corridor drawn from Jerusalem to Jaffa to protect international and British interests. Although the commission recognized the logistical difficulties of partition, they believed it to be the only chance for lasting peace. The assumption was that Arab objection to a small Jewish state would not be so great as to doom the endeavor.

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<sup>201</sup> Sachar describes Coupland as "a tenacious advocate of unorthodox ideas," *History of Israel*, 202, 203.

<sup>202</sup> See Itzhak Galnoor, *The Partition of Palestine : Decision Crossroads in the Zionist Movement*, Albany, 1995, chapter 2, for a detailed discussion of cantonization versus partition.

Map 3.1 Peel Partition Plan, 1937<sup>203</sup>



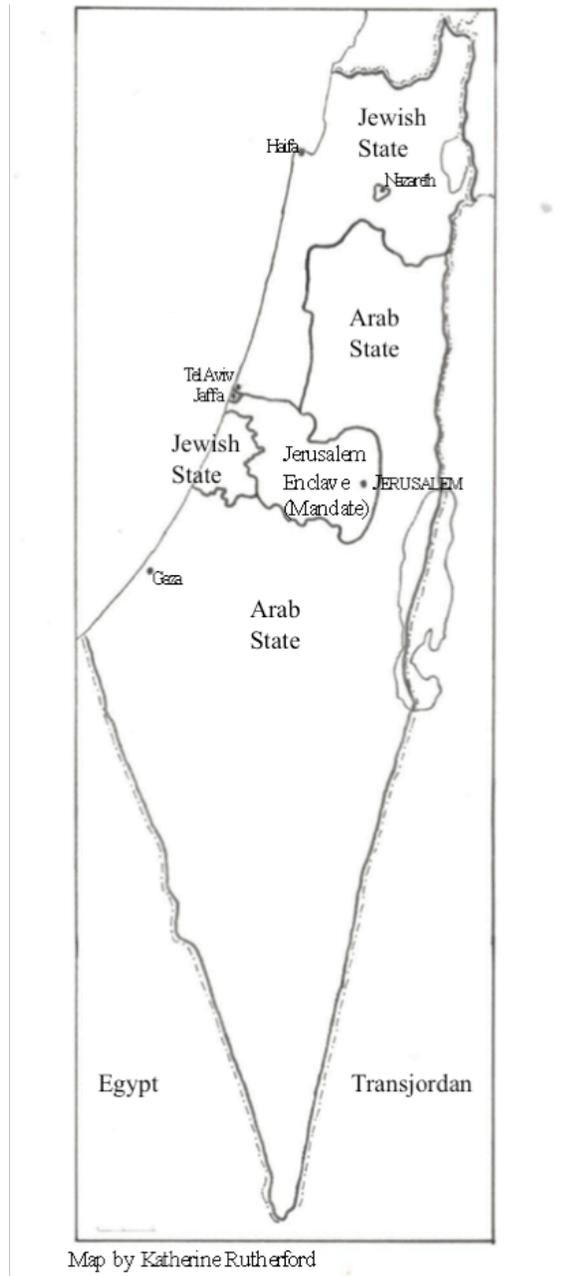
<sup>203</sup> Based on *Palestine: Royal Commission Report*, Map 8

But partition was a risky proposition, especially in the aftermath of the Peel report's publication, when the revolt inside Palestine resumed and grew more violent. It appeared even riskier when viewed through regional considerations and threats from within Europe. British policymakers feared the power of pan-Arab solidarity and beyond that the even greater threat of pan-Islam. A resistance movement by India's Muslims would strike the empire where it mattered most. Thus before the Peel proposal was implemented the Woodhead Commission was sent to Palestine to consider the fine points of partition in technical terms. Indeed they had been sent to reconsider partition.<sup>204</sup> This they did by drawing three different maps to demonstrate that in no case was there a model of partition that would not include a large Arab minority within the Jewish state. Nor would it have been possible to establish an economically viable Arab state that would not have relied on subvention from the Jewish state.

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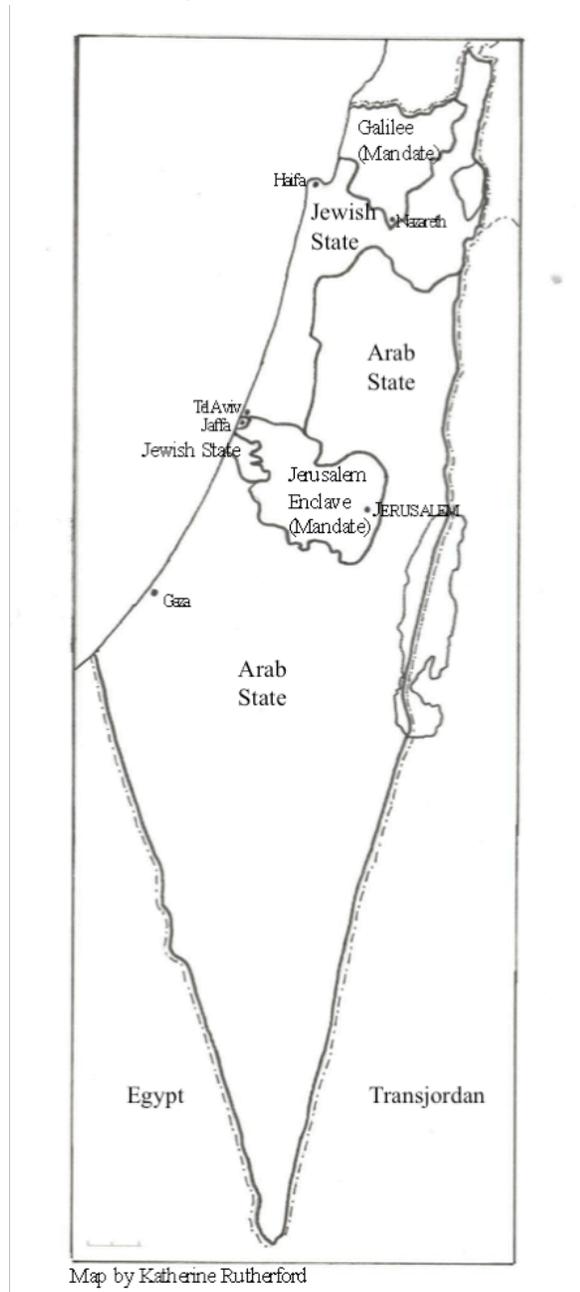
<sup>204</sup> See T.G. Fraser, "A Crisis of Leadership: Weizmann and the Zionist Reactions to the Peel Commission's Proposals, 1937-8," *Journal of Contemporary History*, Vol. 23, No. 4 (October 1988), 657-680.

Map 3.2: Woodhead Partition Plan A, 1938<sup>205</sup>



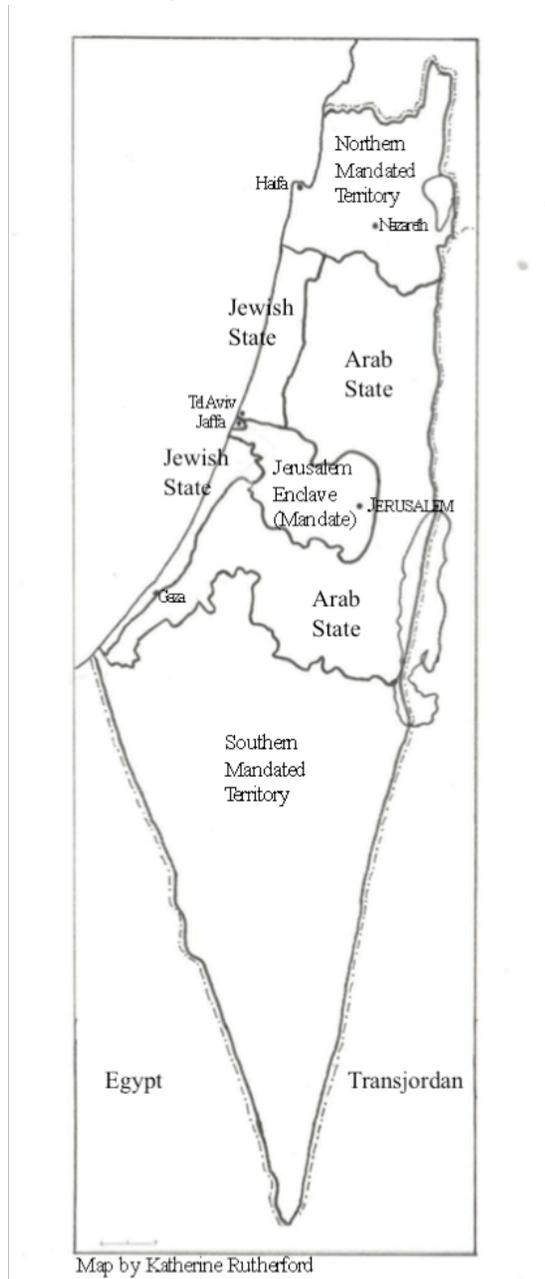
<sup>205</sup> Based on *Woodhead Report*, Map 8. Note the small zone around Jaffa allocated to the Arab State

Map 3.3: Woodhead Partition Plan B, 1938<sup>206</sup>



<sup>206</sup> Based on *Woodhead Report*, Map 9, again the zone around Jaffa is allocated to the Arab State.

Map 3.4: Woodhead Partition Plan C, 1938<sup>207</sup>



<sup>207</sup> Based on *Woodhead Report*, Map 10, again with the zone around Jaffa designated as an Arab State.

Before the Woodhead report was published, Prime Minister Chamberlain's Cabinet Committee on Palestine met to plan their next step. They called for a round table conference to be held as soon as it could be arranged with delegates representing Palestinian Arabs, Arab states, the Jewish Agency, and the British government. A delay was unavoidable in the case of Palestinian Arab leaders who had been exiled to the Seychelles but who would be brought from their detention to participate in the talks.<sup>208</sup> Although the Colonial Secretary, Malcolm MacDonald, doubted that the conference would succeed in brokering an agreement between Jews and Arabs, he believed that there was at least some possibility.<sup>209</sup> In the event that the talks failed, he would be in a position to announce his own policy. The St. James Conference, held between February and March of 1939, failed to produce agreement. Rarely did Arab and Jew sit in the same meeting—the conference proceedings resembled the status quo in Palestine. As they had for decades in the Mandate, Britain dealt with Jews and Arabs separately.<sup>210</sup> These weeks of talks gave Malcolm MacDonald an opportunity to assess the big picture. Which policies would go further to meet Arab grievances? How far could the Jews be pushed?<sup>211</sup>

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<sup>208</sup> On the exile of Palestinian Arab leaders associated with the Revolt and their return to Palestine after 1939, see Ronald W. Zweig, *Britain and Palestine*, chapter 1.

<sup>209</sup> "Interview with Musa Bey el Alami," prepared by the Secretary of State for the Colonies, Malcolm MacDonald, in CAB 104/8.

<sup>210</sup> See Bernard Wasserstein, *The British in Palestine*.

<sup>211</sup> Sachar describes the Jewish position as one of "helplessness:" "This Jewish helplessness, the lack of Jewish choice, was manifestly the circumstance upon which the British depended, and it was their strategy behind the White Paper." Sachar, *History of Israel*, 225.

The Woodhead Commission's maps demonstrated the absurdity of attempting to divide Palestine equitably, accounting for the Jewish and Arab areas as well as economic factors. The distance between the Woodhead report and the White Paper can be measured in meetings that took place between November 1938, when the Woodhead report was published, and April 1939, when the draft of the White Paper was in final revisions. Following the conference, Chamberlain's cabinet considered several drafts of the White Paper. With the exception of its constitutional provisions, which were a reversal of partition, following from the Woodhead report, the White Paper was faithful to the Peel Report in its land and immigration sections, with slight alterations to reflect the temper of the Arabs at the St. James conference. In an early draft of the White Paper, the land section read: "The High Commissioner would be given general powers to prohibit and regulate transfers of land. The High Commissioner would be instructed to fix areas in which transfer was to be permitted freely, regulated, or prohibited, in the light of the findings of the Peel and Woodhead Reports."<sup>212</sup> In this version, the document admits that land restrictions will emanate from previous commissions, Peel and Woodhead, in other words, from maps of partition. The Peel report had already disclosed that the boundaries of their partition map were based on areas of Jewish settlement. Woodhead had found partition impracticable, but it had not questioned

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<sup>212</sup> "Statement by the Secretary of State for the Colonies on the Substance of his Majesty's Government's Proposals," a draft of the White Paper of 1939 stamped 22 March 1939, but prepared

the idea that the Yishuv should be contained geographically. This was the underlying logic behind the land section in the White Paper, an intentionally vague passage that was elaborated in 1940.

The White Paper described the land problem as viewed by British authorities in 1939:

The Reports of several expert Commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created.<sup>213</sup>

The final version no longer included explicit reference to Peel and Woodhead, but it did acknowledge that the White Paper built upon decades of examining the land question and upon several years of recent debate over partitioning Palestine into two states. The discussions of Chamberlain's Cabinet Committee on Palestine and the zones that correspond with the 1940 land regulations indicate that the Peel and Woodhead plans had provided the maps for this new policy.<sup>214</sup>

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earlier during the St. James conference. In CAB 104/10. The document begins with the suggestion that an independent Palestine might be "of a federal nature."

<sup>213</sup> Cmd. 6019, London, May 1939.

<sup>214</sup> See Roza el-Eini, *Mandated Landscapes*, chapter 4. This book so thoroughly covers the question of land in Palestine under British rule it functions as a reference work.

## **THE LAND REGULATIONS OF 1940**

In a note dated January 1939, but written in January 1940, Malcolm MacDonald wrote to Prime Minister Neville Chamberlain. MacDonald suggested that they might circumvent Winston Churchill's public objections to the White Paper by focusing attention on land proposals rather than immigration. He wrote:

The debate in the House – which I fear is inevitable in view of the Labour Party's attitude – would be on this land issue only. This would avoid Winston being put in a position where he had to define any attitude on the immigration question, which is the matter on which he disagrees with us. I doubt whether, in his heart of hearts, he disagrees with the land policy; he certainly regards it as consistent with the Mandate. . . .<sup>215</sup>

Land regulations became the focus of much discussion—it is interesting to think of this as a way of avoiding the more controversial topic of immigration, as MacDonald's note to Chamberlain suggests that it might have been. The Land Regulations were presented as an answer to the “landless Arab problem.”<sup>216</sup> Published as a letter to General Smuts, Secretary-General of the League of Nations, the regulations established restricted, prohibited, and free zones for transfer of land from Arab to Jew.<sup>217</sup> The text contains the logic behind this policy, anticipating the Zionist criticism:

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<sup>215</sup> Hand written note, misdated January 16, 1939. MacDonald to Chamberlain in PREM 1/420.

<sup>216</sup> “Draft Message for General Smuts from the Secretary of State for Dominion Affairs and the Secretary of State for the Colonies,” undated but refers to a February 21 letter; contains the text of the Land Transfer Regulations which would be published one week later. In PREM 1/420.

<sup>217</sup> Palestine Land Transfers Regulations. Letter to the Secretary-General of the League of Nations, London, 28 February 1940. London, 1940. Cmd. 6180

It cannot reasonably be argued that these restrictions will involve undue limitation on Jewish development. Land purchases will not be stopped; they can be continued on a considerable scale in many areas which contain very good land. There is room as well for considerable additional Jewish settlement on the land which the Jews already own.<sup>218</sup>

MacDonald hoped that the zone of free transfer and settlement would satisfy Zionist critics. But the location of this zone in an area already dense with Jewish population, led to a response that was quite the opposite.

Leaders of the Jewish Agency were outspoken in their criticism of the Land Regulations. Criticisms were pragmatic, but often phrased in emotional terms. Ben-Gurion wrote of three grounds for objection to the land regulations. He first argued that the restrictions were based on “racial discrimination as between Jews and non-Jews in Palestine,” and that they would “limit Jewish colonization to a pale of settlement.”<sup>219</sup> Ben-Gurion questioned the premise that the Arab rural population wished for land sales to Jews to be restricted. Lastly, he wondered why Britain would take action further to alienate the Jews. A Jewish Agency publication the next month summarized the Zionist interpretation: “While it is claimed for the new policy that it is designed to establish peace and cooperation between Jews and Arabs, the regulations are bound to widen the gulf between the two communities and to prevent any cooperation between them in the important sector of

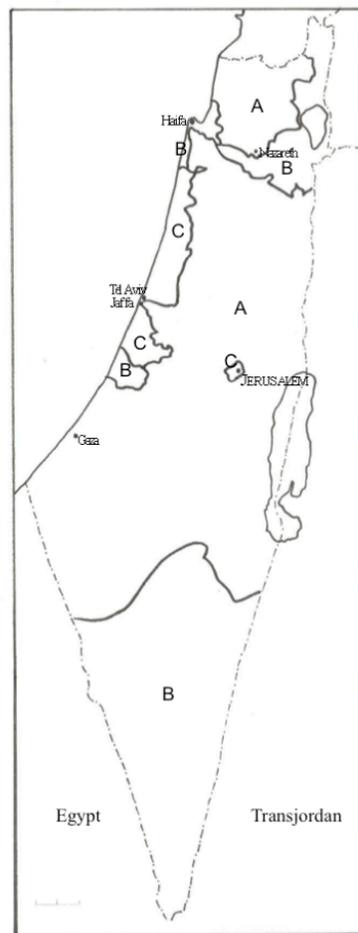
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<sup>218</sup> “Draft Message for Smuts,” 3.

<sup>219</sup> David Ben Gurion to Viscount Samuel, February 14, 1940, ISA 574-6P.

agriculture.”<sup>220</sup> Already in March 1940 it was apparent that the land regulations were more likely to divide than unite.

Map 3.5: The Land Regulations of 1940<sup>221</sup>



Map by Katherine Rutherford

<sup>220</sup> Jewish Agency for Palestine, “Documents and Correspondence Relating to Palestine, August 1939 to March 1940,” London, March, 1940, in CZA S25/7679.

<sup>221</sup> Based on “Palestine Index to Villages and Settlements” in el-Eini, *Mandated Landscapes*, 262. Land transfers were permitted in Zone C, restricted in Zone B, and prohibited in Zone A.

Ben-Gurion's comment that Palestinian Arabs did not wish to cease sales of land to Jews was supported by what came to pass in the years of World War II, when the land regulations were widely flouted. The ability to circumvent the new laws was crucial to the Yishuv, whose new settlement patterns involved strategic rather than economic calculation. During the Arab Revolt, 55 new Jewish farm communities, mostly kibbutzim, had been established in areas where previously there had been no Jews.<sup>222</sup> During the war, areas of Jewish settlement further expanded into the restricted and prohibited zones. Complaints among Arabs of illegal sales to Jews fill the files of the Land Sales Enquiry Commission, now held at the Israel State Archives.<sup>223</sup> Indeed the Jewish Agency believed, based on the example of the Peel Report, that Jewish settlements would determine the boundaries of a Jewish State. Like the British government, the Jewish Agency believed partition to be more plausible than a binational state—from their perspective the first option was far better than the second.<sup>224</sup> To increase their chances of achieving a larger Jewish state, the Jewish National Fund as well as individual Jews continued to buy land in the restricted and prohibited zones after the publication of the 1940 Land Regulations.

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<sup>222</sup> Sachar, *History of Israel*, 216.

<sup>223</sup> For example, see Ramadan Mohammad al-Alami, Jaffa, to The Chairman of the Land Sales Enquiry Commission, Jerusalem, 13th June, 1945, ISA 397/M-19.

<sup>224</sup> This was true to the point when the Biltmore Program, in 1942, called for a Jewish state in all of Palestine.

## **CONCLUSION**

Twelve inquiries into the question of land were conducted, officially and otherwise, between 1920 and 1935.<sup>225</sup> Despite attempts that had been made to address Palestinian Arab grievances, while retaining the Ottoman Land Code, the mandatory had been unable to control land sales between Arabs and from Arabs to Jews. The main issue was that often the farmers who worked the land did not in fact own the land. This led to instability for Palestinian Arab fellahin, whose livelihood was conditional on the land they worked not being sold out from under them. This was the situation as it had developed during Ottoman time, exacerbated by increasing interest in buying land that in turn caused property values to rise. Of all of the characters dealing with land in Palestine, it was the Palestinian farmer who faced the greatest uncertainty. The fellahin had been the subject of most British efforts to address the land question. But because resulting policies addressed the symptom but not the underlying cause, a series of legislative acts – including the Land Regulations of 1940–failed to improve the situation.

Winston Churchill assumed power in May 1940. A vocal opponent of the White Paper, which he condemned as appeasement, Churchill had been unable to stop the land regulations from being passed in February 1940. But Churchill was not opposed to the policy that this law would facilitate: partition. When the opportunity arose, and to the consternation of the Foreign Office, which remained attached to the White Paper and to the policy of assuaging Arab concerns, Churchill convened a

secret cabinet committee on Palestine in 1943. The members of the committee, mostly known Zionists, would return to the Peel Partition plan in search of a viable model for an independent Palestine.<sup>226</sup> Both of their plans for partition are reproduced below. They did not escape the inherent difficulty of dividing the land that the Woodhead maps had depicted so clearly.

The Land Regulations of 1940 had attempted to keep Jews where they were—evidence that the British government remained skeptical that a binational Palestine could be viable. Jewish expansion during World War II, in opposition to the land regulations, combined with successful lobbying for the inclusion of the Negev, the desert that comprises most of Southern Palestine, to change the map of Jewish Palestine. The partition maps produced by Churchill’s Secret Cabinet Committee and, later, the maps of the United Nations proposed a far larger Jewish state than had the Peel Report in 1937. But as early as 1942, the majority of Zionist the world over determined to take over all of Palestine as a Jewish Commonwealth. While partition had been associated with the Zionist position since 1937, by 1937, and certainly by 1945, partition was no longer the Zionist aim. The demand for a

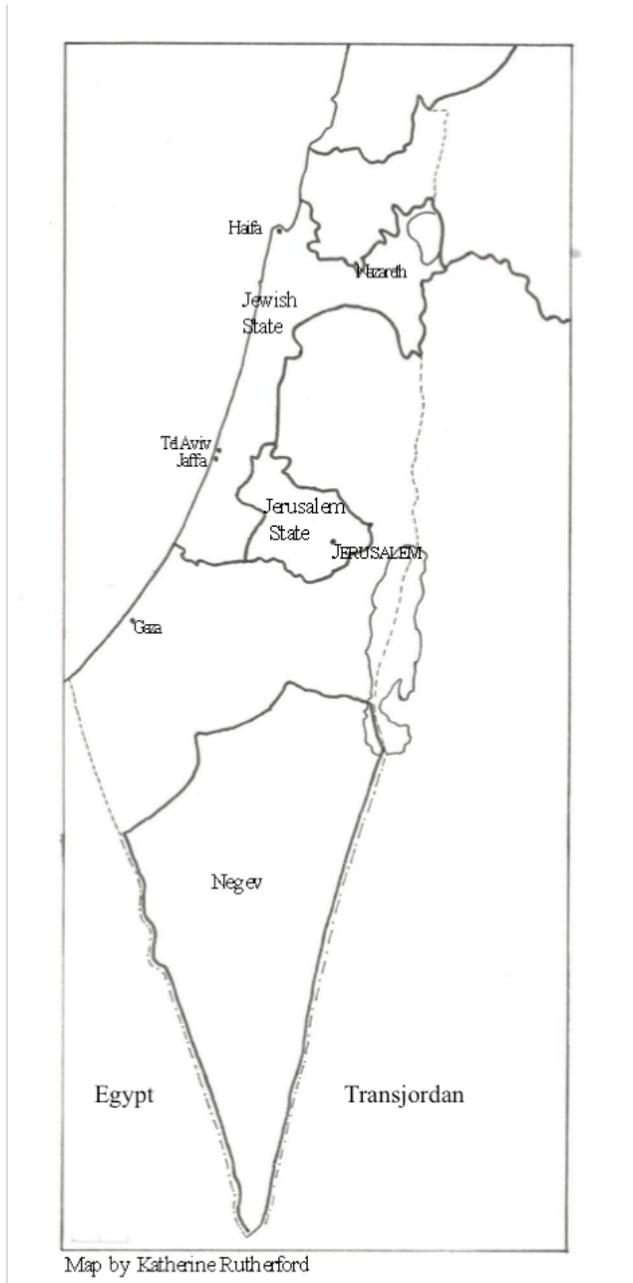
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<sup>225</sup> *Palestine Royal Commission Report*, Cmd. 5479, London, 1937, chapter IX, 218-251.

<sup>226</sup> Michael J. Cohen, “The British White Paper on Palestine, May 1939: Part II: The Testing of a Policy, 1942-1945. Much of the article is devoted to Churchill’s Secret Cabinet Committee on Palestine and to their discussions about the lines of partition, including whether or not the Negev should be colonized. The members of the committee were: H. Morrison (home secretary), Chairman, L. Amery (Secretary of State for India), Colonel Stanley (colonial secretary), A. Sinclair (secretary of State for Air). The sole representative of the Foreign Office was R.K. Law. From Cohen, “The White Paper Part II”, 733 n26.

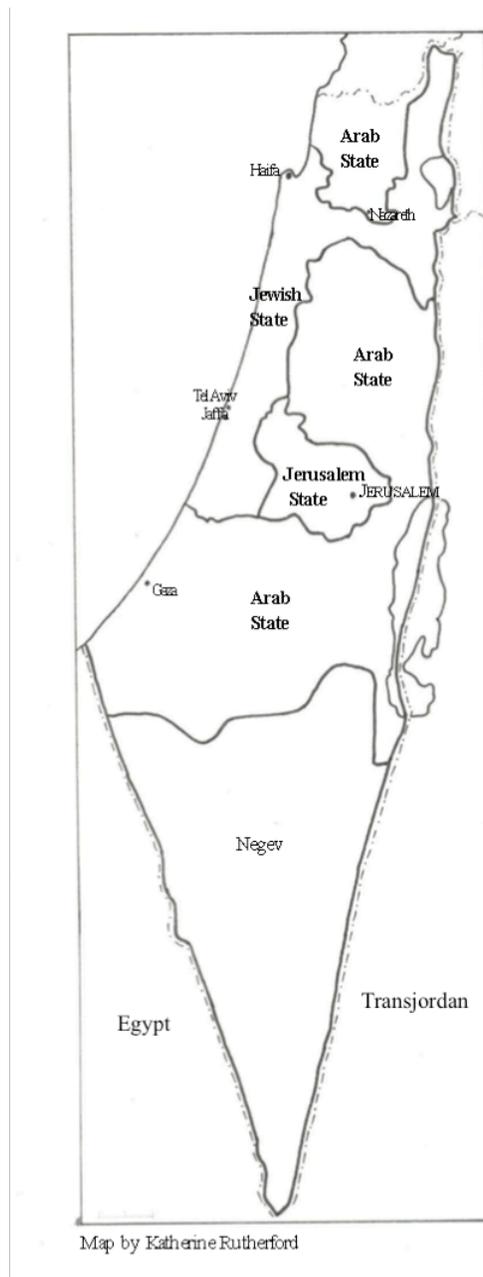
Jewish state grew stronger yet as Britain continued to implement the White Paper's immigration quotas.

Map 3.6: Cabinet Committee Partition Plan, 1943<sup>227</sup>



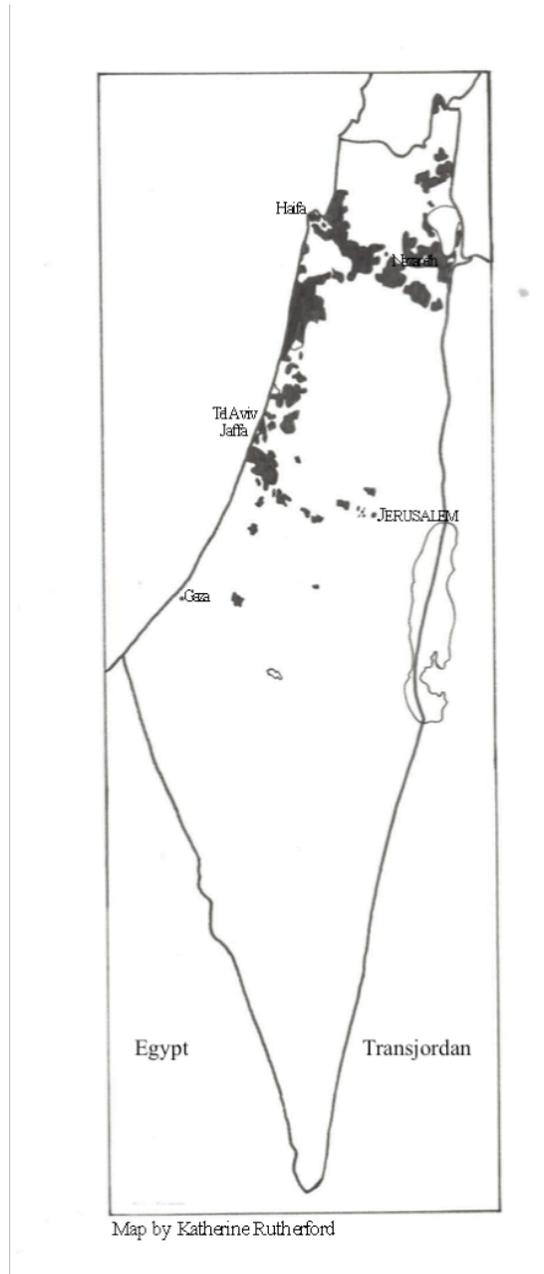
<sup>227</sup> Based on map in CO 537/2311/75648.

