

LAND QUESTION IN PALESTINE: 1917-1939

Chapter 7 "Conclusions"

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A variety of reasons coalesced in the 1940s to create the state of Israel. These included British withdrawal from the Mandate and from Palestine, the United Nations partition resolution on Palestine in November 1947, American diplomatic and financial support for Israel, profound differences within the Arab world about the future of Palestine, a fragmented Palestinian Arab community, a stubborn Zionist leadership and dedicated cadre of Jewish nationalists, and a moral imperative to take positive actions after the holocaust in Europe. But these reasons could not have enabled a community to declare statehood in 1948 without the acquisition and establishment of Jewish national territory upon which a state could function and in which a population could survive.

Accumulating land for the Jewish state was an arduous task. It spanned more than six decades and overcame numerous administrative and political obstacles. Jewish land purchase succeeded for essentially five reasons. First, the inherited Ottoman land regime was vulnerable to manipulation; second, Palestinian Arab society was divided socially and politically, thus allowing the Zionists to move into the land sphere without real opposition; third, Palestine's rural economy remained weak prior to, during, and after World War I and was therefore susceptible to Zionist land-purchase overtures; fourth, the British acted only as an umpire in Palestine and did little to strengthen the condition of the Palestinian fellah; fifth, the Zionists were able to use their special status under the Mandate to organize themselves in the effort to reach their goal.

Ottoman attempts at land reform did not help the economic condition of the fellaheen population in Palestine. Instead, the *musha'* and taxation systems remained, and the continuing usurious rates of interest and the process of land registration combined to tighten the grip that the notable and the *effendi* classes had over the Palestinian peasantry. Changes in the Ottoman administration of Palestine generated anxiety among the fellaheen about increased taxation and military conscription. When the British established their mandate, the fellaheen continued to shun government policy, though numerous allowances were made to accommodate customary practice. The fellaheen were terrified of Land Registry offices and the courts, and they were not cognizant of their legal rights and status before the law.' Fellaheen skepticism of British intent, compounded by British unwillingness to aid a destitute fellaheen population, contributed to increasing political dislike for the British as they supported the development of the Jewish national home.

Meanwhile, the Ottoman administrative legacy bequeathed to the notable, merchant, and *effendi* classes access to information and privilege that had permitted land accumulation. Ottoman administrative reform did little to influence change in the nature of local politics, which was based upon kinship, close family structure, village identity, and personal connections. These parochial affinities hindered the emergence of national integration and organization of the Palestinian Arab political leadership. By establishing more efficient and enforceable bureaucratic directives, the British administration blocked unrestrained land accumulation by the more powerful classes. At the same time, the residue of previously acquired social prestige and political power remained with those who had large landowning interests.

Jewish land purchase benefited from the loss of land-accumulation prerogatives once enjoyed by notables who had been local Ottoman administrators. Jewish land purchase also benefited from the personal nature of Arab politics, which transcended the Ottoman administration. No longer possessing financial means or bureaucratic access to bid on available or vacant land, Arab notables during the Mandate increasingly sold land for capital. They did so to maintain their local political status and accustomed standards of living. At the same time, the Zionists exploited the special status they enjoyed under the Mandate-- a trusteeship that protected Jewish interests while rejecting any clear form of Palestinian (Arab) majority self-government.

Palestine was administered by a high commissioner who possessed absolute executive, judicial, and legislative authority and who was guided by a policy that included an obligation to both Arab and Jew. The dual-obligation policy and the absolute power that the high commissioner wielded determined the nature of Jewish-Arab interaction with the British authorities. Both the Balfour Declaration and the articles of the Mandate defined the concept of political duality. Great Britain reaffirmed its dual obligation in somewhat different policy statements in 1922, 1930, and 1939. Ultimately, the politics of duality failed because the obligation to establish a Jewish national home was not equivalent to protecting the civil and religious rights of the non-Jewish communities. One was a statement of right; the other was a statement of sufferance.

Cognizant of this reality, the Palestinian Arab political leadership refused to accept the Mandate's legality. It chose instead to boycott official participation in the Mandate. The leadership itself was elitist, narrowly based, and interested in protecting its dwindling prerogatives and prestige, remnants from Ottoman times. It, like the Palestinian fellaheen population, distrusted British intentions. It possessed a growing felt of being overwhelmed, and it resorted to civil disturbance to demonstrate its frustrations with British policy and Zionist development. The Palestinian Arab political leadership lacked the diplomatic sophistication and willingness to make pragmatic compromises with the British.

The Jewish leadership, on the other hand, with its diverse and pluralistic origins, used the articles of the Mandate to enhance its special status. The land sphere was just one area in which the Zionists utilized their consultative prerogative, which they were given in Article 4 of the Mandate. Zionists influenced the appointments of key officials, wrote documents, and drafted the terminology used in the Balfour Declaration, the articles of the Mandate, the 1920 Land Transfer Ordinance, the 1926 Correction of Land Registers Ordinance, successive pieces of legislation for the protection of cultivators, the MacDonald Letter, and the definition of a landless Arab. Each time a major British statement on land or policy was issued in Palestine -- including the Shaw Report, the Hope-Simpson Report, the French Reports, and the Peel Report -- the Zionists issued their own verbal reply. Zionist input into policy concerning land began with Chaim Weizmann's opposition to loans for the fellaheen in 1918 and continued beyond the Jewish Agency's scrutiny of landless Arab claims in the 1930s. The appointment of Norman Bentwich as attorney general, which was a position of influence in the Land Registry Department in the 1920s, as well as Judge A. H. Webb's appointment to evaluate landless Arabs, aided Zionist fortunes in the land sphere. Although some Zionists did not like Sir Herbert Samuel's public policy of political neutrality from 1920 to 1925, the fact that a Jew and a Zionist was the first high commissioner in Palestine meant that the growth and development of the Jewish national home was not inhibited during the Mandate's formative years.

The Zionists' successes and the Palestinian Arab inability to thwart Jewish land purchase were indicative of the differences in background and experience between the two groups. First, the Zionists brought with them immigrant baggage that included survival against nefarious regimes and bureaucracies of eastern and western Europe. Many Zionists were accustomed to using wily, manipulative, innovative, and calculating methods to survive. 'The Arabs' primary experience was of survival against nature, and they had little experience in confronting the bureaucratic and legislative machinery introduced by the Ottomans and the British. They were used to working through traditional hierarchical channels. Second, most Zionists were accustomed to verbal negotiations and written evidence in defending and expanding their communal status in Palestine, and the Arabs lacked verbal and writing skills. Third, high literacy levels helped the Jews use their knowledge of the Arab community for their own purposes. In 1931, though Jews constituted only 18 percent of the total population, there were more literate Jews in Palestine than literate Muslims and Christians combined. Equally noteworthy was the fact that in 1931 there were 2,216 Jews who read and used Arabic while only 21 Muslims and Christians in all of Palestine knew Hebrew. This linguistic ability assisted all aspects of Zionist land purchase and helped Jews to evaluate the composition, strengths, and weaknesses of the diverse Palestinian Arab community.

In a highly competitive and aggressive style, the Zionists continuously strove for increased authority and autonomy in Palestine; they repeatedly diluted policies and laws that threatened the development of the Jewish national home. The Zionists did not have vast resources at their command, but they were skilled, schooled, and able to purchase a nucleus for a state. The Palestinian Arabs, in contrast, suffered from severe deprivation, a lack of capital, and less clear-cut goals.