Map 3.7: Cabinet Committee Partition Plan, 1944<sup>228</sup>



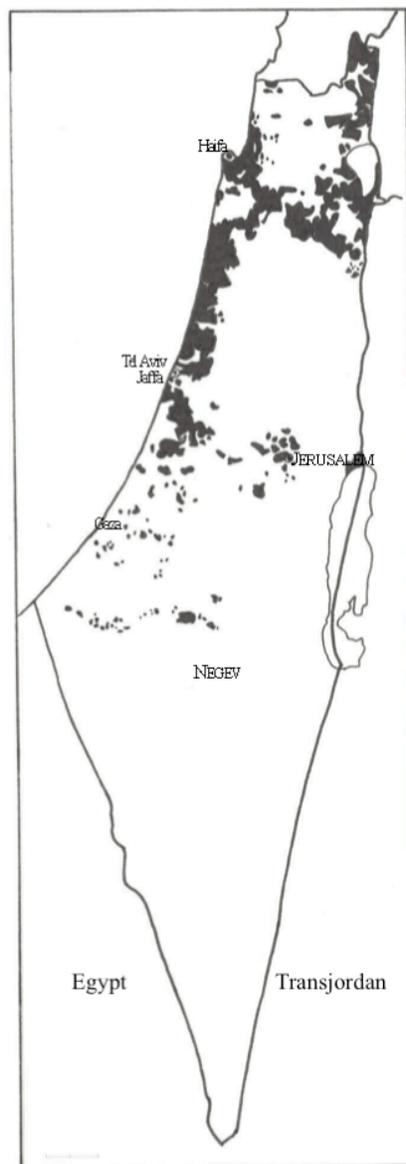
<sup>228</sup> Based on map in PREM 4/52/1.

Map 3.8: Jewish-owned land in Palestine, 1929<sup>229</sup>



<sup>229</sup> Based on *Palestine Royal Commission Report*, Map 4.

Map 3.9: Jewish-owned Land in Palestine, 1944<sup>230</sup>



Map by Katherine Rutherford

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<sup>230</sup> Based on "Registered Land in Jewish Possession," in Kenneth Stein, *The Land Question in Palestine*, 210.

## Chapter 4

### **Illegal Immigration and the White Paper: the Case of the Mauritius Exiles**

Of the three provisions of the White Paper, the immigration quotas were enforced most strictly. Several hundred thousand Jewish refugees had arrived in Palestine after the rise of Hitler. Most came legally under the existing system, yet the proportional increase in population was known to have been one of the triggers for the Arab revolt—a rebellion by Arab Palestinians that spanned generational, geographical, and economic divides and lasted for the greater part of 1936–1939.<sup>231</sup> To keep Palestine quiet, and therefore to pacify Arab states in the region, the *Yishuv*, the Jewish community in Palestine, would be kept at one-third of the total population. This translated to 75,000 visas total that would be distributed at 10,000 per year for five years plus 25,000 certificates for refugees, whose immigration would also be controlled by the mandatory government. Any illegal immigrants – refugees who had not gone through the proper channels – would be deducted from the total. In the last months of 1939 and throughout 1940 it appeared that illegal immigrants would exhaust the 75,000 spaces. In response, the Colonial Office and the High Commissioner arranged to deport illegal immigrants to internment in Mauritius and Trinidad. But owing to the difficulties in transporting thousands of

refugees, there would be only one deportation. The experience of the passengers from this ship, the *Atlantic*, is a unique case in the enforcement of the White Paper's immigration policy. More importantly, it is a microcosm of the predicament of Jewish refugees.

In order to understand the logic of the immigration quotas, it is important to see the situation from the perspective of British leaders. They rejected the idea that Palestine was meant to provide a haven for European Jewish refugees. In the period from 1939 through the years after World War II, the Foreign Office and Colonial Office fought to separate from Palestine the issue of European Jewish refugees. Keeping these crises from being perceived as a single issue would be a losing battle, in large part because other Western powers were willing to take in no greater than a small number of refugees and to leave the fate of Jewish Europe to rest on Britain's shoulders. But beyond controlling the population balance, there were additional reasons for the quotas. It was hoped that close control of Jewish immigration would keep the Middle East from turning against Britain. Worse than a pan-Arab revolt, from the British perspective, would have been a pan-Islamic movement against the Empire that might have spread from Egypt in the West to as far as India in the East. The third reason for the quotas was local: extreme frustration with the persistence of Jewish illegal immigration, known by Zionists as *aliyah bet*. A fourth concern, perhaps less plausible than the others, would arise at the outbreak of war, months

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<sup>231</sup> See Ted Swedenburg, *Memories of Revolt*. See also Ellen L. Fleischmann, *The Nation and its*

after the White Paper was published. British authorities – particularly in the Colonial Office and Mandatory Authority – feared that enemy agents might have hidden among the Jewish refugees, many of whom had begun their journeys in the Reich.<sup>232</sup> The White Paper quotas would end this potentially dangerous illegal traffic.

This chapter examines Britain's implementation of the White Paper's immigration quotas during World War II. Enforcement of policy would turn out to be less a question of numbers and more a question of procedure. But in 1939, based on the number of Jewish refugees to arrive in Palestine that year, British authorities feared a deluge of Jews from Europe.<sup>233</sup> A series of legal precedents in combination with the White Paper would make it possible for the High Commissioner of Palestine, Harold MacMichael, to use discretion in enforcing the quotas. Some illegal immigrants were detained in prisons in Palestine. The most extreme case was that of the 1580 refugees who arrived on the *Atlantic* in November 1940. The *Atlantic*, flying under the flag of Panama, was a skeleton of a ship by the time it arrived in Haifa. Any parts that could be burned for fuel had been stripped away. Still operating out of fear that Palestine would be overrun by refugees, the High

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"New" Women, chapter 5.

<sup>232</sup> See Dalia Ofer's thorough account of *aliyah bet*, *Escaping the Holocaust: Illegal Immigration to the Land of Israel, 1939-1944* (New York: 1990).

Commissioner would test a new interpretation of the White Paper: *Atlantic* passengers would be deported to Mauritius, an island in the Indian Ocean, where they would remain in a prison camp until 1945. As a study in policy toward illegal immigrants, the case of the Mauritius exiles at first appears to be a sort of imperial tantrum. But the archives reveal that it was quite the contrary. It was a carefully devised policy whereby Jewish refugees, who could not be sent back to enemy countries in the midst of war, would instead be deported from Haifa to far-flung islands throughout Britain's colonial empire, without ever setting foot in Palestine.<sup>234</sup> But the passengers of the *Atlantic* would be the only refugees to be deported. Their experience on Mauritius is a unique case.

### **LAWS GOVERNING JEWISH IMMIGRATION TO PALESTINE**

Two sources determined the legality for the detainment and deportation to Mauritius of the *Atlantic* passengers. The Laws of Palestine and a series of amendments issued throughout the 1930s mapped out the intricate procedure for immigrating legally to Palestine and the penalties to immigrants and ship-owners

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<sup>233</sup> From January to August of 1939, 12,313 legal immigrants and 6,286 illegal immigrants arrived in Palestine for a total of 19,139. From September to December of 1939, fewer legal immigrants arrived, 4,092, with a slightly larger number of illegal immigrants, 4,330. The total for these four months was 8,422. In total, immigration for 1939 was more than 27,500, in other words more than 1/3 the total immigration of 75,000 allowed under the White Paper. From Ofer, *Escaping the Holocaust*, Appendix A, 319.

<sup>234</sup> The parallel in the post-war period, as we will see, was deportation to a much nearer island, Cyprus.

and masters for circumventing the system.<sup>235</sup> The Jewish Agency served as the intermediary between immigrant and the Mandatory government, an arrangement that facilitated the work of the immigration department, with the government retaining the last word. The law recognized four categories of legal immigrant. Category A dealt with professionals such as doctors and lawyers who could put up a certain amount of capital upon arrival in Palestine; category B, with orphans, students, and “any person of religious occupation whose maintenance is assured.”<sup>236</sup> Prospective immigrants in these two categories applied directly to the Palestine government. Category B immigrants first applied to the organization that would accept responsibility for their upkeep. Category C was for immigrants with assured employment. In this category the Jewish Agency served as the filter for those who wished to come to Palestine as laborers. According to the law, “It shall be lawful for the Executive of the Jewish Agency to notify the Director. . . that there is a reasonable prospect of employing a number of persons either named or unnamed in Palestine and to make application for permission for their entry into Palestine.”<sup>237</sup> Already in 1933, the revised laws of Palestine included harsh penalties for those who attempted to defy immigration regulations.

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<sup>235</sup> *The Laws of Palestine*, Revised edition 1933, Chapter 67 “Immigration”; “Immigration (Amendment) Ordinance No. 33,” November 11, 1937; “Immigration (Amendment) Ordinance No. 39,” November 21, 1938; “Immigration (Amendment) Ordinance 1939,” April 4, 1939; “Immigration (Amendment) Ordinance No. 2,” April 27, 1939. All in FO 371/25238.

<sup>236</sup> *The Laws of Palestine*, 1933, 757.

<sup>237</sup> *Ibid.*, 759.

From 1922 through the late 1930s, the measure of economic absorptive capacity – the ability of Palestine to absorb workers – determined how many immigration certificates would be issued. Economic absorptive capacity was introduced in the 1922 “Churchill” White Paper, a document that was more likely written by Herbert Samuel, the first High Commissioner of Palestine, but for which Churchill claimed credit.<sup>238</sup> The Jewish Agency’s immigrant lists were modified better to fit the government’s assessment. But economic absorptive capacity was an elastic concept that had been stretched to its limits by Jews fleeing Germany after 1933. Amendments to immigration law were made in response to changes on the ground in Palestine, specifically the Arab revolt, which was in part designed to push Britain to curtail Jewish immigration. The Peel Commission report in 1937 suggested quotas, a proposition that stopped short of cutting off immigration but which meant that far fewer Jews would be permitted to enter Palestine legally. That year “Immigration Amendment No. 33” empowered the High Commissioner to “prescribe the maximum aggregate number of foreigners to be admitted to Palestine as immigrants during any specified period.”<sup>239</sup> This temporary ordinance would be reinstated in April of 1939, one month before the publication of the White Paper.<sup>240</sup>

Like the immigration Laws, the Palestine Defence Orders in Council appeared throughout the 1930s, beginning in 1931 in the aftermath of the escalation

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<sup>238</sup> “British White Paper of June 1922,” Cmd. 1700, July 1, 1922.

<sup>239</sup> “Immigration (Amendment) Ordinance No. 33,” 1937.

<sup>240</sup> “Immigration (Amendment) Ordinance,” April 4, 1939.

of tensions between the two communities of Palestine.<sup>241</sup> Because the Defence Orders in Council empowered the High Commissioner to take steps necessary to maintain public safety, they are relevant to the discussion of the deportation of *Atlantic* passengers. The Defence Orders in Council instated broad powers for the High Commissioner to respond in emergency situations. The first granted the right to arrest, detain, and deport any “enemy,” defined as “all armed mutineers, armed rebels, armed rioters, and pirates.”<sup>242</sup> This provision included control of the coast of Palestine, its “harbours, ports, and territorial waters, and the movements of vessels.” Most importantly, this earliest Order in Council granted the High Commissioner the authority to “order any persons to quit Palestine.”

The next Order in Council, 1936, was published as the first phase of the Arab revolt reached its crescendo. It added to the 1931 order provisions for the High Commissioner to proclaim martial law. The third Order in Council, 1937, replaced the previous two orders. This document stated explicitly: “The High Commissioner may... make provision for the detention of persons and the deportation and exclusion of persons from Palestine.”<sup>243</sup> This order in council made legal the exile of Palestinian nationalist leaders during the second phase of the Arab revolt. Later, high commissioners could invoke this policy legally to detain and deport Jewish

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<sup>241</sup> “The Palestine (Defence) Order in Council,” 1931; “The Palestine Martial Law (Defence) Order in Council,” 1936; “Palestine (Defence) Order in Council,” 1937. All in FO 371/25238. For more on the escalation of sectarian tension in the “middle years,” see Martin Kolinsky, *Law, Order, and Riots in Mandatory Palestine, 1928–1935* (London, 1993).

<sup>242</sup> Defence Order in Council, 1931.

<sup>243</sup> Defence Order in Council, 1937.

refugees from Palestine. But these were provisions better suited to tamping a revolt. It would take further extension of the High Commissioner's rights, in early 1940, also to detain ships' masters and crews and even to commandeer ships.<sup>244</sup>

Illegal Jewish immigration was believed to be a threat to safety, a potential catalyst to restart unrest among Arab Palestinians; indeed illegal immigration threatened to unsettle the relative quiet in the Middle East that had been achieved, it was believed, by the publication of the White Paper. But as early as the summer months of 1939, it became clear that the White Paper had not gone far enough to discourage the movement of Jewish refugees from South Eastern Europe to Palestine, a high risk traffic that involved overcrowded and rickety ships, passage through dangerous waters, and journeys undertaken by any means possible with little concern for the laws of mandate Palestine. As perceived by British authorities, this was "an organized invasion of Palestine for political motives, which exploits the facts of the refugee problem and unscrupulously uses the humanitarian appeal of the latter to justify itself."<sup>245</sup> Stopping illegal immigration – through Europe and the Mediterranean – would require a combined effort of the Foreign Office, Colonial Office, and Admiralty.

By the last months of 1939, it had become apparent to Foreign Office and Colonial Office officials that the White Paper was not the salvo they had intended.

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<sup>244</sup> See lengthy correspondence in FO 371/25239.

<sup>245</sup> "Jewish Illegal Immigration into Palestine," memorandum prepared by the Foreign Office and the Colonial Office, January 17, 1940, FO 371/25238.

Immigration quotas had done nothing to slow the flow of Jewish refugees from Europe—the White Paper had in fact made the situation worse as Zionists now saw even more reason to encourage illegal immigration.<sup>246</sup> Documents from these months demonstrate a lack of understanding of the extent of the refugee problem, in London and on the spot, which is to say that the grave danger to the Jews of Europe had not been recognized. Tending to see the traffic in illegal immigrants as an ingenious German plot that could both unsettle the Middle East and also allow spies to infiltrate the region, there was consensus that the Jews arriving in Palestine as illegal immigrants were “largely political,” that illegal immigration was “not primarily a refugee movement.”<sup>247</sup>

Many parties are organised in Germany and proceed down the Danube by river steamers. The Gestapo are known to assist the Jews in organising and despatching these parties. It is clearly to the interest of the German Government to promote this traffic, since it serves the double purpose of ridding them of Jews and causing embarrassment to His Majesty’s Government. . . .

The ships engaged in the traffic are usually small, old, overcrowded, insanitary, and generally unsafe. Since as much as £25 to £30 a head is known to have been charged for passages, it seems probable that large fortunes are made by the owners and charterers.<sup>248</sup>

The intensity of the belief that Britain was dealing with a German-sponsored attack in Palestine is epitomized in a minute by R.T.E. Latham, “It is a pity that we can’t

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<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

find an authentic Nazi at the bottom of it; it would have helped the Palestine Government.”<sup>249</sup>

By January 1940, the Foreign Office had failed to choke the traffic in illegal immigration at the root – in Central and Eastern Europe. The Colonial Office, Foreign Office and Admiralty collaborated on a plan to use Contraband Control service to board and search ships suspected of transporting illegal immigrants. In January and February the High Commissioner, Harold MacMichael, proposed that he be granted powers to commandeer ships involved in the well-organized campaign of illegal immigration.<sup>250</sup> He explained, “In the perfection of its organisation this traffic is similar to the slave trade or rum running.”<sup>251</sup> His proposal argued that detaining ships masters and crew was not enough to deter ship owners. The owners of ships – those who profited the most from illegal immigration – would quit the voyages to Palestine if they stood to lose the ships themselves, he urged. These measures would prove a deterrent on some level; nevertheless despite efforts of the Foreign Office and the Admiralty a number of ships continued to leave Germany, Hungary, Romania, and Bulgaria, bound for Palestine.

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<sup>249</sup> Minute is a response to a dispatch from Sir H. Knatchbull Hugessen in Angora. 16th February 1940, FO 371/25239. Richard Thomas Edwin Latham was temporary clerk in the Foreign Office General Department, Refugee Section, from 1939 to 1941. See Bernard Wasserstein, *Britain and the Jews of Europe*, 324.

<sup>250</sup> This would be achieved via an amendment to the Defense Order in Council from 1937. See “Proposal to extend the powers of the High Commissioner for Palestine to enable effective action to prevent illegal immigration of Jews,” 13 Feb 1940, FO 371/25239. It is believed that the same Latham quoted above drafted the legal portion of the proposal.

### **THE WHITE PAPER AT WAR**

In the winter of 1940 a ship carrying 2000 immigrants spent months stranded in the Danube. Asked in the House of Lords if the passengers on the ship would be allowed to enter Palestine, The Marquess of Dufferin and Ava responded, "Palestine is already making a considerable contribution, under the terms of the recent White Paper, towards the solution of the Jewish refugee problem by means of quotas for legal immigrants."<sup>252</sup> But the White Paper had failed truly to help the refugees, in part because not all Jews who wished to leave Europe for Palestine were eligible to apply for certificates. At the outbreak of war in September 1939, it had been decided that certificates could not be granted to refugees in enemy territory including individuals previously granted certificates who had failed to leave occupied Poland by October 1, 1939. Participants in this already desperate human traffic became more determined to make it to safety whatever the risk. This was the reality of the White Paper at war.

In June of 1940, turmoil increased in the Middle East when France accepted terms of an armistice with Germany. At the same time, the Iraqi Minister of Foreign Affairs, Nuri al Said, questioned Britain on the policy toward Jewish refugees. It became more important than ever that the White Paper be upheld for the sake of British security in the Middle East. The War Cabinet met to discuss how best to

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<sup>251</sup> Ibid.

answer the question from Iraq. Viscount Halifax, Foreign Secretary, wrote to Churchill: “[T]he acceptance of the German armistice terms by France has made it more important than ever that we should leave no weak joints in our armour in the Middle East. Arab doubts about our Palestine policy is the weakest of all these joints.”<sup>253</sup> While talk abounded of enemy agents among the refugees, the reason for the White Paper – and adherence to it no matter what in this first year of the war – was to mollify the governments of the Middle East. The reply to Iraq read:

The policy of His Majesty’s Government for Palestine was clearly laid down in May 1939, and has not been changed. So far as immigration and land sales are concerned, these matters are already being regulated in accordance with that policy. So far as constitutional development is concerned, his Majesty’s Government have not so far been able to regard peace and order as sufficiently restored for the first step to be taken, that is to say, for Palestinians to be appointed to take charge of some of the departments of the administration.<sup>254</sup>

This statement made it clear that the White Paper was being implemented to the extent possible in a time of war, considering the specific circumstances in Palestine. “Pacified” for the time being, “peace and order” had not truly been reached in Palestine. The situation throughout the Middle East seemed equally shaky.

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<sup>252</sup> “Jewish Refugees,” Parliamentary Questions, House of Lords, Written Answers, 13 Feb 1940, FO 371/25239. Basil Sheridan Hamilton-Temple-Blackwood, 4th Marquess of Dufferin and Ava, served as Parliamentary Under-Secretary of State for the Colonies from 1937 to 1940, when he resigned to join the Army. He was killed in action in Burma in 1945.

<sup>253</sup> Viscount Halifax to Winston Churchill, June 26, 1940, PREM 3/348. On Halifax see D. J. Dutton, “Wood, Edward Frederick Lindley, first earl of Halifax (1881–1959),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/36998> (accessed June 30, 2008).

<sup>254</sup> Halifax to Churchill, June 26, 1940.

If the question of Palestine had divided the Colonial and Foreign Offices in the late 1930s, it would unite the departments in a cooperative effort to stop the traffic of Jewish refugees by 1940. Yet not all contemporary figures agreed with the White Paper. Churchill questioned the soundness of the policy. As First Lord of the Admiralty in 1939 and early 1940 he was loathe to devote the Navy's efforts to stopping illegal immigration. As Prime Minister in 1940, he advocated arming Jewish settlements in Palestine in order to free up the 20,000 troops there. In June of 1940 he wrote to Lord Lloyd, Secretary of State for the Colonies. Churchill questioned the assumption that the White Paper had settled the unrest in Palestine:

The failure of the policy which you favor is proved by the very large number of sorely-needed troops you have to keep in Palestine. . . . This is the price we have to pay for the anti-Jewish policy which has been persisted in for some years. . . . I think it is little less than a scandal that at a time when we are fighting for our lives, these very large forces should be immobilized in support of a policy which only commends itself to a section of the Conservative Party.<sup>255</sup>

This comment reveals Churchill's wartime pragmatism, and, in some way, his support for Zionism.<sup>256</sup>

Churchill also doubted the logical basis of the White Paper, that the Arabs of the Middle East were concerned enough about Palestine that to pacify Palestine was to secure the region. For his counter argument, he drew on ideas prevalent in the era

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<sup>255</sup> Churchill to Lloyd, June 28, 1940 in PREM 3/348.

<sup>256</sup> See Michael Cohen, *Churchill and the Jews*, London, 1985, which argues that Churchill was not so great a friend to the Jews as historians have painted him. Two new books revive the discussion. See Martin Gilbert, *Churchill and the Jews: a Lifelong Friendship* (New York, 2007), an uncritical assessment; and Daniel Makovsky, *Churchill's Promised Land: Zionism and Statecraft* (New Haven, 2007), a thorough account of Churchill's association with Zionism.

of World War I: “The Levantine Arabs are very poor representatives, and are only a small part of the Arab world. We have treated them with the greatest consideration, and as you know, the settlement I made with them on the basis of the Zionist policy commended the full assent of Lawrence.”<sup>257</sup> But British policy in Palestine and the Middle East had moved a generation beyond T.E. Lawrence. Churchill’s ideas about Palestine had not moved with the diplomatic and political developments of the 1930s. As the White Paper signaled Britain’s acknowledgement of the Palestinian Arab position, the Arab Revolt, which could not be quieted without assistance from neighboring Arab states, had established the connection between Palestinian Arabs and the rest of the Arab world. Furthermore, support for Palestinian Arabs stretched to Islamic lands beyond the Middle East.<sup>258</sup> Because of this extensive network of allegiance, much of it falling within the expanse of the British Empire, the maintenance of the White Paper quotas, and, further, the cessation of illegal immigration, took on a sense of urgency far greater than its immediate impact on Palestine alone.

British policy makers began to search for alternate destinations for Jewish refugees arriving in Palestine from Europe. First was the British Guiana scheme that

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<sup>257</sup> Churchill to Lloyd, June 28, 1940.

<sup>258</sup> This included a large part of India. Indian support for Palestine grew from a combination of anti-British sentiment coupled with pan-Islamic tendencies that were most fully articulated in the *Khilafat* movement of the 1920s. The *Khilafat* movement united Muslim and Hindu Indians in support of the Ottoman Caliphate, which they perceived to be threatened by the British takeover of former Ottoman lands. The Caliphate and Sultanate were dissolved by the independent Turkish state in 1923–1924, bringing the movement to an end. See Gail Minault, *The Khilafat Movement: Religious Symbolism and Political Mobilization in India* (New York, 1981).

proposed to establish “a second Jewish national home” on the Northern coast of South America.<sup>259</sup> By October 1940, the Colonial Office was working out a new plan to deport illegal immigrants to Mauritius or Trinidad.<sup>260</sup> Not only would these refugees not be allowed to settle in Palestine. They would also be kept from landing in Palestine. On October 16, the High Commissioner wrote of a plan to requisition the French steamer, the *S.S. Patria*, to be used as temporary housing for illegal immigrants until it held enough passengers to depart for one or both of the islands under consideration.<sup>261</sup> “[I]t will certainly be most desirable to keep all persons on board ships if possible until a decision regarding their final disposal is taken in the hope that it will be unnecessary to disembark them at all.”<sup>262</sup> As the requisition of the *Patria* fell into place, and with it the plan to keep illegal immigrants from setting foot in Palestine, the governor of Mauritius wrote on October 17 that he would accept the illegal immigrants. “I can readily understand the difficulties which must arise in the Middle East as a result of the Jewish problem. . . you can therefore be sure that everything will be done here to assist.”<sup>263</sup> The first boats to arrive as this policy cohered were the *Pacific* and the *Milos*.

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<sup>259</sup> See CO 111/772/4. The idea to establish an alternate Jewish national home in British Guiana was quickly shot down by Foreign Office objection in 1940, but the idea would resurface in the coming years.

<sup>260</sup> “Possibilities of finding accommodation for Jewish illegal immigrants in Mauritius or some other Colony are under active investigation. . . .” Colonial Office to High Commissioner, 15th October 1940, ADM 116/4659. A message was sent to the governor of Mauritius on the same day.

<sup>261</sup> High Commissioner, 16th October 1940, ADM 116/4659.

<sup>262</sup> *Ibid.*

<sup>263</sup> Governor Mauritius to Secretary of State for the Colonies, repeated to High Commissioner of Palestine, 17th October 1940, ADM 116/4659.

## THE DEPORTATION POLICY TESTED

Approximately 3000 Jewish refugees had boarded the ships the *Atlantic* and *Pacific* in Tulcea, Romania, in late September 1940.<sup>264</sup> The two ships, along with a third identified as *Miabros*, later the *Milos*, departed Sulina, Romania, on October 9, 1940.<sup>265</sup> The *Pacific* and *Milos* made steady progress. The *Milos* obtained coal and provisions at Limasol, Cyprus, on October 30, 1940, and was intercepted near Haifa on November 3. The High Commissioner wrote on November 4, “intention is to transfer passengers over to the S.S. ‘Patria’”.<sup>266</sup> The *Pacific* was brought into Haifa on November 1; its passengers, also sent to the *Patria*.<sup>267</sup> As the High Commissioner contemplated making an announcement that the *Patria* would be sent on to Mauritius with its cargo of nearly 2000 Jews, he wrote to the Colonial Office, “Although the Government’s intention is generally known I consider that it would be best to get the *Patria* away before the announcement is made.”<sup>268</sup> Churchill approved the deportation to Mauritius in a minute written on the same day:

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<sup>264</sup> Sir R. Hoare, Bucharest, 17th September 1940. ADM 116/4659. The voyages of these ships are examined in detail in Ofer, *Escaping the Holocaust*, chapters 2, 6, and 7. For even greater detail, including maps, see Aaron Zwergbaum, “Exile in Mauritius,” *Yad Vashem Studies* 4 (Jerusalem, 1960), 191-257.

<sup>265</sup> High Commissioner, “Secret,” 11th October, 1940, ADM116/4659.

<sup>266</sup> Governor Cyprus to High Commissioner, 30th October 1940; High Commissioner to Colonial Office, copied to Mauritius, 4th November 1940. Both in ADM 116/4659.

<sup>267</sup> High Commissioner to Secretary of State for Colonies, copied to Mauritius, 1st November 1940, ADM 116/4659.

<sup>268</sup> High Commissioner to Colonial Office, copied to Mauritius, 14th November, 1940, ADM 116/4659.

“Provided these refugees are not sent back to the torments from which they have escaped and are decently treated in Mauritius, I agree.”<sup>269</sup>

On November 20, with the assent of the Prime Minister secured, the high commissioner announced the new policy:

[T]he passengers of the S.S. *Pacific* and the S.S. *Milos* shall not be permitted to land in Palestine but shall be deported to a British Colony as soon as arrangements for safe transport and suitable accommodation can be made and shall be detained there for the duration of the war. Their ultimate disposal will be a matter of consideration at the end of the war but it is not proposed that they shall remain in the Colony to which they are sent or that they should go to Palestine. Similar action shall be taken in the case of any further parties who may succeed in reaching Palestine with a view to illegal entry.<sup>270</sup>

The High Commissioner was concerned that Zionists would protest the deportation and the announcement that Jewish refugees would neither be permitted to remain in the colony where they had been detained nor to return to Palestine. Days earlier, he had written, “It seems to me that Jewish leaders are bent on making the action in regard to these illegals a test case of the Government’s determination to implement the immigrants provisions of White Paper.”<sup>271</sup>

As plans were being implemented to deport the passengers from the *Pacific* and *Milos*, the *Atlantic* was stalled by structural problems seven miles from the port

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<sup>269</sup> Minute by Churchill on J. M. Martin to C. G. Eastwood, 14th November 1940. PREM 4/51/1. This comment from Churchill gets at the crux of the historiographical issue: how to deal with the story of 1500 Jews who were detained but had escaped Europe and were – for the most part – kept alive during World War II.

<sup>270</sup> Announcement repeated in telegram to the Commonwealth of Australia, “Most Secret”, 24th December, 1940, PREM 4/51/1.

<sup>271</sup> High Commissioner, No. 1160, “Secret,” 9th November 1940, ADM 116/4659.

of Limasol.<sup>272</sup> This left the Colonial Office with a decision to make. Should these refugees be brought to Haifa, later to be sent on to Mauritius? Or should the ship be given enough fuel to proceed to an alternate destination? The advantages to redirecting the ship were articulated in a telegram to the High Commissioner: “[W]e should be relieved of responsibility for maintaining these people in a British colony for the period of the war and for their subsequent disposal.”<sup>273</sup> After exploring the possibilities of landing passengers on Cyprus or sending them on to an alternate destination, it was decided that the danger was too great that the *Atlantic* might land illegal immigrants in Palestine before they could be intercepted by Contraband Control. On November 21, the Colonial Office sent instructions to the governor of Cyprus to place an “armed military guard on board” and usher the *Atlantic* in to Haifa Harbour.<sup>274</sup> Instructions were also sent to the high commissioner: “I trust that by the time *Atlantic* arrives at Haifa, arrangements for transfer of *Pacific* and *Milos* will be sufficiently advanced to enable majority of *Atlantic* passengers to be transferred to two first mentioned ships. . .”<sup>275</sup> The new plan was for a number of *Atlantic* passengers to be placed on the *Patria* which would then make stops at

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<sup>272</sup> Lloyd to Alexander, 15th November, 1940, ADM 116/4659. Passengers and crew had used up coal stores and stripped all wood to be used as fuel for the trip toward Cyprus. See Zwergbaum, “Exile in Mauritius,” 199.

<sup>273</sup> Colonial Office to High Commissioner, No. 1125, “Secret,” 15th November, 1940, ADM 116/4659.

<sup>274</sup> Colonial Office to Governor Cyprus, “Secret,” 21st November, 1940, ADM 116/4659.

<sup>275</sup> Colonial Office to High Commissioner Palestine, “Most Immediate,” 21st November, 1940, ADM 116/4659.

Trinidad – which had also agreed to receive refugees – and then at Mauritius.<sup>276</sup> The departure of the *Patria* for Mauritius was thus postponed pending the transfer of passengers from the *Atlantic*. This was a long enough delay to allow for a desperate act.

On November 25, 1940, two bombs were detonated on the *Patria*, which hit bottom within 15 minutes.<sup>277</sup> The cause of the explosion was not immediately ascertained. The High Commissioner immediately suspected that the explosion was an act of sabotage rather than an act of war. “For my own part while not excluding the possibility that the outrage was due to enemy action I feel little doubt that it was a reckless attempt by Jewish extremists to prevent the *Patria* from sailing without regard to the danger involved to those on board.”<sup>278</sup> It would later be revealed that this was an action taken by the Haganah, the defense force of the Yishuv, without the knowledge of most Zionist leaders.<sup>279</sup> Over the objections of the High Commissioner, amnesty was granted to the refugees who had survived the explosion, including a small number of passengers from the *Atlantic*. But the explosion of the *Patria* had not sunk the plan to deport illegal immigrants. The

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<sup>276</sup> Colonial Office to High Commissioner Palestine, “Most Immediate,” 23rd November 1940, ADM 116/4659.

<sup>277</sup> High Commissioner, No. 1232, “Most Immediate”, 25th November 1940, ADM 116/4659.

<sup>278</sup> High Commissioner to Colonial Office, No. 1239, “Most Immediate,” 26th November 1940, ADM 116/4659.

<sup>279</sup> See Ofer, *Escaping the Holocaust*, 34-35. For a discussion of the Haganah and other military organizations of the Yishuv, see my chapter 6.

remainder of the refugees on board the *Atlantic*, temporarily distributed between prisons in Atlit and Acre, would become the test case for the new policy.<sup>280</sup>

The deportation of the *Atlantic* passengers took place on December 9, 1940. The High Commissioner's telegram to the Colonial Office tells of a well-organized and smoothly-executed operation to move the refugees from prison to ships and out to sea:

On the 9th December illegal immigrants from the S.S. *Atlantic* were embarked on two ships provided for their transport which sailed same night for Mauritius. The transfer from Atlit camp was a carefully planned joint operation successfully carried out by the naval, military and police personnel concerned. Certain initial resistance was dealt with by unarmed police without calling in the military forces held in reserve.<sup>281</sup>

The stories of witnesses and the exiles themselves tell more of the so-called "certain initial resistance," belying the statement of the High Commissioner. The passengers from the *Atlantic*, rather than go to their deportation without a fight, would not pack their belongings and would not put on clothes. This story is repeated in accounts; it is most dramatically told in the below quotation. The prisoners awaited the police, supine on their bunks, wearing nothing. What resulted was a public spectacle:

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<sup>280</sup> High Commissioner to Colonial Office, No. 1248, "Secret," 27th November, 1940, ADM 116/4659.

<sup>281</sup> High Commissioner to Colonial Office, No. 1295, "Secret", 10th December 1940, ADM 116/4659.

They brought out over a hundred of the first batch of people, all of them wounded, completely naked. . . . The remaining young people walked, quite naked, pushed from behind by the British police, until they reached the lorry. And they were then flung into it. . . . Many of the old men fell on the ground and kissed it. They pleaded with tears before the police officers. . . . to have pity on them, that they had already passed through Dachau and Buchenwald. And the officers paid them no heed.<sup>282</sup>

Other accounts confirm the use of nudity to protest the deportation, but these versions refer only to the young men who refused to dress.<sup>283</sup> This passive resistance involving nudity and ultimately public spectacle would later be used in the camp on Mauritius to protest the forced separation of the sexes—including married couples and their children. The statement of the High Commissioner depicting a civilized deportation is a fitting introduction to the early reports from the commandant of the detainment camp on Mauritius, which are also infused with a pleasantness that strains plausibility.

The refugees were delivered to Haifa by military convoy and were placed on two Dutch steamers, the *Johan de Witt* and the *Nieuw Zeeland*.<sup>284</sup> The ships departed from Haifa on December 9, 1940. There was more room than there had been on the *Atlantic*, but the passengers were allowed to use

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<sup>282</sup> “Evidence of an eye-witness,” in Bernard Wasserstein, *Britain and the Jews of Europe*, p 67. Wasserstein describes this as the statement of “one Jewish eye-witness.” It is likely an exaggeration of events but an accurate account of the emotion involved for those Jews who observed the deportation.

<sup>283</sup> Geneviève Pitot, *The Mauritian Shekel: The Story of the Jewish Detainees in Mauritius* (Lanham, MD, 2000), 110-11. Pitot is a Mauritian who encountered the detainees as a child. The title refers to the “substitute shekel Mauritius,” which was produced in the camp at Beau Bassin. The shekel is the monetary unit now used in Israel.

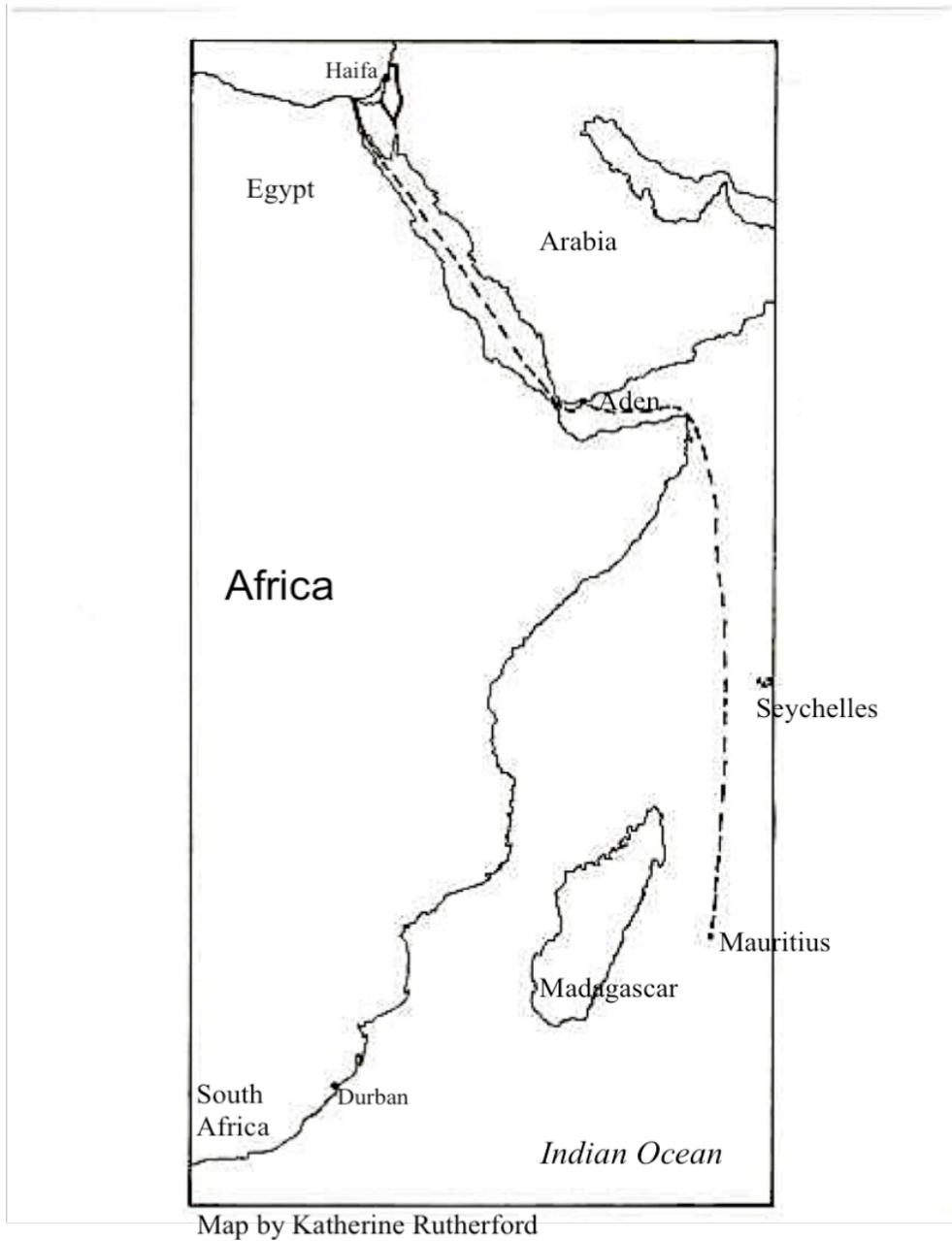
showers and bathrooms at certain times of the day only, an arrangement that offered little privacy for men or women, despite a strictly enforced policy of segregating the sexes. From Haifa to Port Said, Egypt, passengers were not allowed above deck. This restriction was loosened as the ships gained some distance from Palestine and the climate became stifling below deck. After a stop of several days at Aden, the ships continued on to Mauritius, spotting the island on December 26, 1940. Original impressions of the island and its capitol city, Port Louis, were favorable. The island itself was beautiful; the natives were kind. But on December 28, 1940, seven buses delivered the Mauritius exiles to their new home, “His Majesty’s Prisons” at Beau Bassin.<sup>285</sup> Their experience demonstrated how far the British government would go to control immigration to Palestine: not only deportation, but also internment.

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<sup>284</sup> For a detailed recounting of the trip from Palestine to Mauritius, see Pitot, *The Mauritian Shekel*, chapter 8.

<sup>285</sup> Pitot, *The Mauritian Shekel*, 122.

Map 4.1 Haifa to Mauritius: The Voyage of the *Atlantic* Passengers, December 1940



## INTERNMENT ON MAURITIUS

One of the Mauritius exiles, who held an important political position within the camp on Mauritius, later, from Israel, wrote the story of the exiles and their experience of internment.<sup>286</sup> This source, taken together with materials from archives in Israel and England and the few other secondary sources, begins to tell the story. The exiles arrived in Mauritius on December 26, 1940. They numbered 1580 and included slightly more men than women and close to 100 children. The largest group came from Austria, with less sizeable groups from Czechoslovakia, Poland, and Danzig. For the purpose of governing the detainees, they would be grouped by nationality, with a fifth division for the small numbers who hailed from Germany, Roumania, Hungary, Latvia, and even Turkey. The detainees would be kept behind the locked gates of the Central Prison at Beau Bassin throughout their time on Mauritius. H. J. Armitage, the commandant of the prison, submitted a report covering the first nine months.<sup>287</sup> The background to Armitage's reports is this character sketch: "Captain Armitage was an expert in the art of composing utterly false and misleading reports out of details which were correct as far as they went."<sup>288</sup> Or, in the British parlance, Armitage was economical with the facts.

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<sup>286</sup> Zwergbaum, "Exile in Mauritius." The same author published a book chapter, "From Internment in Bratislava and Detention in Mauritius to Freedom," in A. Dagan (ed.) *The Jews of Czechoslovakia*, Volume II (New York, 1971), 594-654. Brief overviews are given in Wasserstein, *Britain and the Jews of Europe* and in Ofer, *Escaping the Holocaust*. Pitot, *The Mauritian Shekel*, is the only monograph on the subject.

<sup>287</sup> "Interim Report of the Detainment Camp," 26th Dec. 1940 to 30th Sept. 1941," CZA S25/2634.

<sup>288</sup> Zwergbaum, "Exile in Mauritius," 246.

The first interim report from the prison speaks of camp activities, including occupational retraining, in optimistic tones: “Many of the detainees, particularly the younger members of the group. . . have shown great keenness to learn handicrafts.”<sup>289</sup> Britons living on Mauritius taught evening classes at the camp, “on a wide range of subjects in current affairs, English life and thought, and English history and literature; the general title of the whole series might be described as ‘the English Point of View.’”<sup>290</sup> This might have been a redeeming component of the educational programs available to detainees on Mauritius. Children and teenagers among the detainees were able to join the Boy Scouts and Girl Guides. Activities that “should help them to mould themselves into useful citizens and create in their minds a friendship for the British Empire.”<sup>291</sup> This sunny picture of camp life is not interrupted until page five, when Armitage tells of outbreaks of typhoid – which the detainees brought with them, he is quick to clarify – and malaria, which followed “an exceptionally hot and rainy season.” A second document gives a list of the refugees who died in Mauritius, numbering 53 in those first nine months, two-fifths of them below the age of 45.<sup>292</sup> These deaths are mentioned in the commandant’s report, on the very last page. Further on in the report, Armitage wrote of recreation. “No effort has been spared to give the detainees as much recreation as possible. . . .

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<sup>289</sup> “Interim Report of the Detainment Camp,” 26th Dec. 1940 to 30th Sept. 1941, 1.

<sup>290</sup> *Ibid.*, 3.

<sup>291</sup> *Ibid.*, 4.

<sup>292</sup> Author and recipient not given. Begins “1. The attached is a list of the people who died in Mauritius up to the end of May,” CZA S25/2634.

Long walks in the country are a regular feature of camp routine, and weekly outings to the seaside are arranged for both children and adults. . . . There is a dance twice a week.”<sup>293</sup> Segregation of the sexes, including the separation of married couples and families, is not mentioned.

Documents from the first years in the detainment camp betray the camp commandant and staff’s preoccupation with the detainees’ sexual conduct. The interim report covering October 1941 through September 1942 is more revealing of what was, in fact, an experiment in social engineering that was being conducted in Mauritius: “All women detainees are housed in small wooden huts which have been partitioned to enable groups of three or more to live together. The men are accommodated in stone buildings and occupy separate cubicles.” According to the report, women lived with women, three or more together; while men lived with men, in separate “cubicles,” code for prison cells. The description of the women’s housing is perhaps another case of taking liberties with the truth. Another source describes huts divided for four or five women or undivided with 25 to 30 women living in a single structure.<sup>294</sup> “The accommodation available does not allow of married couples and their families living together but they are permitted to mix freely from 10 a.m. to 9 p.m. daily, during which period they may enjoy the privacy

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<sup>293</sup> Zwergbaum describes the outing to the sea as “the first and last excursion of its sort and arranged for a section of the detainees only.” “Exile in Mauritius,” 55.

<sup>294</sup> Zwergbaum, “Exile on Mauritius,” 210.

of the husband's cubicle."<sup>295</sup> Families could gather during the day; married couples might be alone in the privacy of a cubicle within a stone building with many other such cubicles, where other married couples might find privacy. Yet this document begins "Everything is being done to enable detainees to live as normal a life as possible." Slightly further down the page, "The only restriction on their freedom of movement within the Camp is that single women are not allowed to enter that part of the Camp which is occupied by single men."<sup>296</sup> The camp leadership controlled the male and female detainees by restricting their physical access to each other.

The separation of the sexes and the prohibition against single women consorting with single men were measures adopted for reproductive control, as a deterrent to prostitution, and as a check on the spread of venereal disease.<sup>297</sup> This is explained in a report called "Sex Life in the Camp."<sup>298</sup> The document begins:

On many occasions the camp Commandant was asked by the internees to explain to them the reason for the separation of the sexes and the extremely strict rules for visiting hours. Capt. Armitage, the Commandant, told the people that these regulations were made and strictly enforced as the authorities desired to prevent under all circumstances the appearance of a second generation on the island. The motives which prompted the authorities to enforce these regulations were obviously to prevent indiscriminate sexual intercourse and promiscuity.<sup>299</sup>

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<sup>295</sup> "Interim Report on the Detainment Camp for the Period 1st October, 1941, to 30th September, 1942," CZA S25/2634.

<sup>296</sup> *Ibid.*, 1.

<sup>297</sup> "Prostitution is impossible thanks to the rigid vigilance and the system instituted by the authorities. Venereal diseases are said to be confirmed to a few cases. The doctor has had only one or two patients." "Sex Life in the Camp," Confidential Report Made by Dr. Steinhauer to Mr. Meyer, CZA S25/2634, 1.

<sup>298</sup> *Ibid.*

<sup>299</sup> *Ibid.*

To further justify the policy, this document goes on to outline the “epidemic of abnormal sex relations” that spread throughout the camp, involving women moving “about their quarters in a state of almost complete nudity, having not the slightest concern that they were continuously watched and leered on by the native policemen who kept guard and by the native workmen who were called in to finish their quarters.”<sup>300</sup>

It was the issue of segregation by sex that caused the most friction between the detainees and camp authorities. But it is difficult to determine how much of the document on sex life in the camp is fact and how much is fabrication. The detainees in this document are depicted as one step removed from animals. Not able to control their own bodies, the inmates had to be controlled by camp authorities. But indeed it is not a leap to equate the “sexual conduct” of the detainees in Mauritius with the method of passive resistance these same detainees used when they were moved from the prison in Palestine to the ships that would transport them to Mauritius. Although their nudity did not stop British police from dragging these men and women, or at least the men, to be deported, it was perhaps the case that nudity and threat of out-of-control sexual behavior worked to gain some concessions from the camp administration—before long married couples and families were granted more visiting hours. By this method, some of the Jews of Mauritius, not including single

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<sup>300</sup> Ibid.

men and especially excluding single women, might have gained some small degree of the “normal life” the commandant had referred to in his interim report.

The documents quoted above emanate from the camp itself. It is the contemporary documents from “eye-witnesses” that reveal the whitewash that was taking place, although these sources, too, must be viewed from a critical distance. A letter to Linton, Jewish Agency representative in London, relays the report of one such eye-witness.<sup>301</sup> According to this document, sickness was more widespread than the commandant’s reports admit and detainees lived in “a real prison built in Napoleonic times.”<sup>302</sup> Regarding the visits of married couples: “Husbands and wives are allowed to visit each other four times a week. Lately this has been changed into once a day. During the time of such visits a number of black police enter the arena and are posted in front of each cell or corrugated iron hut.”<sup>303</sup> The Jewish Agency shared this report with the Colonial Office on July 16, 1942.<sup>304</sup> The response was a copy of the commandant’s interim report with word that the Secretary of State had “examined the allegations conveyed in your letter and in light of reports received from Mauritius. . . has intimated that he is satisfied that the

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<sup>301</sup> “Dear Linton,” Unsigned copy of letter, 29 June 1942, CZA S25/2634.

<sup>302</sup> Ibid.

<sup>303</sup> Ibid. Another account: “As a poor substitute of family life the women were permitted to come over to the Men’s Camp three – later five – times a week for two hours and to stay there in certain places under the supervision of numerous policemen. . . One cannot blame the relatively few couples who availed themselves of this opportunity, but the majority of the detainees detested the ‘Tents’ Alley’ and saw in it a studied insult and also a symbol of the hypocrisy in sexual matters which rightly or wrongly is regarded as typical of the English.” Zwergbaum, “Exile in Mauritius,” 221-222.

<sup>304</sup> Letter not in file, but referred to in response from the Government of Palestine to the Executive of the Jewish Agency, February 1943, CZA S25/2634.

Government of Mauritius has made a sincere effort to provide for the comfort and welfare of the detainees.”<sup>305</sup> The letter continues, “The sole restriction on movement of detainees within the camp is that single women are not allowed to enter that part of the camp occupied by the male detainees. . . A policeman is posted at the gate between the men’s and women’s section, and this is the only policeman posted within the camp.”<sup>306</sup>

Although there are not many instances where the detainees speak for themselves, reports from the Zionist Association of Mauritius survive in the archives along with personal correspondence. The Zionist Association of Mauritius served a function similar to that of the Jewish Agency under the mandate.<sup>307</sup> Leaders arranged Hebrew courses, sponsored Jewish cultural programs, stayed in touch with Jewish groups all over the world, and fostered awareness of Zionist issues. They corresponded with a number of Jewish and Zionist groups in South Africa, which sent money and supplies to the camp from its earliest days and also served as intermediary for correspondence between Mauritius and the Jewish Agency in Palestine. Lines of communication also existed between the detainees and Jews in Australia. The letters that survive in the archives, from Mauritius to South Africa and to Australia and back, illustrate the networks formed by the Jews of Mauritius and speak to the connectedness of Jews in the Diaspora.

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<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

In February 1945, the British Government announced that the exiles would be granted certificates to return to Palestine. The Zionist Association of Mauritius worked with South African Zionists in the search for a boat to take the prisoners from their internment back to Palestine. Finding a boat to make the trip from the Indian Ocean, up the East coast of Africa and through the Suez Canal caused some delay. Then in April an outbreak of juvenile paralysis on Mauritius also infected the camp. There were five cases of polio among the detainees, one of them fatal. Finally in July, after a period of quarantine, the refugees departed for Palestine to arrive in August 1945. 1310 persons returned to Palestine of the original 1580. 124 had died in Mauritius; the difference comprised young men who had joined up with the British and Allied armies, and some ten people who had been released from internment for various reasons.<sup>308</sup>

## **CONCLUSION**

The deportation policy used in 1940 was built on a foundation of earlier laws and born of a time before there was an organized Nazi campaign to murder the Jews of Europe; however, it came long after the introduction of anti-Jewish laws in Germany and the Nazi occupation of much of Central and Eastern Europe. British policy-makers felt justified in sending 1580 Jewish refugees into exile for the

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<sup>307</sup> “It was said that the authorities in Mauritius liked the ZAM just as much as the Mandatory Government of Palestine liked the Jewish Agency.” Zwergbaum, “Exile in Mauritius,” 253.

<sup>308</sup> *Ibid.*, 209, 255.

duration of the war, because these individuals had “flouted” the known British policy and to bend that policy might have compromised the fragile stability of Britain’s relationship with the Arab world. In November 1940, the departments involved, Colonial Office, Foreign Office, and Admiralty, demonstrated no awareness of the gravity of the Jewish problem, nor did they show more than a token sympathy for the plight of the Jews. As years passed while the *Atlantic* passengers remained in detention on Mauritius, the Colonial Secretary would take advantage of the dawning awareness of just how grave the situation had become in Europe. Oliver Stanley would emphasize to Parliament in 1944 that the Jewish refugees interned on Mauritius had been kept in safety while their countrymen perished in Europe.<sup>309</sup> This version of safety included tropical diseases, internment behind barbed wire, segregation of the sexes, separation of families: in short, a punishment in excess of the crime.

But Britain had not made an example of these refugees. Rather, the deportation ushered in what was to be a new policy. “[W]ith the exception of illegal immigrants saved from the S.S. *Patria*, who should be allowed to remain in Palestine on the usual conditions, in future all other illegal immigrants attempting to enter

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<sup>309</sup> In *Four Years on Mauritius*, Appendix III, CZA S25/2636. See Andrew Whitfield, “Stanley, Oliver Frederick George (1896–1950),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/36249> (accessed June 30, 2008).

Palestine should be diverted to Mauritius or elsewhere.”<sup>310</sup> Alas, the policy could not be carried out if ships could not be found to transport illegals from Palestine to far-flung islands. This was the case with the *Darien*, which had arrived soon after the deportation of the *Atlantic* passengers. It was decided in February of 1942, when the *Darien* passengers had been interned for eleven months, that they should remain in prison. “Their detention is test case of ability of Palestinian Government to enforce its own laws and thus of determination of His Majesty’s Government in prevention of illegal immigration.”<sup>311</sup>

During her time on Mauritius, one exile wrote to relatives in Australia: “There will be books about what we have to suffer.”<sup>312</sup> But the deportation and imprisonment of the 1580 Jewish refugees would quickly be overshadowed by the horror of the Holocaust and a new post-war refugee crisis. The sources cited in this chapter represent the corpus of materials about the Mauritius exiles. It is nearly forgotten, perhaps because the question remains of how to fit this experience into overlapping histories of Zionism, the Holocaust, and the decolonization of British Palestine. The experience of the *Atlantic* passengers was not that of the illegal immigrants who entered Palestine, were imprisoned for a time, and finally integrated into the Yishuv. Their experience was not the same as Jewish refugees

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<sup>310</sup> Policy was revisited and upheld in War Cabinet Conclusions, 16th February 1942, ADM 116/4659.

<sup>311</sup> Cairo to Foreign Office, War Cabinet Distribution from Egypt, “This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on,” 26th February, 1942, ADM 116/4659.

<sup>312</sup> *Four Years on Mauritius*, Appendix VI, To Mrs. S from Aunt, Mauritius, April 22, 1944.

who fled East into Asia or South into parts of Africa by choice, even if as last resort. Indeed perhaps the experience of the Mauritius exiles should be accepted as *sui generis*—they were the only illegal immigrants to be hit with the book, in this case the White Paper, in its strictest interpretation. No certificate. No Palestine.

Yet it was not a policy outside of normal practice within Britain’s colonial empire. Indeed, if the experience of the Mauritius exiles was not comparable to those of other Jewish survivors of the Holocaust, there is a place for it within British imperial history, where exile was commonly used to remove dissidents.<sup>313</sup> Beyond the experience of exile itself, the Mauritius detainees’ imprisonment on Mauritius fits with other examples of British “justice” at the end of Empire, many of which are only now coming to light. One British observer commented at the time:

When I was told in Jerusalem of the scenes when the refugees were embarked forcibly – ‘not without violence’ – I indignantly refused to believe. ‘It is not the manner of my countrymen to act so,’ I countered. . . The policy which banished them to that island prison (appeasement) has been everywhere else discarded with shame and contumely.”<sup>314</sup>

Once believed to be peaceful and moral, British colonial administration was as likely characterized by brutality and arbitrary punishment.<sup>315</sup>

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<sup>313</sup> In the words of Naval Historian, Ashley Jackson, “There was a British tradition of using remote islands for the exile of awkward political customers.” Ashley Jackson, *War and Empire in Mauritius and the Indian Ocean*, New York, 2001.

<sup>314</sup> Dr. Norman MacLean, “Release them at Once,” letter to the *Manchester Guardian*, reprinted in *Four Years on Mauritius*, Appendix II.

<sup>315</sup> The most controversial recent expose on the British colonial imprisonment of civilians is Caroline Elkins, *Imperial Reckoning: the Untold Story of Britain’s Gulag in Kenya*, Owl Books, 2005.

Moshe Shertok (Sharett) of the Jewish Agency wrote to the leaders of the Zionist Association of Mauritius in 1942, “One day, when we meet, as we shall, we will no doubt hear a moving story but we shall also have a story to tell.”<sup>316</sup> In the months and years following the Mauritius deportation, as borders were sealed across Europe, Jewish illegal immigration would stall. Simultaneously, the Yishuv was changed by the success and failure of *aliyah bet*. These processes were lost on the Mauritius exiles. They would return to a politically empowered Zionist leadership, even in the face of the destruction of European Jewry. Zionist leaders had worked with Britain against Hitler while also staging their own revolt against the Palestine Authority via illegal immigration, to the extent that this was possible during the war.<sup>317</sup>

But in 1942, the flow of refugees from Europe had slowed to a trickle, in effect cutting off the Yishuv from the reality of their coreligionists in Europe. In the near absence of Jewish immigrants, and as word of the final solution leaked from Europe, Britain would have to rethink its implementation of the White Paper’s immigration quotas. Thus for the last years of the war, the White Paper’s immigration quotas were enforced with some elasticity:

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<sup>316</sup> Shertok to the Zionist Association of Mauritius, 16th August 1942, CZA S 25/2634.

<sup>317</sup> This was the essence of the Yishuv’s war against the White Paper, a theme examined in depth in my chapter 6.

Arrangements were made by the British authorities when practically the whole of Europe was occupied by the enemy whereby a large number of European Jews were advised that certificates for entry into Palestine would be issued to them should they reach neutral territory. At the same time British passport control officer at Istanbul was authorized to issue Palestine visas automatically to any Jewish refugee who reached Istanbul.<sup>318</sup>

Despite this change in policy, the quotas set out in the White Paper were not met during the war years. Whether or not Jews had been advised that they could enter Palestine, their chances of escaping Europe were slim.

By the winter of 1944–1945, the High Commissioner reinstated the White Paper’s immigration quotas under renewed pressure to allow Jews into Palestine. The Foreign Office informed the American Embassy in London: “The British had to take steps to provide that Palestine immigration take place in a more orderly manner now that conditions in Europe have changed and the area of enemy action domination has shrunk. Immigration to Palestine at the present time is on a basis of a quota of 10,300 Jewish immigrants.”<sup>319</sup> Events that prompted authorities to curb immigration included the transfer of 1675 Jewish women from internment at Bergen Belsen in Germany to Bern, Switzerland, with the request that they be granted “immediate admission” into Palestine.<sup>320</sup> This request to admit Holocaust survivors into Palestine coincided with the Mandatory’s decision to allow the Mauritius

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<sup>318</sup> “The Ambassador of the United Kingdom to the Secretary of State,” February 23, 1945, in United States Department of State, *Foreign Relations of the United States: diplomatic papers, 1945, General: political and economic matters, Volume II (1945)* p 1134, 1135.

<sup>319</sup> *Ibid.*, p 1135

<sup>320</sup> *Ibid.*, p 1134

detainees to return. As the Allies neared victory in Europe, a new Jewish refugee crisis was quickly developing. The White Paper would be brought to bear again, with the example of the deportation to Mauritius serving as a cautionary tale. By 1946, illegal immigrants would be deported to nearby Cyprus. But an even closer parallel was the White Paper's most extreme interpretation in the post-war era, which resulted in the return of the *Exodus 1947* to Europe.