Jewish land purchase continued despite obstacles thrown in its path by Ottoman prohibitions, exorbitant prices, and a steady increase of British restrictions. The British myopically believed that the passage of legislation and regulations would physically and economically assist the poor Palestinian Arab fellah. What was needed was an agrarian policy that provided credit facilities, agricultural tax reform, modernization of agricultural methods, and more efficient land use. The British had neither the trained personnel nor the political and financial commitment to implement such policies. Instead, solutions through administrative directives and ordinances were considered sufficient. When ordinances dealing with land were decreed in Palestine, they inevitably incorporated Zionist opinion. For example, the Land Transfer Ordinance in 1920 and its amendments did not prevent land speculation, and the Zionists had helped draft them. Under the Beisan Agreement in 1921, the fellaheen in the region could not retain the lands guaranteed to them by the British even when they were available at incredibly low prices, and the Zionists helped rewrite the Beisan Agreement in 1928 in order to gain legal access to these lands. In 1929 and 1933, Arab tenants were not protected by the various editions of the Protection of Cultivators Ordinances that Zionist lawyers had helped to write; and from 1931 to 1936, the landless Arab inquiry did not enumerate property or resettle Palestinian fellaheen alternative land because of Zionist access to the process. Finally, because small-landowner protection never evolved, the British ultimately imposed legislative restrictions on land purchase through the 1940 land transfer prohibitions. But, like the previous legislative attempts, they proved incapable of stopping the transfer of land because of economic forces.

There is little doubt that Arabs sold land to the Jews primarily because they needed money. Both British administrators and Jewish land purchasers knew about the perennial economic distress of the Palestinian fellaheen. Prior to World War 1, the economic viability of the Palestinian fellaheen was precarious at best, and the war severely damaged Palestine's rural economy. Successive crop failures followed in the 1930s. The continued retention of small and unproductive parcels of land became untenable. Factors such as insufficient plow animals, plagues, locusts, drought, usurious interest rates- all totally unrelated to Zionist policies- helped create a landless Arab population. Furthermore, economically solvent Palestinian Arabs sold land enthusiastically, voluntarily, and collusively. For many reasons, Jewish purchase and Arab land sales created changes in the lifestyle of many Palestinian Arabs.

Economic factors, Jewish land purchase, and a British policy unresponsive to the needs of a rural population had dramatic effects upon social relationships within the Palestinian Arab community. The dominant and domineering position that the notable-effendi classes enjoyed over many fellaheen in the villages of Palestine began to erode severely in the early 1930s when the inflow of Jewish capital into Palestine reached all-time highs. Land once inviolable became a fair-market item. Entire Palestinian Arab villages disappeared because of land sales. The slow decline in the masha' system eroded further the meager control a fellah had over the land he worked. Urban jobs and per them labor on public-works projects or in Jewish settlements were the employment alternatives for former agricultural laborers, tenants, and owner occupiers. Once in the urban environment, the former fellah was susceptible to different economic vicissitudes such as inflation and unemployment. For moneylenders, merchants, lawyers, landowners, and others with investment in agricultural land, the process of rural-urban migration upset traditional relationships between the suppliers of seeds, agricultural equipment, and financial loans, on the one hand, and the fellaheen on the other. With fewer workers on poorly cultivated land, yields were lower, rents were less, and the retention of these parcels became increasingly less economical for the landowners. In the early 1930s, Arab social bonds frayed at a time when the political leadership of the Palestine Arab Executive was again fragmented by kinship, family, and local rivalries.

Between 1931 and 1935 many small owner-occupiers became aware of the potential monetary benefit of selling their small parcels of land directly or indirectly to Jewish purchasers. At the time of the disturbance in 1936, the landlord who lost some of his field hands to urban migration realized that he could prevent severe economic losses and gain access to capital by selling land to Jewish purchasers. The agricultural laborer, not in possession of any land and gradually estranged from his customary seasonal sources of occupation (such as plowing or harvesting), was already dependent upon a subsidiary income in a new urban environment that he found unfamiliar and inhospitable.

By 1936, Palestinian Arab society was undergoing fundamental social changes. The

Westernization of norms and modernization of values challenged the traditional patterns and lines of authority. The meager Ottoman reforms, the paternalistic British administration, and the committed Jewish presence collectively impressed changes upon Palestinian Arab society. Mores, customs, habits, beliefs, and manners were slowly transformed. Change meant that the prestige of the past and the disciplined structure of Arab society were altered. The magnitude of change was too much for the Palestinian Arab community to absorb. Norms of informality were replaced by a formal bureaucratic structure and a more efficient administration. The issuance of title deeds to the fellaheen in Beisan in the 1920s was revolutionary. It gave them physical proof of ownership and made it possible for each fellah to sell land, and not necessarily through an intermediary.