## **Chapter 5**

### **The Anglo-American Committee of Inquiry: The White Paper Rejected**

In April 1945, the 1939 White Paper continued to define British policy in the Palestine Mandate. Previous chapters have considered aspects of the White Paper policy, including government, land, and immigration, with a geographical focus, for the most part, on Palestine itself with occasional stops in London and a side trip to Mauritius. By 1945, the Palestine question took on European and American dimensions, with an accompanying concern about the spread of Communism and the vulnerability of the Middle East. This chapter might appear to be overly complex at times; this is a symptom of the chaos that prevailed in Europe in 1945 and 1946. Maintaining our focus on the White Paper, the most important challenge to emerge was the question of where to resettle the Jewish displaced persons (DPs) remaining in Europe. These included survivors of the Nazi death camps and other Jews. The main commission tasked with examining the displaced persons situation

and also Palestine was the Anglo-American Committee of Inquiry.<sup>321</sup> Through their hearings in Washington, London, Cairo, and Jerusalem, it is possible to consider the hardening of Arab and Zionist positions on Palestine as well as to assess the diplomatic response to the second Jewish refugee crisis in as many decades. In their search for answers for the displaced persons and in Palestine, the Committee directly confronted the White Paper's immigration restrictions. They also broke with the White Paper's vision of an independent Palestine, not by rejecting the binational state idea, but by offering their own model: a binational state where neither Jew nor Arab would dominate.

In April 1945 Allied troops liberated Nazi concentration camps in Germany. Soviet troops had liberated camps in Poland beginning in July 1944, including Auschwitz in January 1945. A period of chaos ensued in Europe as Allied governments worked to repatriate millions of displaced persons, a small percentage

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<sup>321</sup> Much of the chapter is based on the Joseph C. Hutcheson Papers, Rare Books & Special Collections, Tarlton Law Library, The University of Texas at Austin, which contain transcripts of the Anglo-American Committee of Inquiry hearings as well as the written materials submitted to the Committee throughout the period of their study. The Anglo-American Committee of Inquiry has been the subject of more articles and chapters than it has historical monographs. The bulk of these works were produced shortly after the release of the documents at the Public Record Office. See Michael J. Cohen, "The Genesis of the Anglo-American Committee on Palestine, November 1945: A Case Study in the Assertion of American Hegemony," *The Historical Journal*, Vol. 22, No. 1 (March, 1979), pp.185-207; for an article that is not gentle at all toward President Harry Truman, see Ritchie Owendale, "The Palestine Policy of the British Labour Government 1945-1946," *International Affairs*, Vol. 55, No. 3. (July, 1979), pp. 409-431; Evan Wilson, "The Palestine Papers, 1943-1947," *Journal of Palestine Studies*, Vol. 2, No. 4 (Summer, 1973), pp. 33-54, gives an American insider's perspective on the Anglo-American Committee but also on the United States and Palestine policy; Joseph Heller, "The Anglo-American Commission of Inquiry on Palestine 1945-1946: The Zionist Reaction Reconsidered," in Elie Kedourie and Sylvia G. Haim, editors, *Zionism and Arabism in Palestine and Israel*, (London, 1982), pp. 137-169; Amicam Nachmani, *Great Power Discord in*

of whom were Jewish. Added to the difficulty were millions of German nationals forced back to Germany from Poland and Czechoslovakia. In the weeks and months after liberation, Jewish displaced persons remained in camps peppered throughout zones that Britain and the United States occupied in Germany, Austria, and Italy. They would become the focus of international scrutiny. What should be done with these Jewish men and women who had survived Hitler? While there were many who believed that the Jews should stay in Europe to contribute to its rebuilding, the DPs themselves declared that they wanted to go to Palestine, and the President of the United States, Harry Truman, thought that Britain should allow it. At first, in 1945, Truman's desire to send 100,000 European Jews to Palestine did not translate to a commitment to involving the United States in the problems of Palestine itself.<sup>322</sup> But nevertheless the United States joined Britain in forming the Anglo-American Committee of Inquiry to examine both problems simultaneously. The Committee took on both the aftermath of the war in Europe and its possible implications for Palestine.

The White Paper had proposed self-rule in Palestine by 1949, under an Arab government with protections in place for a Jewish minority; in other words, a single state in Palestine would be ruled by the majority population. This vision was

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*Palestine*, (London, 1987); Roger Louis's *The British Empire in the Middle East* (Oxford, 1984) section IV, chapter 2.

<sup>322</sup> Truman explained: "In my own mind, the aims and goals of the Zionists at this stage to set up a Jewish state were secondary to the more immediate problem of finding means to relieve the human misery of the displaced persons." from Truman memoirs, 144-5, quoted in Wm Roger Louis, *The British Empire in the Middle East*, 387, note 10.

binational in that the two groups, the two nations, would be recognized as distinct and guaranteed certain rights. Implicit in this proposal was the assumption that Jews would remain a minority in Palestine as they had for millennia. But because the Anglo-American Committee looked to Palestine as a possible refuge for the Jewish DPs in Europe, the Committee had the potential to recommend a policy that would upend the demographic balance in Palestine, or so it seemed. Members of the Committee were expected to hear testimonies and to look at voluminous evidence in search of a resolution to the conflict in Palestine. In effect, the Anglo-American Committee was charged with re-examining the entirety of the policy articulated in the White Paper of 1939, as given in the first of their terms of reference: “To Examine political, economic, and social conditions in Palestine as they bear upon the problem of Jewish immigration and settlement therein and the well-being of the peoples now living therein.”<sup>323</sup> Witnesses addressed not only the White Paper’s immigration quotas but also the Land Restrictions of 1940 and the even more tangled question of an independent Palestine’s future government.

The Committee also had to untangle the conflicting agreements that attached to British rule in Palestine, beginning with the Hussein-MacMahon correspondence of 1915 and the Balfour Declaration of 1917, documents containing wartime

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<sup>323</sup> “Report of the Anglo-American Committee of Enquiry regarding the problems of European Jewry and Palestine,” Cmd. 6808, (London, 20th April, 1946), page 1.

promises that were held as sacred by Arabs and Jews respectively.<sup>324</sup> The Arab argument was that the Balfour declaration and what came after were non-binding because Britain had previously promised that Palestine would be among the land designated for Arab independence in the negotiations with Hussein in 1915. The British position was that Palestine had not been included in those negotiations. Finally the Balfour Declaration, for Zionists, bound Britain to the Jewish National home. The Anglo-American Committee based their understanding of what was right by law in Palestine in contested documents that Palestinian Arabs saw as illegitimate, including the League of Nations Mandate itself. It is remarkable the extent to which the members of the committee took the Balfour Declaration and the mandate as given. In the words of Richard Crossman, an English member of the Committee who soon after the publication of their report published his own candid account of the experience: “I am quite clear after reading the documents that historically – but not legally – the Arab case is indisputable.”<sup>325</sup> The Arabs had been there first, but international law established Britain’s obligation to the Zionists.<sup>326</sup>

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<sup>324</sup> See my chapter one for the text of the Balfour Declaration and the Hussein-MacMahon correspondence, which contained the negotiations and promises that brought Arab tribes into the revolt against Ottoman rule during World War I. The Anglo-American Committee Report does not rehash this debate but simply refers to it.

<sup>325</sup> Richard Crossman, *Palestine Mission*, (New York and London, 1947). Crossman remarked that while British members of the Committee possessed copies of George Antonius’s *The Arab Awakening*, which included the letters exchanged between Hussein and MacMahon in 1915, the U.S. State Department did not have a single copy. *Palestine Mission*, page 123.

<sup>326</sup> See Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700-1900* (Berkeley, 1995), for a social and cultural history of Palestine during the Ottoman era.

Crossman's book is of note for his opinions on the White Paper and on Zionism. Crossman saw the White Paper as a tactical error rather than as bad policy: "Malcolm MacDonald would have been on far better ground if he had frankly admitted that the mandate, as originally conceived, had proved unworkable. . . .He should have asked for a *new mandate*, and then his argument would not have looked like special pleading for the Arabs."<sup>327</sup> In Crossman's opinion, had Colonial Secretary Malcolm MacDonald handled things differently in 1939, the White Paper might not have fallen under the category of appeasement of Arabs at the expense of Zionist aims. On the subject of Zionism, Crossman saw the movement in negative terms:

[I]n the world of 1945, Zionist assertions that the Jews *are a nation* is really a reflex of anti-Semitism. Whereas the few survivors of European Jewry should be liberated from that awful *separateness*, which Hitler imposed, and reconstituted Europeans with full rights and duties, Zionism actually strengthens the walls of the spiritual concentration camp.<sup>328</sup>

The idea that Zionism was not necessarily good for the Jews was not shared by American members of the Committee, for whom such ideas as a Jewish nation and Jewish race were assumed. Thus the idea of Jews as nation and race was at once discredited and entrenched by the war against the Jews. The tension between these

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<sup>327</sup> Crossman, *Palestine Mission*, 18, italics in original. See my chapter two for the origins of the White Paper.

<sup>328</sup> Crossman, *Palestine Mission*, 19, italics in original.

ideas was on display especially in Washington where, according to Crossman, members of the Committee learned everything they needed to know.<sup>329</sup>

The Americans and Britons on the Committee also had to fulfill the second part of their assignment, another task that challenged the policies of the White Paper:

To examine the position of the Jews in those countries in Europe where they have been the victims of Nazi and Fascist persecution, and the practical measures taken or contemplated to be taken in those countries to enable them to live free from discrimination and oppression and to make estimates of those who wish or will be impelled by their conditions to migrate to Palestine or other countries outside of Europe.<sup>330</sup>

Some members of the Committee saw for themselves if the Jewish displaced persons wished to immigrate to Palestine or elsewhere. This was far from a guarantee that the White Paper's immigration and land restrictions would be overturned, a reversal that would open Palestine to European Jews and remove obstacles to their settling there. Rather it was an acknowledgment that Palestine might offer part of the answer to the new Jewish problem taking shape in Central Europe. As had been the case with Jewish refugees before the war, British authorities attempted to separate the Jewish problem from Palestine, but this was made impossible by Truman's insistence on 100,000 visas to Palestine for Jewish victims of Nazism still in Europe. By this time there was a general trend toward

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<sup>329</sup> "Subsequent hearings added little to the facts which we learned in that exhausting first week," Crossman, *Palestine Mission*, page 23.

<sup>330</sup> "Report of the Anglo-American Committee," page 1.

associating Palestine with the needs of world Jewry. Indeed, this association had been in place since before the war, when Palestine was believed to be the natural destination for Jews fleeing Nazism. For this reason, the White Paper – the policy that had all but closed Palestine to European Jews in the first years of World War II – had been widely unpopular at the time of its publication and implementation.<sup>331</sup> It was unlikely that the American members of the Committee would feel any need to uphold it.

The most pressing issue put before the Anglo-American Committee was whether or not to overturn the immigration quotas introduced by the White Paper and still in force in Palestine after the war. The possibility of open Jewish immigration to Palestine – immigration beyond the 100,000 – introduced a hypothetical situation, very much on the minds of all participants in the hearings. If Palestine were opened to unlimited Jewish immigration, might there be a reversal in the population balance from the White Paper's permanent Jewish minority to an Arab minority? This idea represented Zionism's greatest hope and Palestinian Arabs' greatest fear. But Jewish immigration also threatened Britain's position in the mandate. The question of population balance between Jews and Arabs connected directly with land. Where would the Jewish immigrants live? Possible implications were even greater for the future government. What form would an independent Palestine now take? The Land Regulations of 1940 had been carefully designed to

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<sup>331</sup> See my chapter 4 on the illegal immigration movement that grew from Europe to challenge this

contain areas of Jewish settlement so as to leave both the binational state and partition in play for defining the future independent Palestine. Concentration of Jews would also make it possible to implement cantonization, or provincial autonomy, the midpoint between partition and the binational state, where certain regions would be designated as Arab or Jewish, under a central government. The Arab majority had been the basis of these plans. Opening Palestine to free Jewish immigration would defeat the policies that Britain had implemented in Palestine since 1939.

The Palestinian Arab argument remained consistent from the late 1930s, and it had been bolstered by the policy of the White Paper.<sup>332</sup> Palestine should be an Arab state with protections for the Jewish minority, which was not to increase by a single immigrant. Witnesses for the Palestinian Arabs included Albert Hourani, who would later become the prominent historian of the Arab world. Hourani was Lebanese by birth but was involved with the Palestinian Arab cause through his work for the Arab Office. Hourani's testimony is of note for offering a compelling endorsement of the White Paper, in other words the argument in favor of an Arab state, along with the objection to further Jewish immigration based on principle.<sup>333</sup> According to the White Paper, after the termination of the quotas, further Jewish

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policy.

<sup>332</sup> See my chapters 1 and 2 for a discussion of the Mufti's position on Palestine at the time of the revolt.

immigration to Palestine was not to take place without Arab consent. For Britain to allow 100,000 Jewish displaced persons to enter Palestine over the heads of Arab leaders would be to violate this principle. Hourani's statement demonstrated steadfast support of the Mufti's position on the future government of Palestine, which had defined the Arab position dating back at least to the Mufti's testimony before the Peel Commission in 1937. Hajj Amin al-Husseini was the Mufti of Jerusalem, a local appointment elevated to the national stage by the mandatory authority in the 1920s. As head of the Supreme Muslim Council, the Mufti had supported the revolt in Palestine from 1936 to 1939. It is remarkable in the case of the Palestinian Arabs the extent to which the Mufti defined the Palestinian Arab argument, despite his absence from the region since the late 1930s.<sup>334</sup>

If Arabs and Zionists had held opposing positions in 1939, by 1945 these groups had become almost completely polarized—each now sought their own state in all of Palestine. The mainstream Zionist argument, well represented in testimonies before the Committee, was based largely on the Biltmore program, a position adopted in 1942 in New York by American Zionists and leaders from the Yishuv representing the ambitions of world Zionism. In short: “The Conference

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<sup>333</sup> Albert Hourani testimony before the Anglo American Committee of Inquiry, Jerusalem, March 25, 1946. Joseph C. Hutcheson Papers L10/9. Hourani was recognized as the ablest of advocates for the Arab position. For Zionist reactions to Hourani's testimony see Louis, *The British Empire in the Middle East*, p 413.

<sup>334</sup> Jamal el Husseini in testimony before the Anglo American Committee defended the Mufti's wartime activities, which included meetings with Hitler and living for the majority of the war in Mussolini's Italy. El Husseini argued that the Mufti's actions had been motivated by an interest in the well being of the Palestinian Arabs. Joseph C. Hutcheson Papers L10/3.

urges. . . that Palestine be established as a Jewish Commonwealth integrated in the structure of the new democratic world. Then and only then will the age-old wrong to the Jewish people be righted.”<sup>335</sup> This was a paradigm that grew not only from the situation of Jews in Europe in 1942 but also from the original aim of Herzl and Zionists who attended the first World Zionist Organization meeting in Basle in 1897. It was the first time the Jewish State had been declared the official mainstream Zionist goal in Palestine, a goal that went beyond any British promise to the Jews. Nowhere in the history of the Mandate, other than by interpretation and inference, had a Jewish state in all of Palestine been Britain’s endgame. In the United States proponents of the Biltmore program, in other words of the Jewish State, had little patience for Jews who dissented from this position. In Palestine, the majority backed Biltmore, but tolerated a large group of dissenters.

This chapter examines the question of Palestine’s future – indeed the future of the White Paper – paying special attention to the testimony of the Zionist dissenters of the Ihud (“Union”) Association, a group founded during the war. Against all odds – and outspoken criticism from all sides – it was this testimony that bears closest resemblance to the Committee’s report. The Ihud Association was founded by Rabbi Judah Magnes, whose binational state idea figures prominently in chapter two of the present work, and his friends Henrietta Szold, the American

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<sup>335</sup> The Biltmore program is reproduced in CZA S25/7676. For the Biltmore conference, see also Richard Stevens, *American Zionism and U.S. Foreign Policy, 1942 – 1947*, (New York, [1962] 1970), p 4 and 5. See Chapter 1, “The Biltmore Program and American Jewry.”

founder of the Women's Zionist Organization, Hadassah, and Martin Buber, the German Jewish philosopher and long time collaborator with Magnes in the quest for Arab-Jewish cooperation. They continued their efforts even as World Zionism turned toward maximalist demands. These Zionist dissenters stood up to the dominant opinion, and not without some injury. Magnes and his cohort were vilified, especially by the American Zionist establishment. The final section examines the Report of the Anglo-American Committee and their complete rejection of the White Paper of 1939, but not of the binational state idea, which they supported in concept but on a different model, ending with a brief comment on the influence of Ihud's ideology.

But first it is important to understand how the United States became involved in Palestine after Britain had ruled there for decades without interference.

#### **THE EMERGENCE OF THE UNITED STATES AND THE QUESTION OF PALESTINE**

The United States President Franklin Delano Roosevelt criticized the White Paper of 1939 and evinced general support for Zionist aims, but avoided taking an official stand on the problem of Palestine.<sup>336</sup> Throughout the first decades of the

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<sup>336</sup> Roosevelt to Secretary of State, May 17, 1939, begins, "I have read with interest and a good deal of dismay the decisions of the British Government regarding its Palestine policy." United States Department of States, *Foreign Relations of the United States Diplomatic Papers, 1939. The Far East; The Near East and Africa*, Volume IV, (Washington, D.C., 1939), p 757.

mandate, American officials viewed Palestine primarily as a British problem.<sup>337</sup> But in the 1940s, the United States was connected to the problem of Palestine in several significant ways. In August 1941, Roosevelt and Prime Minister Winston Churchill signed the Atlantic Charter, a document that later formed the preamble to the charter of the United Nations.<sup>338</sup> This declaration of the rights of nations defined the United States' position on Palestine for the next couple of years. In following the Atlantic Charter, Roosevelt was concerned equally for the rights of Arabs and Jews in Palestine. In 1943, King Ibn Saud contacted President Roosevelt to express Arab concern about Palestine. In his reply, Roosevelt voiced the first American official statement of policy on Palestine: "It is the view of the Government of the United States that no decision altering the basic situation of Palestine should be reached without full consultation with both Arabs and Jews."<sup>339</sup> Roosevelt adhered to this "full consultation" formula until his death in April 1945.

But Palestine was more than an issue of international diplomacy. In the United States, it was also a question of domestic politics. As previously mentioned, in 1942, the World Zionist Organization met in New York at the Biltmore Conference. Led by David Ben-Gurion of the Jewish Agency for Palestine,

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<sup>337</sup> It is important to separate American views on Palestine from the American position on Jewish refugees. For this issue in the pre- and postwar eras, see Richard Breitman and Alan M. Kraut, *American Refugee Policy*, and Leonard Dinnerstein, *America and the Survivors of the Holocaust* (New York, 1982).

<sup>338</sup> See "The Atlantic Conference Between President Roosevelt and Prime Minister Churchill, August 9-12, 1941, in United States Department of State, *FRUS 1941 General, The Soviet Union*, Volume I, 1941, pp 341-378.

representatives of world Zionism declared their intention to pursue a Jewish state in all of Palestine. With the Biltmore program, the heart of organized world Zionism moved from London to New York and Washington. American Jewish opinion, previously split along the spectrum from Zionist, non-Zionist, to anti-Zionist, overwhelmingly came to identify with the struggle for a Jewish state. In 1943, in a meeting between Jewish leaders from Palestine and American policy makers, Chaim Weizmann, the elder statesman of the *Yishuv*, estimated that ninety per cent of Jews in the United States supported the creation of a Jewish state in Palestine.<sup>340</sup> On the other hand, according to Weizmann, a “powerful but small minority” opposed the Jewish state out of “fear of jeopardizing its own position in the United States.” He added, “When a man is frightened he is not logical.”<sup>341</sup> Although ninety per cent might have been a high estimate, American politicians, particularly those interested in the New York Jewish vote, could not avoid the question of Palestine.<sup>342</sup>

As early as the winter of 1944, while the war was still being fought, the United States was already concerned about finding an alternative to Palestine for

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<sup>339</sup> In Evan M. Wilson, “The Palestine Papers, 1943-1947,” *Journal of Palestine Studies*, Vol. 2, No. 4. (Summer, 1973), pp. 33-54, 38.

<sup>340</sup> “Memorandum of Conversation, by Mr. William L. Parker of the Division of Near Eastern Affairs,” March 3, 1943, in *FRUS 1943. The Near East and Africa*, Vol IV, 1943, 757-763, 763. This was a meeting of Zionist leaders from Palestine with American policy makers.

<sup>341</sup> *Ibid.*, 763. For the counterpoint to the assertion that Jewish opponents of Zionism were illogical, see testimony and materials submitted by Lessing J. Rosenwald—arguably the most logical testimony on the responsibility of Western countries toward Jewish refugees and also on the potential of a Jewish state to unsettle the position of Jews in the world, especially in the Middle East. Lessing J. Rosenwald testimony before the Anglo-American Committee of Inquiry, Washington, DC, January 10, 1946, Joseph C Hutcheson Papers L11/4, pp. 52-110.

rescuing and resettling European Jewish refugees. At this point there was not an awareness of the numbers involved.<sup>343</sup> In 1944 officials over-estimated the number of Jews alive in Europe. By February 1945, it was reported that 100,000 Rumanian Jews had applied for immigration certificates to Palestine.<sup>344</sup> In fact, the number 100,000 would become a trope in the debates about displaced persons and Palestine, although it was said to represent the number of Jews remaining in camps in Germany and Austria.<sup>345</sup> The discussions of that time demonstrate that the scope of the Jewish refugee problem had not yet revealed itself—in the coming months hundreds of thousands more Jews would make their way to Central Europe in hopes of reconnecting with relatives and also of finding a way out. The numerical reality of the Jewish DPs, as well as the expense and responsibility of maintaining them,

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<sup>342</sup> But it is important not to overstate the influence of American Jews in 1943. The important thing was the perception of influence that extended across the Atlantic.

<sup>343</sup> See Secretary of State to the Ambassador in the United Kingdom, January 2, 1945, “Interest of the United States in the Relief and Rescue of Jews and Security Detainees in Germany and German-occupied territory,” *FRUS 1945. General: Political and Economic Matters*, Volume II, 1119-1145. Leonard Dinnerstein, *America and the Survivors of the Holocaust*, chapter 1, discusses planning for care of refugees and displaced persons at the end of the war. Despite extensive planning, “When the war ended in may 1945, hundreds of thousands more DPs remained in Germany and Austria than had been anticipated. Assembly centers established to hold 2,000 or 3,000 people contained over 10,000,” 11. In the chaos of dealing with over 7 million refugees, Jewish displaced persons were not recognized as distinct from non-Jewish DPs. “The Army herded Jewish concentration camp survivors of non-enemy states together with non-Jewish DPs, many of whom had been their former guards and tormentors. . .” *Ibid.*, 13.

<sup>344</sup> *The Adviser on Refugees and Displaced Persons (Warren) to the Second Secretary of the British Embassy (Russell)*, Washington, February 13, 1945 in *FRUS 1945. General: Political and Economic Matters*, Volume II, 1148.

<sup>345</sup> Historian Yehuda Bauer describes 100,000 as “a political shibboleth of great importance,” in *Brichah: Flight and Rescue* (New York, 1970), 78. In the same passage, Bauer traces the origins of the number 100,000 to discussions between Weizmann and Churchill in November 1944 and to a Jewish Agency Memorandum of June 1945.

led the U.S. President Truman to seek a destination for these stateless persons outside of Europe. Palestine seemed the natural choice.

Truman drew this conclusion from the report of Earl G. Harrison, Dean of the University of Pennsylvania Law School, and member of the War Refugee Board and International Committee on Refugees. He visited the displaced persons camps in July 1945, and reported back to Truman:

[T]he main solution, in many ways the only real solution, of the problem lies in the quick evacuation of all non-repatriable Jews in Germany and Austria, who wish it, to Palestine... The evacuation of the Jews of Germany and Austria to Palestine will solve the problem of the individuals involved and will also remove a problem from the military authorities who have had to deal with it.<sup>346</sup>

Sending the DPs to Palestine would alleviate a large burden in the U.S. Zone of Germany by relieving the U.S. of the expense and responsibility for maintaining and rehabilitating these people. It would also give the DPs what they said they wanted—a new life in Palestine. Unspoken was the desire to avoid bringing the DPs to American shores.<sup>347</sup> Following Harrison's recommendation, Truman requested that Britain allow 100,000 Jewish displaced persons to enter Palestine; in so doing,

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<sup>346</sup> The Harrison Report, as sent to Attlee by Truman, is in PREM 8/. See also *FRUS 1945 II*, note 95, page 1193, and Arieh J. Kochavi, *Post Holocaust Politics: Britain, the United States, and the Jewish Refugees, 1945-1948* (Chapel Hill, 2001, chapter 4.

<sup>347</sup> For wartime policy that kept Jewish refugees from entering the United States, see Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington, 1987). Chapter six discusses in detail Breckenridge Long, head of the War Problems Division of the U.S. State Department. Long was positioned as the gatekeeper in the important mission to keep fifth columnists out of the United States. His determination that Jewish refugees posed a security threat was sufficient to bar refugees from entering the United States during the war. Prejudice against Jewish refugees continued in the United States in the immediate aftermath of the war. See Dinnerstein, *America and the Survivors of the Holocaust*, 5.

Truman contradicted his predecessor's formula of full consultation with Jews and Arabs. The obstacle to this "only real solution" was the White Paper.

#### **THE FORMATION OF THE ANGLO-AMERICAN COMMITTEE OF INQUIRY**

Truman's letter requesting that 100,000 European Jewish displaced persons be allowed into Palestine was sent on August 31, 1945. The letter read:

It appears that the available certificates for immigration to Palestine will be exhausted in the near future. It is suggested that the granting of an additional one hundred thousand such certificates would contribute greatly to a sound solution for the future of Jews still in Germany and Austria, and for other Jewish refugees who do not wish to remain where they are or who for understandable reasons do not desire to return to their countries of origin. . .

[N]o other single matter is so important for those who have known the horrors of concentration camps for over a decade as is the future of immigration possibilities into Palestine.<sup>348</sup>

Clement Attlee, who had taken over the premiership from Winston Churchill the month before, represented a Labor Party that had supported Zionism. But, as had happened with the pre-war Colonial Secretary, Malcolm MacDonald, the architect of the White Paper, Attlee's position on Palestine would change. Even more importantly in Palestine as events unfolded, Ernest Bevin, the Secretary of State for Foreign Affairs, found himself increasingly sympathetic to the Arab position in

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<sup>348</sup> Harry Truman to The Prime Minister of Great Britain [Clement Attlee], August 31, 1945, PREM 8/89. Regarding Attlee's response, also in PREM 8/89, Christopher Sykes wrote, "It was not cordial." See *Cross Roads to Israel: Palestine from Balfour to Bevin* (London, 1965), 292. To say that the correspondence that ensued between the two leaders was heated would be a gross understatement. For the strained relationship between the United States and Britain over the 100,000, see Louis, *British Empire in the Middle East*, Part IV, chapters 1 and 2.

Palestine, especially as Britons stationed there increasingly became the targets of Jewish terrorism. Truman's letter set off a struggle between the United States and the new British leadership.<sup>349</sup>

From the British perspective, Truman's demand to admit a large number of Jews into Palestine was made without an appreciation for the potential danger inside Palestine and throughout the region. It bears repeating that British politicians had long sought to avoid conflating the issues of Jewish refugees and Palestine. Stalling for time, Attlee countered Truman's request for 100,000 immigration certificates to Palestine with a request that there be a joint inquiry into the matter. Yet another commission was to be sent to investigate problems in Palestine, armed with the findings of those who had gone before.<sup>350</sup> After letters back and forth over several months, in November 1945, the President and the Foreign Secretary announced simultaneously the appointment of the Anglo-American Committee of Inquiry on Palestine.<sup>351</sup> The Committee would be chaired by a federal judge from Texas,

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<sup>349</sup> Correspondence between Truman and Attlee is in PREM 8/89. It is also reprinted in Francis Williams, *Twilight of Empire: Memoirs of Prime Minister Clement Attlee*. New York: A.S. Barnes and Co., [1960] 1961.

<sup>350</sup> The report of the Royal "Peel" Commission, 1937, would be an indispensable source for the Committee, as would be the Woodhead technical commission's findings from the next year that partition was unworkable. Woodhead had paved the way for the White Paper, but its finding with regards to the inherent difficulties of partition remained on point for Palestine in 1945. Woodhead had found the main obstacle to partition to be the presence of a very large Arab minority within the densest areas of Jewish settlement. With the White Paper's immigration quotas and land restrictions, not much had changed on the ground in Palestine with respect to demographics or areas of Jewish settlement. Although Jews had expanded territorially, areas of heavy Jewish population were still home to large Arab minorities. See my Chapter 3.

<sup>351</sup> For Bevin's statement see FO 141/1021. See also *FRUS 1945. The Near East and Africa*, Volume VIII (1945), pp. 824-842. These pages include responses from Zionist and Arab leaders to the establishment of the Anglo-American Committee.

Joseph C. Hutcheson, and a British Chair, Sir John Singleton, also a judge, and included five additional representatives each from the United States and Britain.<sup>352</sup>

The Anglo-American Committee of Inquiry was given 120 days to examine the Jewish refugee situation and Palestine problem. Between January and March of 1946, the twelve members of the Committee heard testimony at hearings in Washington, London, Cairo, and Jerusalem. These hearings featured prominent figures on all sides, Jewish, Arab, British, some of whom had been involved in the discussions about Palestine since the last years of the 1930s, and in some cases since the first World War. Transcripts of the hearings reveal opinions about both Palestine and the Jewish displaced persons from multiple perspectives, casting light on the main debates. The Committee was founded in the interest of making an honest effort toward the problem of Palestine and the Jewish DPs, and it was widely believed that the Committee's recommendations would become policy—especially after Ernest Bevin, the Foreign Secretary, announced that he would implement a unanimous report.<sup>353</sup> Hearings drew many important figures of the time, directly related or not

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<sup>352</sup> Members of the Committee from the United States were Frank Aydelotte, Frank W. Buxton, Bartley C. Crum, James G. MacDonald, and William Phillips. British members included W.F. Crick, Richard Crossman, Frederick Leggett, R. E. Manningham-Buller, and Hebert Morrison. Telling character sketches can be found in Crossman, *Palestine Mission*. In addition to Crossman, Bartley Crum, an American, published a memoir of his experiences on the Committee. While Crossman's is a candid account of the proceedings and his impressions, Crum's account is colored by his Zionist leanings. See Bartley Crum, *Behind the Silken Curtain*, (New York, 1947).

<sup>353</sup> Bevin announced that he would support a unanimous report at his only appearance before the Anglo-American Committee in London in January 1946. See Youssef Chaitani, *Dissension Among Allies: Ernest Bevin's Palestine Policy between Whitehall and the White House, 1945-1947*, (London, 2002), p 55.

to the issue of Palestine.<sup>354</sup> Committee members also broke apart into smaller groups. Some visited displaced persons camps throughout Europe, while others journeyed to Middle Eastern Capitals, following testimonies in London and Cairo of a number of Arab leaders. Unlike the St. James conference in London in early 1939, where Arab leaders followed the lead of the Palestinian Arab delegation, in meetings with the Anglo-American Committee, Palestinian Arab voices were muted by the involvement of regional powers.<sup>355</sup> Finally, from late March to April 20, 1946, the Committee deliberated and drafted their report in Lausanne, Switzerland.

#### **THE 100,000: MINORITY AND MAJORITY IN PALESTINE**

In the first year after the end of war in Europe, as Jewish survivors made their way predominantly to the United States Zone of Germany, Zionists worldwide were presented with a possibility that had before only existed in the realm of fantasy: numerical parity with Arabs in Palestine. Jews might even become the majority, this line of thinking went, if the British would open Palestine to the

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<sup>354</sup> For example, Albert Einstein delivered a scathing indictment of imperialism before a delighted and worshipful crowd in Washington, DC. Einstein was critical of Empire in general and of British rule in Palestine specifically. So inflammatory was his testimony that it was not included in the published transcript of the Washington hearings and must instead be located in newspaper reports. See Harold A. Hinton, "Einstein Condemns Rule in Palestine," *New York Times 1857-Current*; Jan 12, 1946; ProQuest Historical Newspapers, *The New York Times (1851-2003)*, p 7. See also Crum, *Beyond the Silken Curtain*, 24.

<sup>355</sup> For the St. James conference see my Chapter 2. The failure of the diplomatic option in London in 1939 cleared the way for the Colonial Secretary, Malcolm MacDonald, to dictate his own policy, embodied in the White Paper of 1939.

hundreds of thousands of Jewish displaced persons who wished to come.<sup>356</sup> In addition to the 100,000, there were known to be hundreds of thousands more Jews displaced by the war en route from Poland and other points East to join their coreligionists in Germany.<sup>357</sup> But first the Anglo-American Committee of Inquiry would have to decide if 100,000 DPs should be allowed into Palestine. The immigration of this number would bring the Jewish population of Palestine to about thirty-six percent of the total, up from approximately thirty-three percent—the White Paper’s immigration quotas had been designed to keep the Jewish population static at no more than one-third of the total. Immigration certificates for 100,000, from a Zionist perspective, would be the tip of the iceberg. But the Jewish majority

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<sup>356</sup> The quest for numerical parity inspired David Ben-Gurion to devise a series of plans to bring more Jews to Palestine, including one to bring Jews from Arab countries in 1944. See Yechiam Weitz, “Jewish Refugees and Zionist Policy During the Holocaust,” *Middle Eastern Studies*, Vol. 30, No. 2, April 1994, 351-368. Weitz traces the evolution of Ben-Gurion’s thought from emphasizing refuge for European Jews before the war and in its first years, to the later plan, following awareness of the final solution, to bring one million Jews from North Africa, the Middle East, and the Soviet Union. By 1945, Ben-Gurion’s attention shifted back to European Jewish refugees, but would return again to Middle Eastern Jews in the years immediately following Israel’s establishment. The Yishuv’s brief focus on Middle Eastern Jews introduced a connection between these two groups prior to the establishment of Israel. See Yehouda A. Shenhav, *The Arab Jews: a Postcolonial Reading of Nationalism, Religion, and Ethnicity* (Stanford, California, 2006). Shenhav examines pre-war contacts on the basis of the Iraqi Jewish example. Decades earlier, Jews from Yemen had been brought to Palestine in the early years of the Mandate to replace Arab labor in Jewish-owned businesses. Relevant to the present work, the Jewish Agency presented documents to the Anglo-American Committee of Inquiry that described in detail the situation of “Oriental” Jews. See Hutcheson Papers, Box L7. The point here is that prior to the state of Israel, Middle Eastern or Mizrahi (Eastern) Jews, also erroneously called Sephardic (Spanish) Jews, were included in the vision of the future state, but never on equal footing with European Jews, setting the precedent for the difficulties these Jews have faced in Israel. See Ella Shohat, “Sephardim in Israel: Zionism from the Standpoint of Its Jewish Victims,” *Social Text*, No. 19/20 (Autumn, 1988), 1-35, and “The Invention of the Mizrahim,” *Journal of Palestine Studies*, Vol. 29, No. 1 (Autumn, 1999), 5-20.

<sup>357</sup> The fitness of these Jewish refugees to make the trip to Palestine is another matter, discussed in Yehuda Bauer, *Flight and Rescue*, 79. He explains that the movement of Jews from East to West in Europe, *Bricha*, picked up pace after August 1945, when Truman first wrote to Attlee.

was still a dream, a mathematical impossibility in light of demographic realities in Palestine, as the Anglo-American Committee quickly learned.

While immigration of 100,000 Jews would not have amounted to so significant a change on the ground, the arrival of this many Jews – more than had been permitted to enter Palestine over the previous five years – would upset the delicate balance British authorities believed had been achieved by the White Paper.<sup>358</sup> Furthermore, to allow any Jewish immigration into Palestine after the granting of the White Paper's 75,000 certificates would violate the promise made to Palestinian Arabs that there would be no further Jewish immigration without Arab consent. The 75,000 certificates allotted by the White Paper had not been used by the end of the original five year deadline, so they were extended through November of 1945. Immigration then continued at 1,500 Jews per month. Even this level of immigration was seen by Arabs as a breach of the promise Britain had made to them in the White Paper. Palestinian Arab leaders had rejected the White Paper in 1939; nevertheless, because the immigration and land aspects of the White Paper had been implemented, Arabs expected the British authority to uphold this principle. But much as Zionists hoped to bring in the 100,000 as a prelude to a larger immigration,

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<sup>358</sup> The revolt of the Arabs in Palestine had fairly well quieted by summer 1939, in part because of the exile of leaders but also because of a lack of resources. Palestine was calm during the war, while Jews amassed weapons to fight against the British after, and only after, Hitler had been defeated. This was David Ben Gurion's two-pronged war: against Hitler with the British and against the White Paper. The Yishuv's "War Against the White Paper" is a major theme in the following chapter.

Palestinian Arabs, too, saw the 100,000 as the first step toward being overtaken by a Jewish majority and with it a Jewish state.<sup>359</sup>

But was a Jewish majority possible? In Washington, the demographer Frank W. Notestein, a professor at Princeton, testified before the Committee that it was possible, but that a Jewish majority would be temporary, because it could not be maintained by natural increase. Notestein explained that if one million Jews came to Palestine by 1950, an arbitrary number not necessarily based in reality, Jews would for a time be the majority. But in twenty years, by 1970, the Arab population would again overtake the Jewish population because of natural increase. Arabs reproduced at the rate of 2% per year; the Jewish rate of natural increase was half that.<sup>360</sup>

Notestein elaborated, “The Jews the world over are a low-reproducing race. You never pick up any statistics classified by religion, that I know of, where in the community they are working with the Jews aren’t the lowest reproducers of the lot.”<sup>361</sup> Committee members wondered if there was any way that a Jewish majority could be maintained? Notestein replied, “I don’t see any terms on which I could

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<sup>359</sup> Planning for a Jewish majority, or at least for numerical parity, again was based in estimates of the number of Jews who might come to Palestine from Europe. At the Washington hearings, two testimonies established the baseline. Earl Harrison reported that there were 100,000 Jews in Austria and Germany in July of 1945. Joseph Schwartz of the American Jewish Joint Distribution Committee, testifying immediately after Harrison, reported that there were as many as half a million Jews who were en route to Germany from points further East. Testimonies of Harrison and Schwartz, given January 7, 1946, in Washington, DC, Joseph C. Hutcheson Papers L11/1.

<sup>360</sup> This discussion will sound familiar to those following the current debate over Israel’s demographic position in the West Bank.

imagine conditions under which the Jews can become and remain for any substantial period of time a majority short of very sharp, heavy immigration of Arabs under whatever terms you want.”<sup>362</sup> Notestein introduced the question of “sharp, heavy immigration of Arabs,” a euphemism for population transfer.

Zionist witnesses in Washington responded to the suggestion of population transfer. They were emphatic that they had given no consideration to the transfer of Arab populations from Palestine to neighboring countries. Crossman reported on Zionist responses to Notestein’s testimony: “Dr. Notestein’s calculations were put to a number of Jewish witnesses. No serious answer was made to them in either Washington or London.”<sup>363</sup> It is important to question to what extent Zionist leaders were aware that they could only become a majority in Palestine through removal of the Arab population. “Exchange of Land and Population” was elaborated in the Royal Commission report: “If partition is to be effective in promoting a final settlement, it must mean more than drawing a frontier and establishing two States. Sooner or later there should be a transfer of land and, as far as possible, an exchange of population.”<sup>364</sup> At the Zionist Congress in August 1937, where leading Zionists discussed the Royal Commission’s report, they also adopted its idea of population

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<sup>361</sup> Notestein testimony to the Anglo-American Committee, January 14, 1946, Washington, DC. Joseph C. Hutcheson Papers L11/7, page 93. Barley Crum, whose *Beyond the Silken Curtain* is biased toward the Zionist perspective, related: “[A] permanent Jewish majority in Palestine could not be maintained, unless some of the Arabs were moved out, because the Arabs increase twice as fast as the Jews,” 23.

<sup>362</sup> *Ibid.*, 93.

<sup>363</sup> Crossman, *Palestine Mission*, 61.

<sup>364</sup> *Palestine Royal Commission Report*, 389.

transfer.<sup>365</sup> Labor leader Berl Katznelson endorsed transfer but commented on its limits in the context of partition: “A remote neighbor is better than a close enemy. . . . But I never imagined that the transfer would be merely to the neighborhood of Nablus. I always believed that they were destined to be transferred to Syria or Iraq.”<sup>366</sup> This outspoken support for population transfer was bolstered by the Royal Commission’s support for the idea—after all, theirs had been the first mention of it. The position was elaborated during the war but later downplayed in diplomatic dealings with Britain and then with the United Nations. This practice of avoiding discussion of the Zionist position on transfer is in evidence in Zionist testimonies before the Anglo-American Committee.<sup>367</sup>

This issue of majority and minority became a recurring theme in testimonies before the Anglo-American Committee of Inquiry. Even Rabbi Judah Magnes altered his demographic calculations in response to the destruction of Jewish Europe. The American head of Hebrew University had long worked in Palestine for Arab-Jewish rapprochement and had devised his binational state plan in the 1930s on the basis of a permanent Jewish minority. But in 1945 Magnes did not

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<sup>365</sup> See Israel Shahak, “A History of the Concept of ‘Transfer’ in Zionism,” *Journal of Palestine Studies*, Vol 18, No 3 (Spring, 1989), 22–37, 23. This source establishes the background to the expulsion of Palestinian Arabs between 1947-1949 and continues the story into the years after the 1967 war when rumors circulated that there might be transfer of populations from the West Bank and Gaza.

<sup>366</sup> In *Ibid.*, 25.

<sup>367</sup> The pioneering work on population transfer is Bennie Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge, 1987). See chapter one for the development of the policy of transfer throughout the 1930s and the war years and then the practice of avoiding the subject after the war.

compromise the main tenet of his binational state, political parity, to the siren song of numerical parity. Magnes instead presented an intricate proposal that incorporated both ideas.

### **THE IDEALISTS – JUDAH MAGNES AND THE IHUD ASSOCIATION**

From the late 1920s Judah Magnes developed his idea of the binational state, motivated by deteriorating relationships between Arabs and Jews and the belief that the populations would need to cooperate in Palestine in their move toward independence. Included in his idea was a commitment to building the Jewish National home and to achieving political equality for Jews, regardless of their number in the population. His vision is discussed earlier in this volume, but it bears repeating the early model in order to appreciate the adjustment in Magnes’s thinking that took place in light of the Holocaust. The proposal Magnes presented to the Royal “Peel” Commission in 1937 contained what was known as the 40/10 plan—over 10 years, the Jewish population of Palestine would increase to forty percent.<sup>368</sup> In 1946, Magnes proposed both political and numerical parity to show that large-scale Jewish immigration was consistent with the binational state. This revised binational state would appeal to most members of the Anglo-American Committee because it acknowledged the complexity of the task before them and appeared to offer a way out of the stalemate in Palestine.

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<sup>368</sup> Magnes to Reginald Coupland, Jerusalem, January 7, 1937, in Goren, *Dissenter in Zion*.

At the time of the Royal Peel Commission, 1937, Magnes had fallen out with Ben-Gurion and the Yishuv leadership over unauthorized meetings with Arab leaders. He regrouped in 1942 with the formation of the Ihud (Union) Association, a discussion group founded by like-minded Jews, among them many intellectuals. The Biltmore resolution in favor of a Jewish Commonwealth was passed on May 12, 1942. Magnes responded one week later with a brief pamphlet, "Palestine and Arab Union."<sup>369</sup> His concern: "maximalists of both camps – Jews and Arabs – are in the ascendant." He detailed the Zionist demand for a Jewish State and the Arab demand for an Arab State, concluding that, "These maximalist aspirations are clearly incompatible with one another." Magnes argued that the impasse could be mediated through a three part union, beginning in Palestine and extending through the world of "free nations": 1) Union between Jews and Arabs in Palestine; 2) Union of "Arabic-Semitic lands" in the Middle East; and 3) Union of Middle East states with the nations of the world. For the Anglo American Committee the most important part of Magnes's vision was union between Jews and Arabs in Palestine. "Union within Palestine is to be achieved, if at all, through making Palestine into a Binational country where neither Jews nor Arabs dominate and where each of the peoples may have a chance of development and of developing their common country together."<sup>370</sup> Magnes, Buber, Szold and others founded the Ihud Association in September 1942 to explore and advocate Jewish–Arab union on the lines

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<sup>369</sup> J. L. Magnes, "Palestine and Arab Union," May 19, 1942, CZA A123/149.

described in this pamphlet. As he had before the war, Magnes continued to draw criticism from the Zionist mainstream, not only from Ben-Gurion and the Jewish Agency in Palestine but also from American Zionist leaders.

That Magnes continued to work for rapprochement in Palestine even after the White Paper and in light of dire news coming out of Europe did not go unnoticed by American Zionists. In October 1942, the Zionist Organization of America released an official statement.<sup>371</sup> The subheading read: “Executive Warns That Plans Which Do Not Insure Free Jewish Immigration and Establishment of Jewish Commonwealth Will Be Rejected by American Zionists.”

For some time past American Zionists have been disturbed by a series of statements in the American press purporting to emanate from Dr. Judah L. Magnes, which repeatedly urged views concerning the future of Palestine wholly at variance with the American Zionist position. This was followed by the report of the formation of a new group, Ichud, with a program similar to that outlined in Dr. Magnes’ statements. . .

In 1942, American Zionists would not tolerate a competing Zionism. The statement reaffirmed their commitment to the Biltmore program:

[I]n order to solve the problem of Jewish homelessness it is essential that the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands; and that Palestine be established as a Jewish Commonwealth integrated in the structure of the new democratic world.

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<sup>370</sup> Ibid.

<sup>371</sup> Zionist Organization of America, “American Zionists Oppose Magnes Palestine Plan for Bi-National State,” October 4, 1942, Washington, D.C., CZA A123/149.

The overwhelming Zionist consensus favored a Jewish state in Palestine. Magnes's moderate vision was an unwelcome alternative. The archival records of Ihud show that the organization did attempt to attract adherents in the United States and even to open an American branch of the Ihud Association. Magnes worked with Arthur Sulzberger of the New York Times to attempt to raise support for their program in the United States in 1943. But the climate was so opposed to dissent from Biltmore that support for Magnes was not forthcoming. Sulzberger cabled Magnes, copying Buber, Szold and others, asking of Magnes, "please forget suggested trip."<sup>372</sup> By the time of the Anglo-American Committee hearings, Magnes proposed free immigration for Jews into Palestine, but not a Jewish State. By 1946 Ihud had several hundred members to the thousands upon thousands of Zionist supporters of the Biltmore program. In 1946, even more than in 1942, Magnes and Ihud were at odds with American Zionism and the leaders of the Yishuv.

This conflict between maximalist Zionism and the more moderate Ihud Association played out in the United States as a public relations battle on two fronts. One was in the leadership of Hadassah, the Women's Zionist Organization, founded by Henrietta Szold in 1912. Szold, after decades in Palestine building hospitals and helping children, and at quite an advanced age, had joined Magnes in establishing the Ihud Association. The Hadassah leadership in the United States had followed

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<sup>372</sup> Arthur Sulzberger to Judah Magnes, sent New York, January 28, 1943, CZA A125/173.

their male counterpart in adopting the Biltmore program. On the future of Palestine, the next generation of Hadassah leaders broke with its matriarch.

Hadassah was also involved on the second front, a misconstrued correspondence between Magnes and Rabbi Morris Lazaron of the anti-Zionist American Council for Judaism.<sup>373</sup> Magnes and Lazaron had exchanged letters, one each, as Magnes sought allies in the United States to build an American branch of Ihud.<sup>374</sup> Lazaron used the private letter from Magnes to demonstrate that Ihud and the American Council were working together. Lazaron also published sections of the letter where Magnes condemned the use of violence by the Jews of Palestine. This misunderstanding reached the minutes of a Hadassah meeting. Henrietta Szold denied the connection in a letter to the National Board of Junior Hadassah:

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<sup>373</sup> The American Council for Judaism was an anti-Zionist Jewish organization founded during the war. Its members were Rabbis and Jews following the assimilationist tradition of Reform Judaism. They held that Judaism was a religion and not a race, in so doing challenging the ideological foundations of the Zionist movement. They merged concern for the displaced persons with a strong belief in integration and the Diaspora existence. If Magnes's position was unpopular, the Council was a pariah. Lazaron was a divisive figure, and his involvement with the Council was short-lived. The president of the Council, Lessing J. Rosenwald, a philanthropist and businessman, was a different story. He was deeply respected by most, even though he was treated dismissively by the American members of the Anglo-American Committee as the representative of a highly unpopular American Jewish position. Despite a continued reluctance to associate his name with the American Council for Judaism, Magnes corresponded with Rosenwald, and eventually they would work together. See Thomas A. Kolsky, *Jews Against Zionism: the American Council for Judaism, 1942-1948*, Philadelphia: 1990.

<sup>374</sup> Magnes's letter to Lazaron is reproduced in Goren, *Dissenter in Zion*, Doc 100, p 384. In the next document, p 386, Magnes explained to a friend in New York that he had no association with Lazaron and that his comments had been taken out of context and published without permission.

[T]here is no relationship between [Magnes] and Rabbi Lazaron, whom, he told me, he spoke to a single time in his life. Dr. Magnes is a Zionist and a Jewish champion whose merits and achievements it is not for me to recount. They are written in American and Palestinian Jewish history. Moreover, there is no relation or likeness between the American Council's pronouncements and the Ihud platform.<sup>375</sup>

Szold reminded the young members of Hadassah of Magnes's decades of work in Palestine and of the tradition of Jewish dissent: "I am sure Junior Hadassah does not account it a crime for a Zionist to dissent, because his intellectual and his emotional conscience dictates dissent from an officially formulated policy of the Zionist Movement. That cannot be considered treason." But in fact mainstream Zionism did equate dissent with treason.

In the face of criticism now from Zionists the world over, Magnes and members of Ihud presented to the Anglo-American Committee of Inquiry a detailed plan for Union of Arab and Jew in Palestine. Members of the Committee treated Magnes and Buber with the utmost respect. Said Hutcheson about Magnes, "I am a fairly old man and I recognize moral power where I see it."<sup>376</sup> Magnes commented on majority and minority in Palestine, offering his plan for dual parity—political and numerical. Should Jews become a majority, political parity would extend to the Arab minority:

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<sup>375</sup> Henrietta Szold to National Board of Junior Hadassah, July 27, 1943, CZA A125/173.

<sup>376</sup> Judah L. Magnes testimony to the Anglo-American Committee of Inquiry, Jerusalem, March 14, 1946, Joseph C. Hutcheson Papers L 10/5.

Even though the Jews remained a minority over a period of years, the conception of a binational state based on parity would give this minority – *or if the Arabs ever became a minority* – equal political rights as a community. That is the basic thesis of our contention. That is what we mean to say when we put forward this idea of the multinational state, based upon parity among the various nationalities.<sup>377</sup>

But the next question from Dr. Aydelotte, director of the Princeton Research Institute and American secretary of the Rhodes Trust, prompted an answer from Magnes that revealed his awareness of the demographic improbability of establishing a Jewish majority in Palestine, even with large-scale immigration from Europe. Magnes acknowledged the demographic reality—the Jewish population could not compete against the far higher Arab birth rate. Thus Magnes could adhere completely to his vision of union in Palestine, a vision that had not much changed from the 40/10 plan. Magnes still advocated for a large Jewish minority to share power equally with the Arab majority in a binational state. Partition would be “a moral defeat for anyone concerned.”<sup>378</sup> In contrast, a binational state wherein neither Arab nor Jew dominated would be “A delightful peaceful Switzerland in the heart of this ancient highway between East and West.”<sup>379</sup>

The members of the Anglo-American Committee were taken with Magnes and his vision, to judge by their interactions. The exception appeared to be Crossman, who didn't see any possibility of realizing the plan. He prefaced his question to Magnes with the following: “I am not going to discuss the details of

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<sup>377</sup> Ibid., 17,18, my italics.

<sup>378</sup> Ibid., 26.

your plan because I feel if that were possible, nobody would possibly not want to see it done. The real problem is whether it is practical, and it is entirely on that question of the practicability of your ideas that I wanted to get your advice.”<sup>380</sup>

Magnes’s response to the question of practicability was to start on a small scale with regional councils and let trust build between communities. His response demonstrated the thoughtfulness of his plan but not necessarily its plausibility.

Crossman wrote in his diary:

I almost forgot today’s hearing—Dr. Magnes and the Ihud group. I have been scared of his evidence for some time because I was certain that it would appeal to most of the committee. Sure enough it did. He is a fine, completely disinterested man, and, as head of the Hebrew University, has a certain prestige. He is regarded even by British officials here as a genuinely moderate Jew who is working for conciliation with the Arabs.

He spoke extremely well in favor of binationalism, but I felt all through that what he said represented nothing real in Palestine politics. Maybe twenty-five years ago that was possible; it’s too late for it now.<sup>381</sup>

Crossman was not persuaded by Magnes’s vision of union. But the report would reveal that Committee members accepted the ideal of a Palestine dominated by neither Arab nor Jew, a neat fit with the model of a binational state based on parity.

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<sup>379</sup> Ibid., 16.

<sup>380</sup> Ibid., 19.

<sup>381</sup> Crossman, *Palestine Mission*, 132-133.

## **THE REPORT OF THE ANGLO-AMERICAN COMMITTEE OF INQUIRY**

The Anglo-American Committee of Inquiry signed their unanimous report on April 20, 1946. If the Peel Commission's report in 1937 had set a standard for comprehensiveness, the Anglo-American Committee set a standard for brevity. In under 100 pages, and half of them devoted to appendices, the Committee discussed both the displaced persons and the situation in Palestine. But the page count should not distract from the thoroughness of this statement, especially considering that the work of the Committee from start to finish had been conducted in three months time. The report contains ten recommendations followed by a discussion of such topics as the situation of Jews in Europe, but most chapters deal with Palestine—with Jewish and Arab attitudes, geography and economics, with many references to Christian interests in Palestine. This last topic was of special importance in the shaping of the Committee's plan for an independent Palestine. Recommendations on immigration, land, and government taken together, the report is an indictment of the White Paper, of a British policy in Palestine that had defied the terms of the mandate. But the Anglo American Committee, as the White Paper had, advocated a binational state. The difference was that the White Paper called for majority Arab rule, while the Committee supported parity.

The report acknowledges that there were by March 1946 far more than 100,000 Jewish displaced persons in Europe. The DPs were housed in camps that had become "island communities in the midst of those at whose hands they suffered

so much.”<sup>382</sup> Their recommendation on this subject was two-pronged. Strikingly the first recommendation was a call to all nations to contribute to the resolution of the displaced persons situation and an affirmation of human rights: “Palestine alone cannot meet the emigration needs of the Jewish victims of Nazi and Fascist persecution. The whole world shares responsibility for them and indeed for the resettlement of all ‘Displaced Persons.’”<sup>383</sup> Most Jews would stay in Europe, they predicted, so restitution and “guaranteed civil liberties and equal rights” would be the “only really effective antidotes.”<sup>384</sup> On the other hand, 100,000 of them should be granted visas to Palestine: “We know of no country to which the great majority can go in the immediate future other than Palestine. Furthermore, this is where almost all of them want to go. There they are sure that they will receive a welcome denied them elsewhere. There they hope to enjoy peace and rebuild their lives.”<sup>385</sup>

The White Paper had declared: “no further Jewish immigration will be permitted unless the Arabs of Palestine acquiesce in it.”<sup>386</sup> The Anglo-American Committee’s recommendation for the 100,000 certificates included strong words for those who would keep the 100,000 out of Palestine:

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<sup>382</sup> “Report of the Anglo-American Committee,” 1.

<sup>383</sup> *Ibid.*, 1.

<sup>384</sup> *Ibid.*, 1.

<sup>385</sup> *Ibid.*, 2.

<sup>386</sup> “Palestine Statement of Policy,” (London, May 1939), 11.

Those who have opposed the admission of these unfortunate people into Palestine should know that we have fully considered all that they have put before us. We hope that they will look upon the situation again, that they will appreciate the considerations which have led us to our conclusion, and that above all, if they cannot see their way to help, at least they will not make the position of these sufferers more difficult.<sup>387</sup>

The Committee believed that Palestine should make a contribution to resolving the humanitarian crisis in Europe, and the report betrays little patience for those who opposed this position. But the Committee went one further in its opposition to the White Paper's immigration policy, especially the clause about immigration only by Arab consent. Under recommendation six, "Future Immigration Policy," the report reads: "We reject the view that there shall be no further Jewish immigration into Palestine without Arab acquiescence, a view which would result in the Arab dominating the Jew."

Yet the rejection of the White Paper was not an affirmation of the rights of Zionists to immigrate to Palestine. On the contrary, each criticism of British policy, or of the Arab position, reverberated in Zionist quarters. Although the Committee made it clear that Arabs were not to decide the fate of Jewish immigrants, they made it equally clear that Zionists were not to pursue a Jewish majority through "forced Jewish immigration," by which they meant immigrants forced on Palestine, rather than Palestine forced on the immigrants.<sup>388</sup> The Committee upheld the British position that "any immigrant Jew who enters Palestine contrary to its laws is an

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<sup>387</sup> "Report of the Anglo-American Committee," 3.

illegal immigrant.”<sup>389</sup> They restored the original terms of the mandate with regards to Jewish immigration: “The administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions.”<sup>390</sup> But they restated Britain’s right to regulate immigration. With their rejection of the White Paper, the Anglo-American Committee was not giving the Zionists carte blanche to immigrate as they pleased.

In the case of land, the Committee issued an outright rejection of the 1940 Land Regulations, which had been an outgrowth of the White Paper. “We recommend that the Land Transfer Regulations of 1940 be rescinded and replaced by regulations based on a policy of freedom in the sale, lease, or use of land, irrespective of race, community, or creed; and providing adequate protection for the interests of small owners and tenant cultivators.”<sup>391</sup> The argument for the regulations had been that Jewish settlement should be confined to certain areas to protect Palestinian Arab farmers.<sup>392</sup> But the real purpose had been to contain the area of Jewish settlement for a possible future partition or separate administrative districts, cantons or provinces. The committee affirmed that the result of these

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<sup>388</sup> Ibid., 6.

<sup>389</sup> Ibid., 7.

<sup>390</sup> Article Six of the League of Nations Mandate for Palestine, reprinted as Appendix VI in Ibid., 77.

<sup>391</sup> Ibid., 7.

<sup>392</sup> For the issue of land during the mandate, including the utter failure of the Mandate adequately to protect the interests of tenant farmers, see my chapter 3, which argues that the Land Regulations of 1940 were drawn to keep partition in play even after it had been rejected officially by the White Paper.

regulations had been “to segregate and keep separate Arabs and Jews.” Stated explicitly in the report: “We do not believe that the necessary protection for the Arab can be provided only by confining the Jew to particular portions of Palestine. Such a policy, suggested by the Peel Commission, is consistent with their proposed solution, partition, but scarcely with that put forward by us.”<sup>393</sup> But as with other aspects of the report, rejection of the Land Regulations of 1940 came hand in hand with criticism of the Jewish National Fund’s practice of requiring that only Jews be employed on lands leased and subleased by the Fund. The Committee saw both the Land Regulations and the practices of the Jewish National Fund as discriminatory.

The desire to stop discrimination in Palestine permeates the report and is perhaps most evident in the Anglo-American Committee’s position on the future government of Palestine, which was stated briefly in the title of the Committee’s third recommendation: “Principles of Government: No Arab, No Jewish State.”<sup>394</sup>

The specific points of the recommendation are of interest:

In order to dispose, once and for all, of the exclusive claims of Jews and Arabs to Palestine, we regard it as essential that a clear statement of the following principles should be made:

- I. That Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine.
- II. That Palestine shall be neither a Jewish state nor an Arab state.
- III. That the form of government ultimately to be established, shall, under International Guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish faiths.

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<sup>393</sup> “Report of the Anglo-American Committee,” 8.

<sup>394</sup> *Ibid.*, 3.

The Anglo-American Committee of Inquiry envisioned a Palestine where Jew and Arab governed on equal footing, neither dominating the other. Contrary to the aspirations of both Zionists and Palestinian Arabs, associated with the Biltmore Program and the Mufti respectively, Palestine was to be “neither a Jewish state nor an Arab state.” The report continues:

Palestine, then, must be established as a country in which the legitimate national aspirations of both Jews and Arabs can be reconciled, without either side fearing the ascendancy of the other.