Tensions rose as traditional social ties were strained and broken. Lack of steady employment of a class disenfranchised over time heightened its despair. Urbanization in the late 1930s stimulated an awareness of goods that only money could purchase. Property was exchanged for capital. The peasant was caught in the transition from a barter to a market economy without possessing the means to attain economic solvency on the education or experience to manage and protect his own destiny. Many fellaheen and landowners were disillusioned and frustrated. Many expressed their anger by participating in social unrest, land disputes, and the disturbances that lasted from 1936 to 1939.

In the 1930s, Palestinian Arabs from all segments of society were aware of the dangers that increased Jewish immigration and land purchase posed for them. Palestinian Arabs clearly and unambiguously knew that the Zionists wanted a state in Palestine. Yet there was little that a generally poor, unorganized, uneducated, unsophisticated, and splintered Arab community could do to defend itself. The Arab community in Palestine just could not compete. Precisely at the time in the 1930s when land sales from Palestinians proliferated, Arab Muslim leaders sought to invoke Islamic symbolism against the Jewish interloper. But the resort to primordial instincts failed, although anti-British and anti-Zionist feeling was high. The use of religious injunctions in 1934 and 1935, which labeled land brokers and sellers of land as infidels who were not to be accorded the rights of burial in Muslim cemeteries, proved ineffective. The effort to create an Arab National Fund in 1931 and the Tulkarm-based Society for the Preservation of Arab Lands in 1932 failed to attract public commitment to protect and defend Palestinian land. Later efforts in the 1940s by Palestinian Arabs to stop land sales to Jews, already prohibited, in most cases by the Land Transfer Regulations, were ineffective also.

The separation of Palestinian Arabs from lands they had habitually owned and worked began with the Ottoman land-registration system of the late nineteenth century. This process favored large-landowning interests ultimately at the expense of many Palestinian fellaheen. Economic factors, Jewish land purchases, and Arab land sales further displaced the fellaheen. The climax was reached by the population shifts prior to, during, and after the 1947-49 war. The creation of the Palestinian refugee problem in 1948-49 was a culmination of social, economic, and political processes that had begun a century earlier.

The turning point for the creation of the Jewish state and the acquisition of land for it came in 1930, before which time a "land issue" had not existed. In 1930, the Zionists successfully repudiated the British challenge. The British had forced a coherent and comprehensive Zionist response, which stimulated thinking, organization, communication, and political planning that saw the evolution of coordination and geo-strategic implementation.

'Why had there not been a land issue in the 1920s? There were at least six major reasons. First, a severe shortage of Jewish capital necessitated the acquisition of only large parcels of land from relatively few landowners, whose tenants and agricultural laborers could be easily compensated. Jewish purchasers made contact with a minimum of Arab sellers, certainly less than several hundred. Second, the absence of a coordinated, enunciated, and well-planned Jewish land-purchase policy gave the Palestine Arab political leadership little to berate. On the other hand, Jewish immigration was easily detected. Certificates for Jewish immigrants had to be issued, but land sales took place in an impersonal Land Registry office unseen by the majority of the Palestinian Arab population. Third, during the 1920s, more than 60 percent of the land purchased by Jews was bought from Arab absentee landlords residing outside of Palestine. However, political rancor about absentee sales in the 1920s was not as great as the attention paid to domestic sales in the 1930s. Fourth, Palestinian Arab landowners had no reason to be angry with the Palestine administration, once it removed area limitations on land sales in the 1921 Land Transfer Amendment Ordinance. That law stayed in

force until the 1940 Land Transfer Regulations placed restrictions on the areas in which a person could sell land. Fifth, most of the Palestinian Arab political complaints and petitions to the high commissioner focused on the illegality of the Balfour Declaration, the Mandate system, and Jewish immigration, but not on land purchase. And sixth, the magnitude of land sales was neither understood nor discussed by some in the Palestinian Arab leadership. The absence of a Palestine-wide network to monitor Jewish land sales and the reluctance of some leaders to raise an issue that would betray their own involvement kept the land issue quiet in the 1920s.