In our view this cannot be done under any form of constitution in which a mere numerical majority is decisive, since it is precisely the struggle for a numerical majority which bedevils Arab-Jewish relations. To ensure genuine self-government for both the Arab and the Jewish communities, this struggle must be made purposeless by the constitution itself.<sup>395</sup>

In short, questions of majority and minority were to be answered by a new constitution under which Palestine was to become a binational state based on parity.<sup>396</sup>

Herein lies the connection with Judah Magnes and the Ihud Association. A binational state in Palestine would be governed on the basis of parity, with neither Jew nor Arab to dominate. From all evidence in the report, the Committee’s judgment in favor of a binational Palestine based on parity had as much to do with their belief in the union of Arab and Jew in Palestine as it did with concern over the Christian heritage of Palestine. In this sense, it is possible to see the members of the

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<sup>395</sup> Ibid., 4.

Anglo-American Committee of Inquiry as heirs to the gentile Zionist tradition that prevailed through the 1930s with proponents such as Josiah Wedgwood, who hoped that Palestine would become the Seventh Dominion.<sup>397</sup> Whereas Magnes's desire for union in Palestine was based in his belief in the morality of Judaism, the Anglo-American Committee's recommendations owed more to their belief in the sanctity of the Christian holy sites. For both it was a model based on idealism. In the face of absolute opposition from both Jews and Arabs, by 1946, a binational state based on parity was an impossible dream.<sup>398</sup>

The Anglo-American Committee of Inquiry upheld the binational state, but not on the same model as the White Paper. Whereas the White Paper had envisioned a Palestine led by the majority Arab population with safeguards for a permanent Jewish minority; the Anglo-American Committee's report recognized that the situation of Jews in Europe would necessarily have an effect on Palestine, providing 100,000 new Jewish immigrants, possibly more. This was only one reason why neither Jew nor Arab was to dominate in Palestine. These were nearly the exact words of Judah Magnes, and ultimately a triumph of the idea for which he had long fought. But it was a model not fully believed to be plausible, not by all members of the Anglo-American Committee of Inquiry, not by Jews nor Arabs in Palestine. In

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<sup>396</sup> Although the word parity is not used, this is precisely what the Committee described.

<sup>397</sup> See Norman Rose, *The Gentile Zionists: A Study in Anglo-Zionist Diplomacy, 1929-1939*, (London, 1973).

<sup>398</sup> Or as J.C. Hurewitz wrote, "any serious attempt to put binationalism into operation in 1946 was foredoomed to failure." *The Struggle for Palestine* (New York, 1950), 246

the opinions of most, it was far too late for a Palestinian citizenship that could overrule sectarian loyalties.

#### **CONCLUSION: THE 100,000 AND THE FUTURE STATE?**

In the aftermath of World War II, the question of a destination outside of Europe for the Jewish survivors of Nazism shifted the terms of the discussion about Palestine's future. The United States, long on the sidelines of the Palestine question, was drawn into the debate by Truman's demand that Britain amend the White Paper policy and allow 100,000 Jewish displaced persons to enter Palestine legally. The involvement of the United States injected both a humanitarian and a pragmatic interest in settling the DPs somewhere other than Central Europe. The humanitarian motivation should not be overstated; implicit in the position of the President was the desire to keep the DPs out of the United States. According to Earl Harrison and others, Palestine was the hoped for destination of the small number of Jews who had survived Hitler. This might have appeared straightforward to Truman, but his request directly contradicted the British policy of keeping Jews out of Palestine, other than the small number allowed in by the quota system. In a move drawn from the British playbook, a commission of inquiry composed of representatives from Britain and the United States was formed to examine both the situation of the Displaced persons and the tangle between Arabs and Jews in Palestine. This they

had done through visits to the camps throughout Europe, to Middle East capitals, and through hearings in Washington DC, London, Cairo, and Jerusalem.

The hearings revealed that the Arab position had remained consistent since the time of the revolt, 1936 to 1939. Although the Mufti of Jerusalem did not participate in the hearings, his voice could be heard in the testimonies of Palestinian Arabs and their representatives in the Arab Office. Palestinian Arabs would accept no less than an Arab State and the immediate cessation of Jewish immigration. Contrary to their position in 1939, when they had followed the Mufti's lead and rejected the White Paper, they now insisted on the White Paper in toto as a step toward an independent Arab Palestine. This was a complete rejection of the 100,000 Jewish DPs. The exception to this position was voiced not by a Palestinian Arab but by Phillip K. Hitti, an Arab American professor of Semitic Literatures at Princeton, who testified in Washington that the 100,000 would be accepted as a humanitarian gesture.<sup>399</sup> Prior to World War II the Palestinian Arab position had rested on the large Arab majority in Palestine. That demographic fact had been challenged by the possibility of a large-scale Jewish immigration from Europe.

If the Palestinian Arab position remained deeply entrenched in 1945, the Zionist position had calcified. The Biltmore Program of May 1942 outlined a plan for the establishment of a Jewish Commonwealth, a Jewish State, in all of Palestine,

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<sup>399</sup> Testimony of Phillip K. Hitti representing the Institute of Arab-American Affairs, to the Anglo-American Committee of Inquiry, Washington, DC, January 11, 1946, Joseph C. Hutcheson Papers L11/5.

with the Jewish Agency designated to control immigration and settlement of the remaining Jews of Europe. This was the position of the overwhelming majority of American Jews who now began to form a position of influence in domestic and international politics. But, again, the actual influence of American Jews in Washington in 1945 did not live up to the perception of Jewish power. Inside Palestine, the Biltmore program combined with the war against the White Paper the Yishuv had prepared to wage since 1939. Jewish acts of terrorism against Britons in Palestine were on the rise, and illegal immigration again threatened to embarrass Britain on the international stage. Terrorism and *aliyah bet*, the Hebrew term for organized illegal immigration, would both be used as weapons in the Zionist attack against British rule in the aftermath of World War II.

But this was not the position of all Jews. For some moderates – as well as for Chaim Weizmann, Zionism’s elder statesman – partition would also have been acceptable. But the Zionists, then as now, did not speak for all Jews, especially in the United States, where the anti-Zionist American Council for Judaism – now divorced from the controversial Rabbi Lazaron – merged a concern for the DPs with a strong belief in integration and Jewish life in the Diaspora. But it was the vision of union in Palestine articulated by the Zionist dissenters of the Ihud Association that the Anglo-American Committee supported. They did so out of a desire to stop the fighting between Palestine’s populations but also, most of all, to protect the Christian holy sites, and those of Jews and Muslims, in that order, from domination

by one group or the other. Their vision of a binational state would next face a challenge from British decision-makers, especially the Foreign Secretary, Ernest Bevin, who continued to support the White Paper and its commitment to Arab majority rule.

## Chapter 6

### The White Paper and the End of British Rule

This chapter continues the discussion of the Anglo-American Committee of Inquiry with its reception by both governments and the series of events that led Britain to refer the mandate to the United Nations. The years 1945-1948 in Palestine have been discussed at length, by top historians, and this work does not seek to revise their findings.<sup>400</sup> Rather, it is an argument for the utility of the White Paper for assessing this later period. Questions of land and government bedeviled the British Mandatory Authority throughout decades of rule in Palestine. In the years after World War II new challenges confronted the British: the rise of the United States and the Yishuv's organized war against the White Paper.<sup>401</sup> The Jews of

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<sup>400</sup> A list of required reading includes: Christopher Sykes, *Crossroads to Israel* (London, 1965); Michael J. Cohen, *Palestine and the Great Powers, 1945-1948* (Princeton, 1982), evaluated below; Wm. Roger Louis, *The British Empire in the Middle East*. Part IV on Palestine is a book in its own right and the most thorough and vibrant account of the characters involved. See also Wm. Roger Louis, "The End of the Palestine Mandate," original essay, 1986, reprinted in *Ends of British Imperialism: The Scramble for Empire, Suez, and Decolonization* (London, 2006) 419-447. Louis emphasizes the central role played by the Foreign Secretary Ernest Bevin. See also Ritchie Ovendale, *Britain, the United States, and the End of Palestine Mandate, 1942-1948* (Woodbridge, Suffolk, 1989) and *Britain, the United States, and the Transfer of Power in the Middle East, 1945-1962* (London, 1996); Joseph Heller, *The Birth of Israel, 1945-1949: Ben-Gurion and His Critics* (Gainesville, 2000), which includes a thorough examination of internal Zionist politics in the lead up to the establishment of Israel. The classic work is J. C. Hurewitz, *The Struggle for Palestine* (New York, 1950). Hurewitz saw the importance of looking back to the mid-1930s, a period when he visited Palestine, to understand later developments.

<sup>401</sup> In Hebrew, the White Paper of 1939 is known as the "White Book," See CZA S25/7886, which is titled "The Yishuv's War Against the White Paper."

Palestine participated in the Allied war effort, but with the end of the war and the discovery of the extent of the Holocaust, the leaders of the Yishuv turned their full attention to overthrowing British rule. The maximalist Biltmore program now defined their endgame: a Jewish Commonwealth in all of Palestine. They deployed the Jewish displaced persons still in Europe, turning protests in the camps that housed them and illegal immigration of young Holocaust survivors into an international public relations nightmare for the British.<sup>402</sup> This was immigration not only for the sake of the survivors of Nazism, but also, and more so, for the overthrow of British rule. Inside Palestine, the paramilitary organizations of the

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<sup>402</sup> The suggestion that Ben Gurion exploited the Jewish displaced persons is debated in the historiography. As historian Idith Zertal explains in her revisionist history of Holocaust survivors and the establishment of Israel: “Zionist blindness to the Diaspora...led to the suspension of a true mourning for its destruction and that made it possible to turn the Diaspora, in those critical years, into Zionism’s most effective tool in its national struggle.” Her interpretation continues: “For Ben-Gurion the clandestine immigration was always a weapon, a weapon for fortifying his power base within the Zionist leadership, and a real political weapon in his battle to achieve Jewish sovereignty in Palestine.” See Zertal, *From Catastrophe to Power: Holocaust Survivors and the Emergence of Israel*, (Berkeley, 1998), 13. Yosef Grozinsky’s *In the Shadow of the Holocaust: The Struggle Between Jews and Zionists in the Aftermath of World War II* (Monroe, Maine, 2004), takes this interpretation even further. Consider the alternate subtitle of the book: “The Story of Jews in Displaced Persons Camps and their forced role in the founding of Israel.” But it should be said that this ambiguity should not diminish Ben-Gurion. Yehuda Bauer, foremost scholar of the displaced persons, argues for the agency of Jewish displaced persons: “The Post-Zionist arguments about Zionist manipulation of Jewish survivors appears to be completely counterfactual,” *Rethinking the Holocaust* (New Haven, 2001), 251. The author’s experience interviewing Holocaust survivors in the mid-1990s, including a woman who had participated in the demonstration at La Spezia, discussed below, corroborates Bauer’s argument. Most likely, in the event, both were true. Jewish displaced persons were spread throughout Europe, with the majority located in the U.S. Zone of Germany. See Leonard Dinnerstein, *America and the Survivors of the Holocaust*, Appendix A, “A Statistical Synopsis.” By the period covered in this chapter, Jewish refugees had been recognized as a separate group and were housed together, their living conditions having improved dramatically in the aftermath of the Harrison Report of August 1945. For the experience of Holocaust survivors and those who interacted with them from the point of the liberation of Nazi camps, and their changing circumstances in Europe in the space of the first year after the war, see Eva Kolinsky, *After the Holocaust: Jewish Survivors in Germany After 1945* (London, 2004).

Yishuv resorted to terrorism against the British authority and Britons in Palestine.<sup>403</sup> The White Paper had negated the previous collaborative relationship that Britain had shared with the Yishuv. By 1945, the full repercussions of implementing the White Paper at the expense of the relationship with the Yishuv became apparent. With the arrival of a post-war Democratic administration in the United States, the White Paper faced an even stronger critic.<sup>404</sup> Between the war against the White Paper and the emergent United States, Britain was losing ground. The slippery slope characterized Britain's last years in Palestine.

This chapter picks up the last stages of the ongoing debate between partition and binational state that began with the Peel Report of 1937 and ended with the vote at the United Nations in 1947. From the Royal "Peel" Commission to the Anglo-American Committee of Inquiry on Palestine, with the Woodhead technical Commission in between, official committees of inquiry conducted investigations of the Palestine problem. Through these years the idea of partition of Palestine into Arab and Jewish states emerged and reemerged. The Peel Report had recommended partition; the Woodhead Commission had found partition to be unworkable. The White Paper of 1939, approved by the Chamberlain government, officially reversed partition, advocating a binational state instead. Churchill, Prime Minister during the

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<sup>403</sup> See A.J. Sherman, *Mandate Days: British Lives in Palestine, 1918-1948* (Baltimore, 1997), ch. 5.

<sup>404</sup> For British indebtedness following World War II and the role of the United States in keeping Britain afloat, see Michael J. Cohen, *Palestine and the Great Powers, 1945-1948* (Princeton, 1982), chapter 2. Cohen gives much attention to the personalities of Truman and Bevin. The book's contribution lies in its subtle understanding of the role played by the Jewish displaced persons still in Europe.

war, returned to the idea of partition.<sup>405</sup> But Churchill's plan did not survive the Attlee Government that came to power in 1945, by which point both Zionists and Arabs sought an independent state for themselves in all of Palestine. The next year, the Anglo-American Committee of Inquiry revisited the debate between partition and the single state, settling on a binational state based on parity, where neither Arab nor Jew would dominate. It was a proposal to please none of the participants. In short order the Foreign Secretary, Ernest Bevin, referred the problem to the United Nations in 1947. At the time, it seemed unlikely to British statesmen most closely involved in Palestine, that the United Nations committee and subsequent vote would return to partition.<sup>406</sup>

The events of 1930s Palestine – and the British response embodied in the 1939 White Paper – set in motion a chain of events that would lead to the civil war of 1947-8 and the war that followed between Israel and its neighbors.<sup>407</sup> It is not an exaggeration to say that the late 1930s predetermined disaster for the Palestinian Arabs and failure for the Mandatory Authority. The 1930s in Palestine were defined

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<sup>405</sup> Notes from the meetings of the Secret Cabinet Committee are in PREM 4/52/1. See also Michael Cohen, "The British White Paper on Palestine, May 1939: Part II." Of Cohen's two articles on the White Paper, this, the second, provides a detailed and thorough examination of the Cabinet Committee's deliberations. See also Zweig, *Britain and Palestine*.

<sup>406</sup> For partition to pass, both the United States and the Soviet Union would have to support it and bring with them non-Western nations. The resolution required a two-thirds majority to pass.

by a surge in Jewish immigration and a large-scale revolt by the Palestinian Arab population, including violence against both Jews and British officials. Britain had suppressed this revolt by exiling the majority of Arab leaders, opening the door for regional leaders to pursue their own interests in the guise of speaking for Palestinian Arabs.<sup>408</sup> The White Paper of 1939 embodied Britain's insistence on separating the Jewish refugee problem from Palestine. Palestine would not provide a haven for Jews fleeing Nazism. By contrast to the 1930s, the war years in Palestine were a time of relative calm. Jewish immigration had all but halted with the sealing of Europe's borders. In Palestine the Yishuv with one hand helped the British war effort while with the other they amassed the weaponry and the skills needed to win all of Palestine for themselves. By 1944, Britain faced the seeds of another revolt in Palestine led by the Yishuv against the White Paper of 1939.<sup>409</sup> To neglect the background of the 1930s is to lose essential context for all actors in Palestine, British, Arab, and even more so for the Zionists.

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<sup>407</sup> The war of 1948 is the subject of extensive scholarship. For two sources that incorporate multiple perspectives, see Louis and Stookey, eds, *The End of the Palestine Mandate* and Eugene L. Rogan and Avi Shlaim, *The War for Palestine: Rewriting the History of 1948* (Cambridge, 2001). Essays in the latter book address the 1948 war from the perspectives of each regional actor. The most recent book to examine 1948 is Benny Morris, *1948: A History of the First Arab-Israeli War* (New Haven, 2008). Morris is a controversial figure owing to his political shift in Israel from left to right. But his politics are not discernable in his scholarship. See David Remnick, "Blood and Sand: A revisionist Israeli historian revisits his country's origins," *The New Yorker*, May 5, 2008.

<sup>408</sup> For the exile of Arab leaders from Palestine and its consequences, see my chapter one as well as Khalidi, *The Iron Cage*. For the experience of one of the exiles, see Geoffrey Furlonge, *Palestine is my Country: The Story of Musa Alami* (London, 1969), ch. 9.

<sup>409</sup> The Zionist terror campaign is not often called a revolt in English, but it is this word that is used in the Hebrew. The Hebrew word "mered" means revolt, uprising, rebellion. For example, see Niv, *Battles of the Irgun, Vol IV: Revolt* [Hebrew] (Tel Aviv, 1965).

David Ben-Gurion plotted to war against the White Paper even before it had been published. By 1938, as Britain backtracked from the Peel Commission's partition proposal, Ben-Gurion devised a plan for an "immigration rebellion," an anti-British campaign based on illegal immigration, *aliyah bet*.<sup>410</sup> As Ben-Gurion described it, "an aliyah war, not a war for aliyah, but a war by aliyah."<sup>411</sup> By 1940, the dream of an onslaught of undocumented Jewish immigrants, illegal immigrants according to the law of the Mandate, arriving to challenge British rule was denied. The deportation of *Atlantic* passengers to Mauritius introduced what was to be official policy; by 1941 illegal immigration ceased, as Jews could no longer escape Europe. But the war years brought enhancements to Ben-Gurion's opposition to the White Paper. In 1942, the Biltmore program redefined the goals of Zionism by calling for a Jewish Commonwealth in all of Palestine. For the first time, the vast majority of Zionists throughout the world sounded the call for a Jewish state in all of Palestine, setting the stage for a direct clash with the Mandatory Authority. By 1945 illegal immigration resumed, much of it organized by *Mossad l'Aliyah Bet*, an arm of the Haganah that operated through a network of representatives throughout Europe, especially in Italy, France, and Roumania.<sup>412</sup> In April 1946, as the Anglo-

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<sup>410</sup> The phrase "immigration rebellion" is used in Yitzhak Avnery, "Immigration and Revolt: Ben-Gurion's response to the 1939 White Paper," in Ronald Zweig, ed., *David Ben-Gurion: Politics and Leadership in Israel* (London, 1991), 99-114, 99. Aliyah means immigration; aliyah bet, two, was illegal immigration through illegal entry to Palestine; Ben-Gurion distinguished between aliyah bet and this new form of aliya, aliyah gimel, three, which included not only illegal entry into Palestine but also the possibility of armed confrontation. See discussion in *ibid.*, 106.

<sup>411</sup> Avnery, "Immigration and Revolt," 101.

<sup>412</sup> This organization is the focus of Zertal's *From Catastrophe to Power*.

American Committee met to draft their report, the illegal immigration movement had its first brush with the international media. Coverage of a hunger strike at La Spezia, Italy spread sympathy for the plight of the Jewish displaced persons and advertised the apparent cruelty of British policy in Palestine.<sup>413</sup> Through media coverage, international support for the Yishuv's war against the White Paper grew steadily. Years after he had planted the seed for an immigration rebellion, Ben-Gurion saw it bear fruit.

As Britain's position worsened in Palestine, and the Yishuv grew stronger, British statesmen, foremost among them Ernest Bevin, nevertheless continued to oppose partition and to support an eventual binational state on the model of the White paper—the Arab majority would rule with protections in place for a permanent Jewish minority.<sup>414</sup> The Anglo-American Committee had proposed an alternate model of a binational state that incorporated the idea of electoral parity. Jews and Arabs would govern on equal footing regardless of population.<sup>415</sup> Attempts to realize the vision of the Anglo-American Committee would lead, in 1946 and 1947, to a revival of the idea of cantonization, renamed provincial autonomy. The Land Regulations of 1940 that followed the White Paper had kept

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<sup>413</sup> The specific case of the La Spezia refugees is considered below.

<sup>414</sup> Bevin remains a controversial character because of his handling of the Palestine situation. His adherence to the White Paper's model of a binational Palestine under Arab rule, and to the White Paper's immigration restrictions, opened him to accusations of anti-Semitism. See Alan Bullock, *Ernest Bevin: Foreign Secretary, 1945-1951* (New York, 1983). For the origins of the accusation of anti-Semitism, see Michael Cohen, *Palestine and the Great Powers* and Louis, *The British Empire in the Middle East* and "The End of the Palestine Mandate."

<sup>415</sup> For the Christian Zionist beliefs that motivated this recommendation, see my chapter 5.

Jewish settlement to well-delimited territories, in so doing creating a situation amenable to a revival of plans that had first been articulated in the 1930s.<sup>416</sup> Palestine would be a single state with Jewish and Arab autonomous regions, cantons or provinces, with a central government in which all would take part. Negotiations about the Anglo-American Committee Report, between the United States and Britain, continued from May 1946 to August 1946. The greatest challenge to realize the constitutional provisions, as it had been previously in the mandate, was to find a model of government acceptable to both Jews and Arabs. But the great debate between Britain and the United States focused, at least initially, on the 100,000 certificates for Jews to Palestine, a recommendation that could not be implemented other than in defiance of the White Paper.

Where did the Arab states and Palestinian Arabs fit in the battle brewing between Britain and the Yishuv? The Arab states vehemently opposed partition, and demanded the continuation of the White Paper. The Egyptian Government, after consulting with other regional Arab leaders, responded to the Anglo-American Committee's report in June 1946:

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<sup>416</sup> See chapter 3 for maps of Jewish settlement in 1930 and 1944. The cantonization idea is discussed in Galnoor, *The Partition of Palestine*. See also El-Eini, *Mandated Landscapes*, 535, for a 1936 map of cantonization.

The Egyptian Government, anxious to maintain friendly relations between Great Britain and the Arab countries, ventures to advise that the contents of the Report should be disregarded and that the British Government should adhere to the policy of the White Paper, pending the establishment of an independent National Government in Palestine. Until then Jewish immigration must be completely stopped and those who have entered by force and clandestinely must be sent away from the country.<sup>417</sup>

Arab official objection to the Anglo-American Committee's report was unanimous; their loyalty to the White Paper that they had rejected in 1939 was, by 1945, absolute. The aspects of the White Paper to be upheld were independence for Palestine under Arab majority rule and no Jewish immigration without Arab consent. This was a complete rejection of the Anglo-American Committee report's call for a binational state where neither Arab nor Jew would dominate and for 100,000 immigration certificates for Jewish refugees. Arab leaders also objected to the manner in which Britain addressed Jewish terrorism—measures taken were not nearly so harsh as those adopted by Britain during the Arab revolt.<sup>418</sup>

The exile of leaders that had taken place in the late 1930s continued to handicap Palestinian Arabs after the war. In August, the British government attempted to convene a conference of Arab and Zionist leaders to discuss the future of Palestine. The Arab Higher Committee, the organized Arab elite of Palestine,

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<sup>417</sup> His Excellency, Lampson (Killearn), to Foreign Office, 21 June 1946, FO 141/1091. This file contains responses to Palestine policy reported to the Foreign Office by officials stationed throughout the Middle East.

<sup>418</sup> His Excellency, Lampson (Killearn), to Foreign Office, 11 July 1946, FO 141/1091. This document reports satisfaction at the June 29, 1946 arrest of Jewish leaders of paramilitary groups, but "a tendency to suggest that British action against what amounts to Jewish rebellion is far more lenient than British action against the Arab revolt of 1936-1939."

composed of many rivals of the Mufti of Jerusalem, nevertheless wanted him to be their representative. The High Commissioner reported to the Foreign Office the reasons that the Arab Higher Committee refused to attend the conference. As recounted, their position was:

They have the sole right to choose their political leader and they have unanimously chosen the Mufti. His Majesty's Government has no right to intervene between them and leadership chosen by free will of the Arab people. His Majesty's Government's attitude is in strange contrast to other nationalist movements ranging from de Valera to Gandhi. Hostility to the Mufti is the result of Zionist influence.<sup>419</sup>

Palestinian Arabs remained loyal to the Mufti, even though, to British eyes, he had been discredited by his role in the revolt and later association with Nazis and Fascists during the war. The Mufti was welcomed by neither Britain nor regional Arab leaders to participate in discussions about Palestine's future.<sup>420</sup> The St. James Conference in London in early 1939 was the last time regional Arabs followed the Palestinian Arabs' lead. Thereafter Palestinian Arabs became pawns of other Arab states. Palestinian Arabs sought the White Paper's single state with a static Jewish minority, but they had virtually lost the power to fight for it. It is a feature of 1945 that the Yishuv's revolt against the British to gain control of all of Palestine, along

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<sup>419</sup> High Commissioner to Secretary of State, "Top Secret," August 31, 1946, copied to Cairo and marked "Important," in FO 141/1091. The quotation refers to nationalist leaders in Ireland and India, demonstrating Palestinian Arab awareness of other colonial nationalist movements.

<sup>420</sup> "I believe it to be a fact that the Arab League as a whole do not want the Mufti to take any part." Brigadier Clayton to Sir Walter Smart, "Secret," August 29, 1946, FO 141/1091.

with the prominent role played by regional Arab powers, left the Palestinian Arabs to an unpredictable fate.

### **THE WAR AGAINST THE WHITE PAPER PART I: ILLEGAL IMMIGRATION**

By the summer of 1945, large numbers of Jews arrived at Palestine's shore without government issued certificates. These refugees employed modes of pre-war illegal immigration. Large ships carrying hundreds if not thousands of passengers attempted to thwart the naval blockade upon arrival at Haifa harbor. The Report of the Anglo-American Committee described the mechanisms and dangers of this traffic:

The Jewish organisations are actively engaged in these operations, carried out latterly by the purchase or charter of ships for voyages from southern Europe, in the absence of effective control of embarkation. Armed clashes are liable to arise from the efforts to prevent interference; a number have arisen from the search for illegal immigrants and arms. Moreover, as recent incidents directly concerned with illegal immigration, may be cited the sabotage of patrol launches, and attacks on coast-guard stations.<sup>421</sup>

Illegal immigration now had official backing inside the Yishuv and from Jews of the Diaspora, as well as the connivance of ports in Southern Europe. British policing of this traffic had gone from a question of upholding law and order in the mandate to a critical threat to public security. The involvement of leaders of the Yishuv in the

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<sup>421</sup> Ibid., 39.

business of illegal immigration upped the ante for the Mandatory Authority.<sup>422</sup> Even as the Anglo-American Committee met to draft its report in April 1946, 1,040 Jewish displaced persons were intercepted en route to Palestine and detained at La Spezia in Italy. Their month-long protest is a case study in the mechanisms of illegal immigration and the deployment of Holocaust survivors in the Yishuv's war against the White Paper.

The story of the La Spezia affair reveals Italy's tacit support for Jewish networks engaged in illegal immigration.<sup>423</sup> Italy had proved a problem for the British Authority in Palestine as the main stopping point between Europe and Palestine for illegal immigrants; Italians were reluctant to intervene in the movement of Jews through Italy to Palestine.<sup>424</sup> From Italy, the Mossad le-Aliyah Bet, the organization directing the movement of Jewish refugees overland in Europe to ports in Italy, France, and Romania, had its greatest success launching ships to Palestine. Eight of the eleven ships that sailed to Palestine prior to April 1946 had departed Italian ports. Britain debated whether or not to enlist Italian help to stop

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<sup>422</sup> The organization of illegal immigration in the post-war period was a well-orchestrated movement that included smuggling Jews from the Soviet to the U.S. and British zones of Germany and from there overland to European ports. See Yehuda Bauer, *Flight and Rescue: Brichah* (New York, 1970) and *Out of the Ashes: the Impact of American Jews on Post-Holocaust European Jewry* (Oxford, 1989). See also, Zertal, *From Catastrophe to Power*.

<sup>423</sup> See Zertal, *From Catastrophe to Power*. Part I contains one chapter each on Italy, France, and Romania, in her words, "the three theaters in which the Mossad [I-Aliyah Bet] operated in organizing underground immigration." She continues, "the three stories provide a view of the entire European scene after the end of World War II, with millions of people on the move, utter political and social chaos, porous borders between countries, and the birth of the cold war—all elements that facilitated the extensive work of the Mossad," p. 12.

this traffic; the issue came to a head months before, in January, while the Anglo-American Committee of Inquiry held hearings in Washington.<sup>425</sup>

On April 3, 1946, 38 hijacked British military trucks were intercepted near the harbor at La Spezia near Genoa, Italy. The arresting Italian authorities expected to find Fascists fleeing to Spain. However, on the trucks were Jewish refugees, en route to the *Fede*, the ship that had been assigned to convey them to Haifa. The convoy was conducted by “three Jewish N.C.O.s” who were placed under arrest.<sup>426</sup> A cable from Umberto Nahon, Jewish Agency representative based in Italy, reported to Jerusalem on April 9: “Visited today with SS Fede and leaders 1040 Jews who stopped on their way Palestine by Italian authority who suspected Fascist group escaping Spain.”<sup>427</sup> The Colonial Secretary reported to the Prime Minister: “We have been trying to enlist the co-operation of the Italian authorities in checking the traffic and, in this case, we have succeeded; the ship was prevented from sailing on their initiative.”<sup>428</sup> The Italian authorities had stopped the convoy, but British authorities misinterpreted a case of mistaken identity for Italian assistance in stopping illegal immigration.

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<sup>424</sup> “Italy: Between Europe and Palestine,” is the title of chapter 1 in Zertal, *From Catastrophe to Power*.

<sup>425</sup> See Arieh J. Kochavi, *Post Holocaust Politics*, 240-241.

<sup>426</sup> The arrest and what came later were relayed to the Prime Minister in a letter from the Colonial Secretary. G. H. Hall to Prime Minister, “Top Secret,” April 15, 1946, PREM 8/298.

<sup>427</sup> Umberto Nahon to Jewish Agency Jerusalem, Spezia 9th April 1946, in CZA S25/3638.

<sup>428</sup> Hall to Attlee, April 15, 1946.

The refugees were Polish Jews who appeared to have been in Italy for some time. On April 8, 1946, British authorities discussed a plan to interrogate them in order to gather information about the organization of illegal immigration. They were interested to learn how the refugees had obtained a ten-day supply of British army rations.<sup>429</sup> The first step would be to relocate the refugees from the ships where they were being held to a camp in Italy. As Umberto Nahon, Jewish Agency representative in Italy, described the British plan to the Jewish Agency in Jerusalem, the refugees would be treated as “ordinary displaced persons.”<sup>430</sup> But the British authorities discussed special security provisions for this group: “[I]t will be necessary to put the party in a camp under armed guard and some trouble may be expected as they have already been adopting an extremely truculent attitude.”<sup>431</sup> Nahon reported: “Proposal definitely refused by group who under no conditions will leave the ship. Today started hunger strike.”<sup>432</sup> Nahon listed the reasons for the hunger strike as: “preserve food for journey,” and “impress world public opinion.” In a second cable to the Jewish Agency, Bernstein of the Central Committee of Refugees in Italy reported another reason for the hunger strike: “They declare we break White Book [White Paper] from shore of Spezia.”<sup>433</sup>

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<sup>429</sup> Mr. Broad, Allied Force Headquarters, to Foreign Office, “Immediate” and “Secret”, 8th April, 1946, ADM 116/5561.

<sup>430</sup> Nahon to Jewish Agency, Jerusalem, Spezia, 9th April 1946, CZA S 25/3638.

<sup>431</sup> Broad to Foreign Office, 8th April 1946.

<sup>432</sup> Nahon to Jewish Agency, 9th April, 1946.

<sup>433</sup> Bernstein to Jewish Agency, 9th April, 1946, La Spezia, 9th April 1946. CZA S25/2640

Support for the hunger strike spread across the refugee camps in Italy, where other displaced persons vowed also to go on hunger strike. Before long a number of Yishuv leaders began a hunger strike in solidarity. Bernard Joseph of the Jewish Agency cabled to Nahon: "Please on our behalf convey message encouragement to Dov Hos [Fede] refugees and their brothers and sisters in all camps Italy that we regard them as pioneers of Jewish nation's struggle for free immigration and free life in its homeland."<sup>434</sup> That the refugees at La Spezia had succeeded in attracting the sympathy of Jewish Agency leaders had an immediate impact on the British government. In a letter to the Prime Minister, the Colonial Secretary, George Hall, described the situation:

A general strike and fast were observed throughout Palestine on Sunday and certain prominent Jews have declared a hunger strike, to be continued until the necessary permission [to enter Palestine] is obtained. Among these strikers are two of the most prominent personalities of the Palestine labour movement, namely Mr. David Remez, the Chairman of the Palestine Labour Party, and Mrs. Meyerson [Golda Meir], an American-born Jewess and one of the leading members of the executive of the Histadruth.<sup>435</sup>

Because prominent members of the Yishuv were involved in the strike, it could not be ignored. Nevertheless, Hall argued against submitting to the refugees' demands out of concern that to give in to tactics such as the hunger strike would demonstrate to the Arabs of the Middle East that Britain could not stand up to Jewish pressure. Indeed, Hall explained, the Jewish Agency controlled enough immigration

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<sup>434</sup> Bernard Joseph to Nahon, not dated, CZA S25/2640.

<sup>435</sup> Hall to Attlee, 15th April 1946.

certificates to bring the refugees to Palestine over the next few months. “The Hunger Strike is a political move designed to force our hands,”<sup>436</sup> he concluded.

Whether or not the British Authorities wanted to dismiss the hunger strike, they could not ignore that support for it had spread rapidly throughout the Diaspora. Jews from Argentina cabled their “solidarity” from Buenos Aires, while Jews in Amsterdam wrote to the Jewish Agency complaining that they had not known of the hunger strike in time to make the large demonstration they had planned “with support of all the Jewish communities in Holland.”<sup>437</sup> The Western media covered events in La Spezia closely—five articles appeared in the *New York Times* in April and May 1946.<sup>438</sup> The Jewish world followed events as the refugees began their hunger strike, and when they halted their protest after a visit from Professor Harold Laski, the Jewish chairman of the British Labour party. Laski promised to discuss

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<sup>436</sup> Ibid.

<sup>437</sup> Letter from Argentina reproduced in CZA S25/2640. Dr. J. van Amerongen, Nederlandsche Zionistenbond, Centraal Bureau, Amsterdam, to Executive of the Zionist Organization, Jerusalem, 19th April 1946, CZA S25/2640.

<sup>438</sup> By SAM POPE BREWER By Wireless to THE NEW YORK TIMES. By Wireless to THE NEW YORK TIMES. "JEWS AT LA SPEZIA THREATEN SUICIDE: 1,100 Detained Said to Be Bent on Blowing Up Their Ship if British Bar Palestine Trip Traveled in Allied Trucks Two Join Hunger Strike Russians Plan Albania Airline ." *New York Times* (1857-Current File), April 15, 1946, <http://www.proquest.com.ezproxy.lib.utexas.edu/> (accessed June 26, 2008). By Wireless to THE NEW YORK TIMES. "HALTED JEWS AWAIT WORD: Zionist Says Group in Italy May Go On Strike Again." *New York Times* (1857-Current file), April 20, 1946, <http://www.proquest.com.ezproxy.lib.utexas.edu/> (accessed June 26, 2008). By Wireless to THE NEW YORK TIMES. "JERUSALEM CHEERS FASTING ZIONISTS: Crowds Demonstrate Support of 13 Leaders Protesting Ban on La Spezia Refugees." *New York Times* (1857-Current file), April 14, 1946, <http://www.proquest.com.ezproxy.lib.utexas.edu/> (accessed June 26, 2008). By Wireless to THE NEW YORK TIMES. "La Spezia Craft Land Refugees :Syrian-Soviet Talks Denied." *New York Times* (1857-Current file), May 20, 1946, <http://www.proquest.com.ezproxy.lib.utexas.edu/> (accessed June 26, 2008). "PALESTINE JEWS PLAN FOR HUNGER STRIKES." *New York Times* (1857-Current File), April 12, 1946, <http://www.proquest.com.ezproxy.lib.utexas.edu/> (accessed June 26, 2008).

the situation with the Foreign Secretary.<sup>439</sup> The negotiations were prolonged and included first threats of suicide and then the suggestion that the refugees might sail without permission after all. Concern that this might indeed happen only increased after the publication of the Anglo-American Committee report on April 30, with its recommendation that 100,000 Jewish refugees be admitted to Palestine. Finally, after another prolonged negotiation, the refugees were permitted to sail together to Palestine on two ships, using certificates from the April and May quotas, provided they arrive after May 17, when the second group of certificates was to be issued.

In August 1946, as traffic in illegal immigration continued, Britain introduced a new policy—Jews would be deported to Cyprus.<sup>440</sup> The Royal Navy proved adept at detecting ships carrying illegal immigrants, intercepting, and boarding them, making violent clashes with illegal immigrants that much more likely.<sup>441</sup> By summer 1947, the camps on Cyprus were full, and Britain contemplated returning illegal immigrants to the countries from which they had sailed. This policy had been rejected in 1939 and 1940, because it would have meant returning Jews to enemy territory, where they were especially endangered, or as

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<sup>439</sup> Sir N. Charles, Rome, to Foreign Office, 11th April, 1946, ADM 116/5561.

<sup>440</sup> An incongruously sympathetic treatment of those who monitored Palestine's waters is Ninian Stewart, *The Royal Navy and the Palestine Patrol* (London, 2002), ch. 8 deals with Cyprus.

<sup>441</sup> The success of the Royal Navy is described in Stuart A. Cohen, "Imperial Policing against Illegal Immigration: The Royal Navy and Palestine, 1945-1948," *The Journal of Imperial and Commonwealth History*, Vol. 22, No. 2 (London, 1994) 257-293. Cohen is clear that "to itemize the Royal Navy's accomplishments is not, of course, to classify as a triumph Britain's entire campaign against Jewish clandestine immigration. At the political level – the only one which ultimately counted – it was a failure," 290.

Churchill had called it, “the torments from where they have escaped.”<sup>442</sup> Facing a similar rash of illegal immigration after the war, Britain planned in secret to return refugees to Europe.<sup>443</sup> In July 1947 the plight of the illegal immigrants was broadcast to the world. The *President Warfield*, to be renamed *Exodus 1947*, departed France for Palestine carrying 4,500 refugees. After a battle against the British Navy near Haifa, the damaged ship was brought into port. The refugees were placed on three ships and sent back to Europe, eventually landing at Hamburg, Germany.<sup>444</sup> With the *Exodus* affair, as it came to be known, Britain handed the Yishuv a media coup. The *Exodus* was the only ship to be returned to Europe. It is

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<sup>442</sup> Minute by Churchill, J.M. Martin to C.G. Eastwood, 14th November 1940, quoted in its entirety in my chapter 4, see note 40.

<sup>443</sup> The practice of ‘*refoulement*,’ returning illegal immigrants to their point of origin, was associated with the League of Nations. *Refoulement* and the *Exodus* are discussed in Stewart, *The Royal Navy and the Palestine Patrol*. Stewart comments: “The fact that the immigrants, seen as concentration survivors, were not only denied access to the Promised Land but were returned to the country which had caused their suffering continues to attract much hostile comment, particularly in Israel and the United States. No other post-war event lent itself more to attempts to attract sympathy for the Zionist cause but this standpoint overlooks the illegality of attempting to enter Palestine other than through the quota and the connivance of the French authorities,” 137. This comment, in a book that is an official Naval Staff history, is in the tradition of the Mandatory authority’s commitment to upholding law and order. Another work seeks to defend Britain’s actions against illegal immigration, within the context of their attempt to uphold Britain’s position in the Middle East: Fritz Liebreich, *Britain’s Naval and Political Reaction to the Illegal Immigration of Jews to Palestine, 1945-1948* (London, 2005).

<sup>444</sup> See Aviva Halamish, *The Exodus Affair: Holocaust Survivors and the Struggle for Palestine*, translated by Ora Cummings (Syracuse, 1998). The voyage of the *Exodus* from the gathering of refugees in Germany to the return of the ship to Hamburg is discussed in Zertal, *From Catastrophe to Power*. A classic journalistic account is Ruth Gruber, *Exodus 1947: the Ship That Launched a Nation* (New York, 1998). This is an anniversary reprint marking Israel’s fiftieth anniversary. Gruber covered the Anglo-American Committee and the United Nations Special Committee on Palestine for the *New York Post*, then the *New York Herald Tribune*. Gruber was among the journalists who introduced this story to the world, especially through her photographs of the camps on Cyprus, the *Exodus*, and the *Exodus* refugees on prison ships in France.

the parallel to the deportation of the *Atlantic* to Mauritius in 1940, the pre-war test case for the enforcement of the White Paper.

### **THE WAR AGAINST THE WHITE PAPER PART II: TERRORISM**

Illegal immigration was the first front in the war against the White Paper, its practice honed in the first years of the war and perfected in the chaos of post-war Europe. But war on the home front was fought by the Yishuv's paramilitary organizations. The Anglo-American Committee's report described what they found during their visit in March 1946: "Palestine is an armed camp. Many buildings have barbed wire and other defences. We ourselves were closely guarded by armed police, and often escorted by armoured cars. It is obvious that very considerable military forces and large numbers of police are kept in Palestine."<sup>445</sup> The report recognized that "Jews had exercised great restraint" until 1939, which is to say until the publication of the White Paper of 1939.<sup>446</sup> The Yishuv's leadership was at pains to divorce itself from acts of violence perpetrated by Zionist extremists during the war, emphasizing the need to stay on good terms with Britain at least until the Allies won the war. David Ben-Gurion, Chairman of the Jewish Agency and the architect of the Yishuv's war against the White Paper, would deliver on his famous promise of 1939: "We must support the [British] army as though there were no White Paper,

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<sup>445</sup> Anglo-American Committee Report, 39.

and fight the White Paper as though there were no war.”<sup>447</sup> With the end of the war, the Yishuv’s fight against the White Paper took center stage.

It was not until after the publication of the White Paper that Jews turned to anti-British violence.<sup>448</sup> In the early war years, the Haganah’s most visible act claimed mostly Jewish victims. This was the sabotage of the *Patria* in November 1940 while it was docked at Haifa.<sup>449</sup> As the war continued, more extreme Zionist paramilitary organizations added to their ranks. In March 1944, on the date when the immigration quotas of the White Paper were to have been exhausted, the *Irgun Zvai Leumi*, hereafter Irgun, announced that they would violently oppose British rule. Members of the most extreme of the paramilitary organizations, *Lehi*, also known as the Stern Gang, believed that Britain was no better than Nazi Germany. According to their ideology, both Germany and Britain had contributed to the mass murder of Jews in Europe—the British, by not allowing free immigration of Jewish refugees from Europe. The Irgun did not adhere so strongly to this belief, but at times the two groups agreed to cooperate. That was the situation in November 1944,

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<sup>446</sup> Although much of the Arab revolt was directed against Jews, the Yishuv’s military organization, the Haganah, had adhered to the practice self-restraint, or *havlagah*. See Shaul Avigur, ed., *History of the Haganah*, Vol. 3, 1320-1324.

<sup>447</sup> In Shabtai Teveth, *Ben-Gurion: the Burning Ground*, p. 717.

<sup>448</sup> Although there had not been Jewish violence against the Mandatory authority, there had been a movement of Jewish reprisals against Arabs.

<sup>449</sup> The *Patria* was sabotaged in the hopes that the event would save thousands of illegal immigrants from deportation to Mauritius. The refugees who had been on the *Patria* at the time of the explosion were imprisoned in Athlit and eventually accepted in Palestine. The passengers from the *Atlantic* who were awaiting transfer to the *Patria* were sent to Mauritius instead. See my chapter 4 on the White Paper’s immigration provisions. For the role of the Haganah, see Ofer, *Escaping the Holocaust*, pp. 34-35.

when Stern Gang operatives assassinated Lord Moyne, Minister Resident in the Middle East, and a close friend to Winston Churchill.<sup>450</sup>

The story of the Moyne assassination is recounted in the *Battles of the Irgun*, a chronicle of Irgun operations.<sup>451</sup> The following account represents an extremist Zionist position that equated Britain with Nazi Germany. The White Paper's immigration quotas, according to the ideology of the Stern Gang, implicated Britain in the Nazi war against the Jews. Indeed the account connects the assassination of Lord Moyne with British policy that had trapped Jewish refugees in Europe. Specifically, it explains that Moyne was targeted because of his rejection of an offer to exchange Hungarian Jews for trucks needed by the Germans. The "Trucks for Blood" deal grew from negotiations between Adolph Eichmann and Yoel Brand, a Zionist who worked to rescue European Jews during the war.<sup>452</sup> The trucks would have to come from Allied armies—this would have been an unlikely exchange with an enemy in the midst of war. Knowing that the deal would not go forward, Brand nevertheless pursued it in hopes of stalling Eichmann's deportation of Hungarian Jews to Auschwitz. While attempting to attract interest from British and American leaders, Brand was arrested by the Allies and sent to Cairo where he was imprisoned

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<sup>450</sup> Moyne, "Guinness, Walter Edward, first Baron Moyne (1880–1944)," rev. Marc Brodie, in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2006, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/33605> (accessed July 14, 2008).

<sup>451</sup> Niv, *Battles of the Irgun*, Vol 4, pp 80-84. My translation.

<sup>452</sup> For the "Trucks for Blood" deal, also known as the "Blood for Goods" deal, see David Luban, "A Man Lost in the Gray Zone," *Law and History Review* Spring 2001 <<http://www.historycooperative.org/journals/lhr/19.1/luban.html>> (21 Jun. 2008).

for several months. The account reports that Moyne and Brand met in Cairo. Moyne was said to have responded to the plan: “How many [Jews] will there be all told? Eichmann spoke of one million. How do you imagine the thing, Mister Brand? *What shall I do with those million Jews? Where shall I send them?*”<sup>453</sup> Brand replied: “I can hear no more of this. . . . If there is no place for us on the face of the globe, people have no choice but to go to the gas chambers.”

In May 1944, when 400,000 Hungarian Jews were transported to Auschwitz, Lord Moyne became a symbol of the explicit anti-Zionism of British officials in the Middle East. For Lehi, failure to rescue the Hungarian Jews was an example if not of the complicity of Britain and Germany at least of the similarity between the two. Other sources explain that extremists had targeted Moyne because of his support for Arab federation and earlier comments about Arab purity and Jewish miscegenation.<sup>454</sup> The best explanation is that Moyne, whose position regarding Jewish refugees was consistent with other British leaders’, became a scapegoat for the White Paper’s policy of keeping Jews out of Palestine, and along with it Britain’s refusal to take responsibility for the fate of Jewish Europe. Two young members of Lehi, Eliyahu Bet Tsouri and Eliyahu Hakim, embarked on what was known to be a “suicide mission” to Cairo.<sup>455</sup>

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<sup>453</sup> The last sentences are rendered in English in the original.

<sup>454</sup> Reference is to a speech Moyne gave in the House of Lords in June 1942, discussed in Heller, *The Stern Gang: Ideology, Politics, and Terror, 1940-1949* (London, 1995), 137.

<sup>455</sup> See Joseph Heller, *The Stern Gang*, 123 and 137, and all of chapter 6, which is devoted to the Moyne assassination. The classic work is Gerold Frank, *The Deed* (New York, 1963).

The mission was dangerous because of the difficulties of escaping Egypt, if the men survived the attack on Moyne. Moyne was returning from his office to his home, November 6, 1944. With him in the car were his driver, secretary, and his assistant. The assistant got out of the car to open the door for Moyne. At the same moment, Hakim and Bet Tsouri emerged from their hiding place beside the fence. Hakim simply approached, opened the door with his left hand, and fired three shots straight at the Minister. Bet Tsouri stood at the rear of the car covering Hakim. The driver pounced at Hakim, whereupon Bet Tsouri shot and killed the driver. The assassination had taken mere moments. The two fled on bicycles but were caught by a policeman, also on a bicycle, who had passed by then turned around to pursue the two. Bet Tsouri was shot and wounded; Hakim stopped to help him, and the two were arrested. They refused to give their real names, using Bedouin names instead, but in Egypt and throughout the world, papers published their pictures, and they were quickly recognized. On January 19, 1945, in Cairo, their trial opened. On the stand, Bet Tsouri criticized British authorities in the Middle East for depicting the Palestine Question as a conflict between Arabs and Jews, with the British presenting themselves as mediators. This anti-British claim found a sympathetic audience in the Egyptian courts, but nevertheless both Bet Tsouri and Hakim were sentenced to death by hanging. On March 23, 1945, they were put to death, thus ending the suicide mission.<sup>456</sup>

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<sup>456</sup> The account in *Battles of the Irgun* ends with the two men dying with their heads held high and

On November 17, 1944, Prime Minister Churchill responded to the Moyne assassination in an address to Parliament:

This shameful crime has shocked the world. It has affected none more strongly than those, like myself, who, in the past have been consistent friends of the Jews and constant architects of their future. If our dreams for Zionism are to end in the smoke of assassins' pistols and our labours for its future to produce only a new set of gangsters worthy of Nazi Germany, many like myself will have to reconsider the position we have maintained so consistently and so long in the past.<sup>457</sup>

Disgusted by the act of terror, Churchill contemplated a break with Zionist leaders and rethought his support for the Zionist cause. The assassination took place as Churchill's secret cabinet committee on Palestine discussed a new plan for partition. They had come up with several maps for partition, a policy more pro-Jewish than the White Paper but one that in 1944 would have fallen far short of the Biltmore program's Jewish commonwealth in all of Palestine. After the assassination, British momentum towards partition was lost.<sup>458</sup>

Political assassination demonstrated that violence as a political tool could backfire. But terrorism's nuisance value cannot be overstated. The Irgun and Lehi

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with *Ha-Tikvah* on their lips, p. 84. Heller, *The Stern Gang*, gives March 22, 1945, as the date of Hakim and Bet Tsouri's execution.

<sup>457</sup> *Parliamentary Debates (Hansard) Official report*, (London, 1944). Vol. 404, 17 November 1944, col 2242.

<sup>458</sup> There is some debate in the historiography about the extent to which the Moyne assassination turned Churchill against the Zionists. In *Churchill's Promised Land: Zionism and Statecraft* (New Haven, 2007), Michael Makovsky downplays the significance. Historian Ronald Zweig attributes much to the assassination, "Superficially at least, the murder of Lord Moyne achieved what officials in the Foreign Office and elsewhere had tried but failed to achieve—preventing Churchill's government from replacing the White Paper with a policy more favourable to the Jews of Palestine," *Britain and Palestine*, 176.

would hone the use of violence as a weapon, especially as the British authority adhered to the White Paper's immigration policy and as Bevin eventually upheld the White Paper's binational state under majority Arab rule. British secret service files, released in 2003, demonstrate that British intelligence kept close watch on activities of the Jewish underground armies.<sup>459</sup> The terror campaign did not raise sympathy for the Zionist cause. Yet assassinations, Lord Moyne's in 1944 and that of two British sergeants on July 30, 1947, demonstrate continuity in the use of this method.<sup>460</sup> But assassinations were not the most destructive of terrorist acts carried out by Zionist militants. On July 22, 1946, the Irgun exploded the wing of the King David Hotel where the British Army headquarters was based, just weeks after the Palestine government had taken steps to suppress Jewish extremism with raids and multiple arrests on June 29.<sup>461</sup> There were 92 killed and many more casualties, among them British, Arabs, and Jews.<sup>462</sup> Zionist terrorism destabilized the

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<sup>459</sup> The Security Service file, KV 3/41, includes a 23-page document on "Zionist Subversive Activities."

<sup>460</sup> See Nachman Ben-Yehuda, *Political Assassinations by Jews: A Rhetorical Device for Justice* (Albany, 1993), In chapter 7, Ben-Yehuda gives 83 cases of assassinations, failed and successful, perpetrated by Haganah, Irgun, and Lehi, during the period of the Mandate. In the case of Moyne, case number 49, page 206, Ben-Yehuda rejects the idea that Moyne had had any contact at all with Yoel Brand and argues that Moyne had been targeted before the "Trucks for Blood" scheme came to naught. For the hanging of the British sergeants, see Heller, *The Stern Gang*, 185 and Zertal, *From Catastrophe to Power*, 240, where Ben-Gurion reacted to the hangings as an act that could destroy the political gains the Yishuv had just made following the return of *Exodus* refugees to Europe.

<sup>461</sup> For the impact of the "Black Sabbath" raids of June 29, 1946, on cooperation between Jewish underground armies, see Heller, *The Stern Gang*, 161. In a nuanced understanding of the bombing of the King David, Wm. Roger Louis writes: "The explosion at the King David may be described as an atrocity or historical necessity, depending on one's attitude toward 'terrorists' or 'freedom fighters,'" in *The British Empire in the Middle East*, 430.

<sup>462</sup> For an informative account of the "King David Hotel Tragedy," see Cohen, *Palestine and the Great Powers*, 90-93.

Mandatory Authority by threatening the safety of Britons in Palestine to such an extent that a huge investment of British troops was required. Terrorism, as many British statesmen saw it, demonstrated the ingratitude of the Yishuv. Winston Churchill, now in the opposition, saw the irony of Britain's continued investment in Palestine in terms of India:

I must compare, with bewilderment, the attitude of His Majesty's Government towards India and toward Palestine.... Can the House believe that there are four times as many British troops in little petty Palestine as in mighty India at the present time?... It is indeed a paradox that the opposite courses should be taken, and that here, in India, where such vast consequences are at stake, we are told we must be off in 14 months, whereas, in this small Palestine, with which we have been connected but 25 years, and hold only on Mandate, we are to make all these exertions...<sup>463</sup>

The terror campaigns contributed to Britain's recalculating return for investment in Palestine. As Britain faced withdrawal from mighty India, little petty Palestine did not seem worth the trouble, or the deployment of the 100,000 British troops who continued to occupy it.

#### **THE ANGLO-AMERICAN COMMITTEE REPORT REJECTED**

The Report of the Anglo-American Committee included ten recommendations.<sup>464</sup> For the United States, most especially for President Truman, the Committee's essential outcome was the provision that 100,000 Jewish displaced

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<sup>463</sup> *Parliamentary Debates (Hansard) Official report*, (London, 1946). Vol. 434, p. 675, 6 March 1947. My emphasis.

persons then living in camps mostly in Germany be allowed to immigrate to Palestine. But it is important to keep in mind that this recommendation came along with support for the Mandatory Authority's right to limit Jewish immigration and primarily with a recommendation that Western nations accept more Jews. In the report it was estimated that 500,000 Jews from Europe would "wish or be impelled to emigrate from Europe."<sup>465</sup> Of this number, the members of the Committee were explicit; Palestine should not be expected to accept much more than the 100,000:

[W]e expressly disapprove of the position taken in some Jewish quarters that Palestine has in some way been ceded or granted as their State to the Jews of the world, that every Jew everywhere is, merely because he is a Jew, a citizen of Palestine and therefore can enter Palestine as of right without regard to conditions imposed by the government upon entry, and that therefore there can be no illegal immigration of Jews into Palestine.

We declare and affirm that any immigrant Jew who enters Palestine contrary to its laws is an illegal immigrant.<sup>466</sup>

The Anglo-American Committee endorsed Britain's position on Jewish illegal immigration.

The Anglo-American Committee upheld Britain's right to police Jewish immigration, a practice that had been the subject of mathematical calculations since the 1930s. The Peel Report of 1937 was the first to examine the demographic trajectories of the Jewish and Arab populations of Palestine in a manner that was

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<sup>464</sup> "Report of the Anglo-American Committee of Enquiry regarding the problem of European Jewry and Palestine," Cmd. 6808, (London, 1946).

<sup>465</sup> Ibid., p. 15.

<sup>466</sup> Ibid., p. 7.

indeed scientific. A rate of 10,000 Jewish immigrants per year, along with the much higher natural increase of the Arab population, would hold the population at one-third Jewish to two-thirds Arab.<sup>467</sup> This same number was the basis of the White Paper quotas, which allowed 10,000 per year for five years, with an additional 25,000 certificates for refugees. The 100,000 certificates advocated by the Anglo-American Committee were meant to be counted outside of the British policy and thus would not have transformed the system of controlling the entrance of Jews into Palestine. But the 100,000 would have compromised a principle of the White Paper—after the 75,000 certificates, there was to be no further Jewish immigration without Arab consent. This provision had already been strained after November 1945, when the White Paper’s original 75,000 certificates were exhausted and, without seeking Arab acquiescence, the Mandatory Authority provided certificates for 1,500 Jews per month to enter Palestine.

The Anglo-American Committee’s report offered a comprehensive solution for Palestine, at times unrealistic and, in the case of its constitutional recommendations, woefully nonspecific. On April 30, Attlee met with Prime Ministers of the Dominions to discuss the report. His primary reaction was that neither Jews nor Arabs would accept the recommendations. “The Committee’s recommendation that Palestine should be ‘established as a country in which the legitimate national aspirations of both Jews and Arabs can be realized without either

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<sup>467</sup> See *Peel Report*, 281.

side fearing the ascendancy of the other,' though admirable as a statement of aim, was not so easy to realize in practice."<sup>468</sup> But should they go forward with the recommended policy, the United States should share the burden of implementing the recommendations. On the same day, Truman announced support for the transfer of 100,000 Jewish displaced persons to Palestine, ignoring the Committee's other nine recommendations, including the first recommendation that called for Western countries to take in some of the Jewish refugees.

Truman focused completely on the 100,000. After all this had been the catalyst for sending the Committee in the first place. For Truman 100,000 certificates would have at once made a humanitarian contribution, lightened a heavy burden on the U.S. Army in Germany, and, finally, won the approval of Jewish voters in the United States, in the lead up to the 1946 Congressional elections. The documents reveal Truman's obsession with these two things, the 100,000 and the Jewish vote.<sup>469</sup> Attlee and Bevin demonstrated a greater understanding of Palestine itself. If they were to allow in the 100,000, the need to control illegal immigration and Jewish terrorism would continue, with the added burden of any Arab backlash. Zionist and Arab positions were further polarized by the 100,000. Arabs rejected the

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<sup>468</sup> Clement Attlee in "Meeting of Prime Ministers," Tuesday, 30th April 1946, PREM 8/627/3.

<sup>469</sup> Correspondence between Attlee and Truman in the weeks after the Anglo-American Committee report's publication is in PREM 8/627/2. Truman mentions the 100,000 consistently, and the first meeting held to discuss implementing the report focused on "aspects of the early immigration of 100,000 Jews into Palestine." Truman to Attlee, "Top Secret," Received July 2, 1946, PREM 8/627/3. The "Combined Study of the Implications of the Report, recommendation 2: Settlement of 100,000 Jewish immigrants in Palestine," undated but reporting on discussions held from June 17-27, 1946, in PREM 8/627/2.

100,000 certificates; Jews demanded them. The entire effort was threatened by Truman's acceptance and insistence on this single recommendation of the Anglo-American Committee and Foreign Secretary Ernest Bevin's retort that the Committee's recommendations must be implemented as a whole or not at all.

For months after the publication of the report, Bevin sought compromise not only with the United States but also between Arabs and Jews. American and British experts met to discuss Palestine's future government. While Attlee had doubted the Anglo-American Committee's binational state model, based on electoral parity, Bevin adhered to a binational vision quite close to the one put forward by the White Paper. Two plans for provincial autonomy were elaborated. Provincial autonomy had the virtue of being ambiguous enough to lead to either partition or a single state, and, it was hoped, could be a model for agreement between Jews and Arabs. The first plan, the Morrison–Grady plan, was unanimously approved by the British and American officials who devised it, but rejected by the American president.<sup>470</sup> The British government nevertheless pressed on, with the Colonial and Foreign Offices resuming their pre-war positions, the Colonial Office for partition, the Foreign Office, foremost Bevin, for a binational state ruled by the Arab majority, although

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<sup>470</sup> The Morrison–Grady plan is reproduced in Foreign Office to United Kingdom Delegation, Paris, July 31st 1946, PREM 8/627/3. Truman's rejection of the plan was relayed in Harriman to Attlee, Paris, July 31, 1946, in PREM 8/627/3.

by this point he had renamed it an “independent unitary state”.<sup>471</sup> Finally, the Office collaborated on a plan, the Bevin–Creech-Jones plan, again for provincial autonomy, a compromise between partition and a binational state, with potential to lead to either.<sup>472</sup> It was again rejected by the inhabitants of Palestine. Unable to satisfy the pre-condition of Zionist–Arab agreement on a plan, at the hand-over to the United Nations the British government left the Mandate to the vicissitudes of international diplomacy.

#### **THE END OF THE WHITE PAPER: PALESTINE AT THE UNITED NATIONS<sup>473</sup>**

The White Paper’s binational state vision, already challenged by illegal immigration and Jewish terrorism, as well as the United States government, died at the United Nations. Truman had made it clear that his concern over the Jewish vote would stop him from offering any concrete assistance in Palestine. Bevin still sought American approval in Palestine, recognizing that it would not come in the form of troops. Britain referred the question of Palestine to the United Nations in

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<sup>471</sup> “‘Palestine’: Cabinet memorandum by Mr. Bevin on the main policy options: Annex ‘the Present Position,’ 14 Jan 1947, reproduced as document 17 in *BDEEP Series A, Volume 2*, 39-44. See my chapter one for the pre-war parallel, Anthony Eden for the Foreign Office and William Ormsby-Gore for the Colonial Office.

<sup>472</sup> “‘Palestine’: joint Cabinet memorandum by Mr. Bevin and Mr. Creech Jones on fresh proposals for self-government,” 6 Feb 1947, reproduced as document 21 in *Ibid.*, 57-60.

<sup>473</sup> See Evan M Wilson, *Decision on Palestine: How the U.S. Came to Recognize Israel* (Stanford, 1979); Martin Jones, *Failure in Palestine: British and United States policy after the Second World War* (London, 1986); Cohen, *Palestine and the Great Powers*; Zvi Ganin, *Truman, American Jewry, and Israel, 1945-1948* (New York, 1979). See also, Wm. Roger Louis, *The British Empire in the Middle East* and “The End of the Palestine Mandate.”

February 1947 without recommendation.<sup>474</sup> They wagered that partition would never carry the two-thirds majority necessary to pass through the United Nations General Assembly. During April and May 1947, a special session of the United Nations General Assembly met to consider the Palestine situation. These meetings determined the specific role and constitution of the U.N. Special Committee on Palestine (UNSCOP), which would investigate conditions in order to recommend and implement a solution to the Palestine stalemate. The UNSCOP visited Palestine in July 1947. The *Exodus 1947* left Europe for Palestine perfectly timed to arrive during their visit.

Members of the U.N. Special Committee witnessed the aftermath of the battle between the British Navy and the Jewish refugees, through their forcible return to Europe. In the midst of international censure, the UNSCOP recommended partition. It is important to note that, as it had in the late 1930s, partition again became the pro-Zionist position in the eyes of world leaders. On November 29, 1947, the United Nations General Assembly approved the proposal to partition Palestine into Arab and Jewish states that were to achieve full independence by Oct. 1, 1948. The Vote was 33 to 13 with two abstentions, including a despairing Britain. As the New York Times reported: “The decision was primarily a result of the fact that the delegations of the United States and the Soviet Union, which were at loggerheads on every other important issue before the Assembly, stood together on

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<sup>474</sup> “‘Palestine: future policy’: Cabinet conclusions on reference to the UN,” 14 Feb 1947, in *Ibid.*,

partition.”<sup>475</sup> Their motives were an admixture of humanitarianism, pragmatism, and geopolitical rivalries old and new. Whereas the United States saw a rival in the Soviet Union, the Soviet Union continued to think in terms of the centuries-old rivalry between Russia and Great Britain.<sup>476</sup> At the United Nations, the partition vote exemplified the complex relationships between three world powers. Following the vote, delegates from Arab nations walked out, consistent for over a decade in their opposition to the establishment of a Jewish state of any size in Palestine. It should be noted that the Jewish state in this case now would have included the Negev, thus covering a far larger territory than recommended by the Peel Commission or Churchill’s wartime secret cabinet plans.

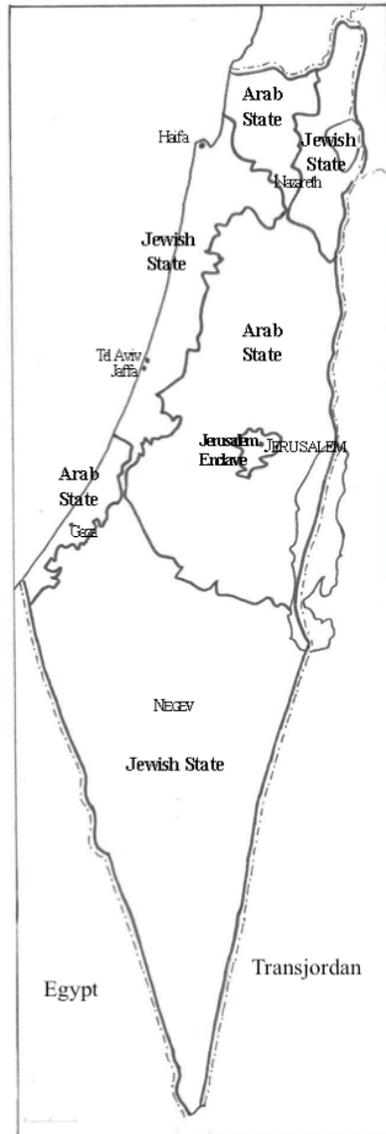
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66-69.

<sup>475</sup> Thomas J. Hamilton, “Assembly Votes Palestine Partition.” *The New York Times* 29 Nov 1947

<sup>476</sup> Yaacov Ro’i, a scholar of the relationship between the Soviet Union and Israel summarized the complexity of the situation at the United Nations: “By supporting the establishment of a Jewish state in part of Palestine, the U.S.S.R. was thrust into the unusual position first of cooperating with the U.S.A. against Britain – to the discomfort of Washington – and later of being the principal advocate of undelayed and qualified implementation of a major U.N. resolution. As regards its regional objectives, the significance of support for the Jewish cause in Palestine – which entailed, in addition to political support in the international arena, indirect military assistance, through supplies of Czechoslovak arms and the encouragement of Jews from Eastern Europe to leave for Israel and participate in its war of independence – lay in the ousting of Britain from Palestine and driving a wedge in the British-dominated ‘Arab East.’ Yaacov Ro’i, *From Encroachment to Involvement: A Documentary Study of Soviet Policy in the Middle East, 1945-1973*. (New York, 1974), xxvi. On the rivalry between Great Britain and Russia, see L. Carl Brown, *International Politics and the Middle East: Old Rules, Dangerous Game* (Princeton, 1984).

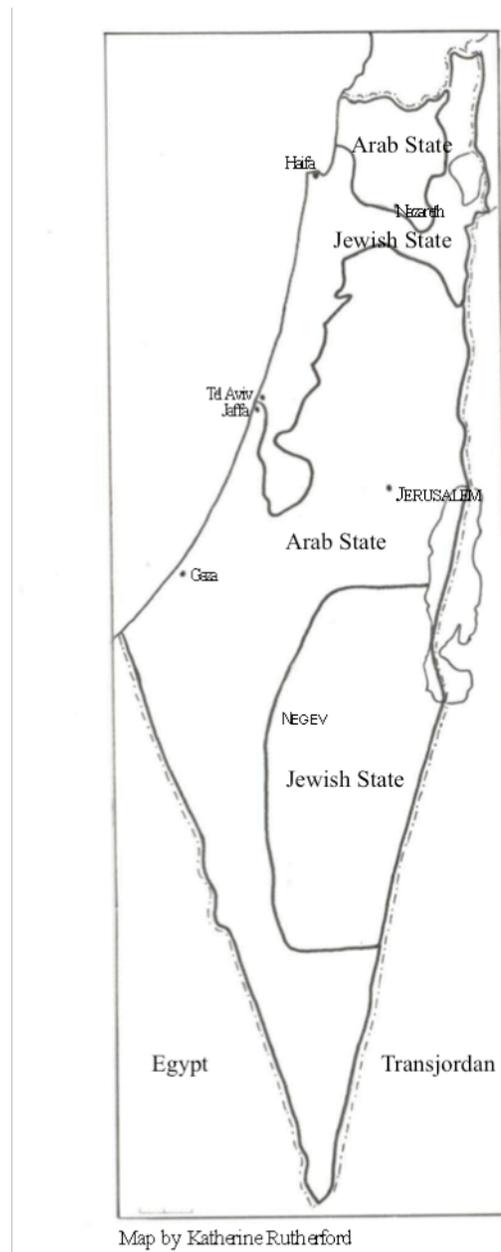
Map 6.1 UNSCOP Majority Partition Plan, September 1947<sup>477</sup>



Map by Katherine Rutherford

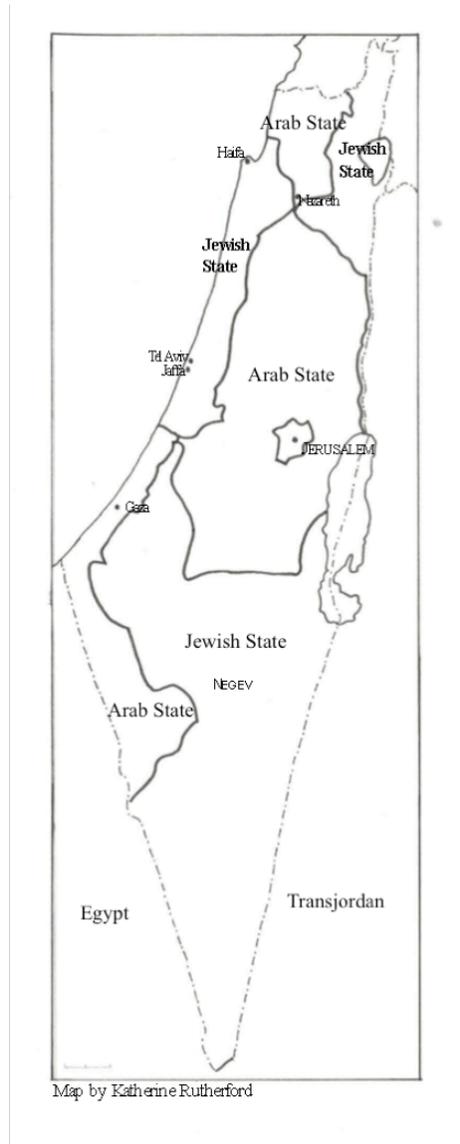
<sup>477</sup> Based on United Nations Special Committee on Palestine, *Report on Palestine*, (New York, 1947).

Map 6.2: UNSCOP Minority Partition Plan, September 1947<sup>478</sup>



<sup>478</sup> In Ibid.

Map 6.3: United Nations Partition Map, November 1947<sup>479</sup>



<sup>479</sup> Based on “PALESTINE: PLAN OF PARTITION WITH ECONOMIC UNION,” proposed by the Ad Hoc Committee on the Palestinian Question, Annex A to resolution 181 (II) of the General Assembly, 29 November 1947.  
[/http://domino.un.org/unispal.nsf/cf02d057b04d356385256ddb006dc02f/164333b501ca09e785256cc](http://domino.un.org/unispal.nsf/cf02d057b04d356385256ddb006dc02f/164333b501ca09e785256cc)

Britain had maintained all along that it would be impossible to enforce partition without assistance from other countries. Not only did the plan lack a provisional peacekeeping force, but also the U.N. resolution had passed without any plan for its implementation. Truman noted this in his memoirs:

The General Assembly passed the partition plan on November 29, 1947, although it did not actually put partition into effect. . . .The General Assembly. . . did not prescribe a detailed procedure for the carrying out of the recommendation. . . it had merely accepted a principle. The way in which this principle might be translated into action had yet to be found.<sup>480</sup>

As Britain had done many times in the past, the United Nations supported partition but did not discover a way to enforce it. Indeed, Britain had admitted from the time of the Woodhead report in 1938, there could be no partition of Palestine without the use of force. But more importantly, the time for partition, if ever there had been one, had long passed. With both Jews and Palestinian Arabs each demanding Palestine for themselves – and without commitment of troops to enforce the partition and secure the border – the plan was dead on arrival.

## **CONCLUSION**

The postwar period unsettled Britain's position in the Middle East. In 1939 it had appeared that the best policy was one that would keep Palestine calm while also

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[5005470c3!OpenDocument/](#) (accessed July 14, 2008). Jerusalem was designated an international zone.

<sup>480</sup> Harry S. Truman, *Memoirs by Harry S. Truman, Volume Two: Years of Trial and Hope*. (New York, 1956), 187.

fostering good relations with newly independent Arab states. This was the logic of the White Paper of 1939. But by 1945, the variables had changed. This chapter has charted the emergence of a more powerful Yishuv, taking up arms against the Mandatory Authority in Palestine and fighting a war through the international media's coverage of illegal immigration. The new government in the United States, and the President, Harry Truman, took a strong interest in Palestine, motivated by the need to win Jewish votes and the desire to move Jewish displaced persons out of the United States zones of occupation in Europe. When these American interests combined as a demand that 100,000 Jews be allowed to enter Palestine, Britain's hold on Palestine and the White Paper of 1939 were challenged as never before. From the distance of 60 years, it appears that the situation in Palestine had changed so dramatically from 1939 to 1947 that it becomes difficult to believe that British administrators barely gave an inch in their adherence to the White Paper's policies—immigration quotas on the one hand, and the hope that Palestine would become independent as a binational state under Arab rule, on the other. Faithfulness to the White Paper in the post-war period spelled the end for British rule in Palestine and the end of the binational state in any form.

The Rabbi Judah L. Magnes appears often in these pages as a resolute proponent of binationalism and Arab-Jewish cooperation. It was his Ihud Association's binational vision that had inspired the Anglo-American Committee's recommendation for a binational state in Palestine where neither Arab nor Jew

would dominate. Magnes presented the same plan for unity in Palestine to the U.N. Special Committee in 1947. But the U.N. Committee did not see the same appeal that the Anglo-American Committee had. The Ihud Association lost what little support it had garnered in the United States as the U.N. vote approached and Jewish support for a Jewish state became near universal. In the aftermath of the United Nations partition vote, Magnes wrote to Herbert H. Lehman, former Governor of New York and previously a supporter of the Ihud program: “You are right in saying that I have been opposed to partition, and I believe in it less today than ever I did. I have said right along that it is merely a facile solution on paper, and that it can only be carried out through warfare over a period of many years.”<sup>481</sup>

Civil war erupted in Palestine immediately after the U.N. resolution passed. David Ben-Gurion announced the creation of Israel on May 15, 1948, as the last British High Commissioner sailed from Haifa. The United States was the first country to recognize Israel at the United Nations; the Soviet Union closely followed. The civil war that had begun with the partition vote in November of 1947, on May 15, 1948, became a war between Israel and its Arab neighbors.

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<sup>481</sup> Judah L. Magnes to Herbert H. Lehman, February 6, 1948, document 120 in Goren, *Dissenter in Zion*, 464.

Map 6.4: Armistice Lines, 1949<sup>482</sup>



Map by Katherine Rutherford

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<sup>482</sup> Based on “The Armistice Lines of 1949,” at <http://domino.un.org/unispal.nsf/cf02d057b04d356385256ddb006dc02f/e55f901779c1f8e485256b9800714cef!OpenDocument/> (accessed July 14, 2008).

## Conclusion

The White Paper was designed to stabilize Britain's position in the Middle East by retaining close control over Palestine, which meant placing limits on Zionist development. The White Paper constituted a sea change in British policy. Previously, support for growth of the Yishuv had alienated Palestine's Arab population. Only two years before, the Peel Commission had recommended partition, a policy the Colonial Office came to represent. The White Paper reversed support for the Yishuv, endorsing the Foreign Office argument that stability in the Middle East, indeed empire security, could only be achieved by shifting to a pro-Arab policy. This decision reverberated in the three worlds of Palestine—the British Empire, the Arab and Islamic world, and the Jewish Diaspora. The White Paper policy was at its base pro-British. But the White Paper's sudden support for Palestinian Arabs was too little too late—most of their leaders had been exiled during the revolt of 1936-1939, leaving behind a politically unfortunate loyalty to the exiled Mufti of Jerusalem. The White Paper would irreparably strain relations between Britain and the Yishuv. Palestinian Arab powerlessness and the Yishuv's rage – compounded by the Yishuv's and world Jewry's impotence in the face of the Holocaust – combined to turn the White Paper on its head. Rather than bringing about stability in the region and solidifying the British position in Palestine, the

White Paper destabilized the British Empire in the Middle East, as the Yishuv became increasingly powerful in Palestine.

The White Paper introduced new policies for government, land, and immigration. The model for government grew from single state ideas that had been discussed between Jews and Arabs in the 1930s. Foremost among these was Judah L. Magnes's binational state model. Magnes was an American Rabbi whose Zionism was based on a spiritual connection to Palestine – here it would be appropriate to use the phrase “the land of Israel” – that embraced the Diaspora and rejected a militaristic Zionism like that advocated by the Revisionist Zionist leader Vladimir Jabotinsky. Magnes and like-minded Jews studied the possibilities of Palestine and believed that the only hope for peace could be found in agreement between Jews and Arabs. The hallmark of Magnes's binational state was electoral parity—Jews and Arabs would govern in equal numbers, regardless of the numerical ratio of Jews to Arabs in the total population. This belief led Magnes into negotiations with Palestinian Arabs, among them Izzat Tannous, a Christian Pediatrician from Jerusalem. Tannous was a first rate representative of the Palestinian Arab position, which derived from the Mufti's position that called for Arab independence and the end of Jewish immigration. Tannous met repeatedly with Malcolm MacDonald, the Colonial Secretary from 1938-1940. The White Paper embraced some of Magnes's ideas, namely that a permanent Jewish minority was acceptable, but it left out electoral parity, the key to the Magnes model. In this

sense, the White Paper was a perversion of Magnes's vision. It followed closely the alternative advocated by Tannous, offering an Arab state and limits to Jewish immigration. It was not surprising that the Jews rejected the paper outright. That Arabs too rejected it was a sign of the Mufti's power over rival factions who wanted to accept it and also a hint of how far he would take his opposition to British rule.

The purpose of the White Paper's land policy was two-fold. Formally articulated as the Land Regulations of 1940, the policy closely followed earlier partition maps to establish zones where Jews could buy and settle land. In this sense, the regulations aimed to contain Jewish expansion, hinting that partition, or at least separate administrative districts, remained on the minds of British policy-makers. But the regulations also aimed at protecting Arab fellahin from dispossession. Here the British faced a challenge traceable to Palestine's Ottoman legal inheritance. In the case of land, the Mandatory Authority willfully misunderstood rural land ownership. The Jewish National Fund and other Zionist settlers were able to take advantage of the confusion to establish a foothold Palestine, rural up until the 1930s and urban with the wave of immigration from central Europe after 1933. The Land regulations failed to achieve either of their aims. Many landowners still wanted to sell, and Jews were able to expand into the Negev during World War II, in so doing changing later partition maps to increase areas under Jewish control.

Immigration quotas were the most strictly imposed – and most vehemently opposed – of the White Paper's three provisions. Between May 1939 and December

1940, illegal immigration spiked due to the increasingly desperate situation of Jews in Europe and to the desire to flout the White Paper. The White Paper's 75,000 certificates were meant to last until March 1944. It appeared as if they would expire before 1941, so heavy was this traffic in the first year of the war. The British response to this massive wave of illegal immigrants entailed a collaboration between the Foreign Office, Colonial Office, and Admiralty, with assent from Prime Minister Winston Churchill. Illegal immigrants would be deported to Trinidad and Mauritius, never to step foot in Palestine. In the event, there was but one deportation. After an explosion on the *Patria*, the first boat meant to make the trip to Mauritius, the next passengers to arrive were dispatched directly. 1,580 Jewish refugees were shipped to a prison on Mauritius for the duration of the war. Soon after the deportation of the *Atlantic* passengers – the test case for a new interpretation of the White Paper – illegal immigration ceased to such an extent that a surplus of certificates remained in winter 1945. In February, the British government issued a near apology, offering certificates remaining from the quotas to the Mauritius exiles. After an outbreak of polio on the island, and corresponding quarantine, the remaining exiles arrived in Palestine in August 1945. The deportation of the *Atlantic* passengers was the starkest evidence of Britain's commitment to the immigration restrictions. It is also the precedent for the exile of illegal immigrants to Cyprus in the post-war period and even more so for the return of the *Exodus* refugees to Germany in 1947.

With the last months of World War II in Europe, Soviet, British, and American troops liberated Nazi concentration camps and discovered the surviving remnant, as Holocaust survivors would come to call themselves in displaced persons camps across Europe. The large number of these Jews living in the United States Zone of Germany placed an undue burden on the United States Army. President Truman took notice. Following a report from Earl Harrison, Truman began to pressure the British Government to open Palestine to 100,000 Jews, while inside Palestine Ben-Gurion's war against the White Paper aroused international sympathy and wore down British resolve to stay in Palestine. The inability of the United States and Britain to come to an agreement based on the report of the Anglo-American Committee of Inquiry – an endorsement of the binational state along the model of parity advocated by Judah L. Magnes – was one factor in Britain's decision to turn the problem over to the United Nations. But equally important were the weak British economy and the loss of India, upon which British imperial strategy had long been based; and without which, Britain had no imperial strategic use for Palestine.

The White Paper policy ended for good at the United Nations in 1947. Its continued relevance lies in the debates it brings to light, especially the one about binational state versus partition—the failure from 1936 to 1948, as now, to find a common ground upon which to build a lasting peace. The issues that divided Jew from Arab in Palestine from 1936 to 1948 bear striking resemblance to debates of today. The question of population balance is at the heart of debates over the

presence of Jewish settlers in the West Bank. Connected directly is the ongoing discussion about the nature of a peaceful settlement between Israel and the Palestine Authority. While the two-state solution, the 2008 equivalent of partition, is the avowed goal, claiming the support of the United States government among others, there remain those who believe in a single state solution, whereby Israel would grow to include the West Bank and all of its inhabitants. The possibility of an enlarged Israel including the Palestinian refugees brings the demographic debate back to the fore.

The plight of Jewish refugees before and after the Holocaust echoes in the ongoing homelessness of the Palestinians. The exodus of the Palestinian Arabs in 1948 is chronicled in excruciating detail by Benny Morris in *The Birth of the Palestinian Refugee Problem*. This work established Benny Morris as a “new historian,” part of a generation of Israeli historians who, in the 1980s, made use of recently released documents to explore the founding myths of Israel.<sup>483</sup> They wrote in the spirit of historical revisionism, the quest always to reassess the historiographical record in light of new sources and new insights. They were “new” in that they questioned the old story of Israel, which they could do for the first time

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<sup>483</sup> Among these works are Avi Shlaim, *Collusion Across the Jordan: King Abdullah, the Zionist Movement, and the Partition of Palestine* (New York, 1988) and Simha Flapan, *The Birth of Israel: Myths and Realities* (New York, 1987). Ilan Pappé, also an Israeli new historian, reviews “post-Zionist” scholarship in “Post-Zionist Critique on Israel and the Palestinians: Part I: The Academic Debate” *Journal of Palestine Studies* 26.2 (Winter 1997), 29-41. For a point by point retort to the findings of the new historians, see Efraim Karsh, *Fabricating Israeli History: the ‘New Historians’* (London, 1997).

because of the availability of recently-released documents.<sup>484</sup> But they were not so new in their methodology—one criticism has been that these works generally followed the, ahem, decidedly old model of diplomatic history.<sup>485</sup> A far more serious criticism is that the new historians have failed to break with the Zionist model. Their questions stem from the Zionist canon; their periodization follows the Zionist chronology. This last point is epitomized by the emphasis on the study of the events of 1948.

A focus on 1948 does as much to propagate myths as it does to debunk them. Historian Joseph Heller responds to the new historians in the appendix to his *The Birth of Israel*.<sup>486</sup> He suggests that it would be productive to bring the discussion about 1948 back to 1945, “a more felicitous point of departure, marking the reappearance of the Palestine question on the agenda of Western powers and coinciding with the dawn of a new era following World War II and the Holocaust.” The present work argues that scholars should look back even further into the history

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<sup>484</sup> Israeli historian Anita Shapira criticized the new historians for apparent bias in their work. By setting out specifically to debunk myths, the new historians corrupted their scholarship at the outset. Anita Shapira, “Politics and Collective Memory: the Debate Over the ‘New Historians’ in Israel,” *History and Memory*. Bloomington: June 30, 1995. Vol 7, Iss. 1, pg. 9. <<http://proquest.umi.com/content.lib.utexas.edu:2048/pqdlink?index=6&did=593643191&SrchMode=1&sid=1&Fmt=3&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1147409711&clientId=48776#fulltext>> (May 11, 2006), 15. This issue of *History and Memory* features articles by key “new historians” and other “new” Israeli scholars from other disciplines, for revisionism is not limited to the study of history, as well as their critics. Included are: Ilan Pappé, Baruch Kimmerling, Derek Penslar, and Uri Ram.

<sup>485</sup> This is the basis of Laurence J. Silberstein’s criticism of the new historians in *The Postzionism Debates: Knowledge and Power in Israeli Culture* (New York, 1999). That a book criticizing this school of scholarship is itself almost ten years old is another testament that newness is relative.

<sup>486</sup> Joseph Heller, *the Birth of Israel, 1945-1949: Ben-Gurion and his Critics* (Gainesville, FL, 2000), Appendix, 295.

of the Mandate. For example, 1945 is not a sufficient starting point if one hopes truly to understand Foreign Secretary Ernest Bevin's position on Palestine. His adherence to a binational state under Arab rule, if one begins from the period after the Holocaust, can only be understood as grossly anti-Jewish. With the context of the Foreign Office position in the 1930s, and their single-minded advocacy for a binational state under Arab rule, Bevin's belief in that old model seems at worst anachronistic. The Yishuv's battle against British rule, using 1945 as a starting point, likewise lacks the essential background of the Haganah's failure to protect Jewish settlers during the revolt in 1936, and the military training they later received in order better to defend themselves. The starting point of 1945 also foregrounds the Holocaust in a way that exaggerates the causal relationship. Finally, this periodization denies agency to Palestine's Arabs—beginning from the 1930s, their position takes on nuance and forces us to rethink the stereotypes that have now taken on aspects of received wisdom.<sup>487</sup>

The present work has aimed to show the staggering complexity of affairs in Palestine by examining events through the prism of the White Paper of 1939. It is impossible to understand the logic of the White Paper without an appreciation of Britain's strategic priorities in the Middle East, Foreign Office and Colonial Office rivalries, and the internal events in the Middle East that threatened to destabilize Britain's position. It is likewise impossible to understand the reaction to the White

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<sup>487</sup> Rashid Khalidi's *The Iron Cage* is the most recent work to flesh out the Palestinian Arab position

Paper in the Yishuv, and its echoes throughout the Diaspora, without an awareness of events in the Jewish world in the 1930s. Furthermore, through this focus on the White Paper, a picture of Palestinian Arab powerlessness, after their revolt from 1936 to 1939, emerges to counter the normative narrative that criticizes Arab leaders for missing yet another opportunity. In this chronology, the Holocaust is part of the narrative, but it is not at the center of the establishment of Israel.<sup>488</sup> All of these were contributing elements, but British rule in Palestine didn't end as it did for any one reason. By foregrounding the White Paper, one can resist the temptation toward monocausality. This line of examination leads naturally to three outcomes in Palestine in May 1948: the end of British rule, the establishment of Israel, and the birth of the Palestinian refugee problem that has remained unresolved for 60 years.

Yet this work is in the spirit of the new historians, for it too seeks a new understanding but does so through widening rather than narrowing the lens. It is also rooted in the historiography of the mandate, not only the scholars mentioned in the introduction and notes, but also in the tradition of J.C. Hurewitz's *The Struggle for Palestine*, written in 1950. Hurewitz devoted many pages to the 1930s and to the White Paper of 1939. He was in Palestine in the 1930s, when the importance of the

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in the 1930s. More work remains to be done on this subject.

White Paper must have been manifest. Hurewitz set the standard for balance in the study of Palestine. The present work aims to honor his memory.

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<sup>488</sup> Yehuda Bauer, who has considered the connection between the Holocaust and Israel in a series of books over three decades writes of one school of thought – with which he disagrees – wherein, “Utilizing and instrumentalizing the Holocaust experience, [Zionists] now had a moral weapon of some importance, which they wielded to gain control over Palestine, or at least key parts of it, driving out the resident Arabs in the process.” Bauer, *Rethinking the Holocaust*, 244. Of the suggestion that “the rise of Israel was an answer to the Holocaust,” Bauer writes, “I do not think I have to deal with this because the very line of thought is so repugnant,” *Rethinking the Holocaust*, 295.

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###### Foreign Office FO

141 (Egypt)

371 (Palestine)

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## **Vita**

Lauren Elise Apter left her native McKeesport, Pennsylvania, in 1992 to enroll in the Plan II Honors Program at the University of Texas, earning a B.A. with special honors in Middle Eastern Studies in 1996. She then enjoyed a brief career in museums, including the United States Holocaust Memorial Museum in Washington, DC, and Spertus Museum in Chicago. In 2000, Ms. Apter completed an M.A. at the University of Chicago, focusing on Holocaust remembrance in the United States. She is a Harrington Doctoral Fellow at the University of Texas.

Permanent address: 137 Victoria Drive, White Oak, PA 15131

This dissertation was typed by the author.