The land issue emerged as a political question in 1930 first and foremost because the British raised it; it emerged because of steadily increasing Arab population pressures upon a decreasing amount of cultivable land. Many fellaheen were living below a subsistence existence and were landless; they became increasingly despondent over their economic plight and lacked corrective recourse. Their plight and British inaction were much more frequently discussed by the Palestine Arab press in articles and editorials in the early 1930s than at any time in the 1920s. And, finally, the land issue emerged because the Zionists were forced to react publicly to the imposition of land-transfer prohibitions threatened by the British.

The findings of the Shaw Report and Hope-Simpson Report and the issuance of the Passfield White Paper in 1930 convinced the Zionists that High Commissioner Chancellor's anti-Zionist philosophy had to be neutralized. The defeat of the White Paper by the MacDonald Letter, the postponement of land-transfer controls for a decade, and their successful intervention in the landless Arab inquiry gave the Zionists a needed breathing space to expand on previous purchases and to create contiguous land areas. Though successful at winning several important bureaucratic and political victories in the early 1930s, the Zionists found that their successes were not without subsequent problems. Chancellor's leadership motivated the British to adopt a clearly paternalistic toward the Palestinians Arabs. It was a policy that developed slowly in the 1930s and was given meaning in the 1939 White Paper. After the application of the Land Transfer Regulations in 1940, Sir John Shuckburg of the Colonial Office remarked that "the Arab landowner [needed] to be protected against himself."

The British had already exhibited a taste for legal palliatives instead of for financial expenditures to ameliorate a worsening economic situation. British intervention in the land sphere evolved into a paternalistic protection of the Arab community. The adoption of such an attitude increasingly put the onus of responsibility for the unsettled situation in Palestine upon the Zionists instead of upon British frugality and Arab collusion in land sales to Jews.

The Zionists were the beneficiaries of a hierarchical Arab social structure in Palestine. Zionists did not have to compete with an Arab middle class; instead, they negotiated with relatively few notables and with a poor uneducated peasantry. When the traditional community leaders proved incapable of providing protection and defending Palestine from an intrusion of demographic and social change, many Palestine fellaheen hoped that the British would return the land to them. Expectations were high, but they repeatedly went unfulfilled. Despite the Protection of Cultivators Ordinances and the Land Disputes Possession Ordinance, small landowner protection and the eventual partition of *musha'* land did not materialize.

The Zionist success in defeating what was essentially Chancellor's intent to "protect" the Arabs had a profound impact upon Zionist motivation and policy-making. The Jewish Agency had confronted and beaten back a steady series of very grave political and physical threats. The defeat of Chancellor's intentions catalyzed the Zionist drive to keep building a national home. A sense of self-confidence, resilience, and autonomous existence evolved from the Zionist struggle with the British about land between 1929 and 1933. While the Zionists were creating an opportunity to develop and streamline a collective land policy with a sighted goal, the Palestinian Arab community was floundering and divided. The Zionists manipulated the British bureaucracy in Palestine. They were enormously successful at nullifying attempts to curtail the development of the national home. When necessary, they made compromises, but they did so only very reluctantly. Specific committees on colonization, Arab tenants' resettlement, and land availability were established. The Zionists were constantly nurtured by the knowledge that there were more Arab offers to sell land than Jewish ability to purchase them. Zionists were aware of the inconsistencies in the Palestinian Arab leadership between its anti-Zionist public statements and its private involvement in land sales. These inconsistencies were to be found all over Palestine -- not just in one family, one class, or one region. This factor unquestionably fueled Zionist efforts to establish a national home.

In the early 1930s, three unrelated factors combined to bring about the physical division of Palestine into distinct Jewish and Arab zones. First, the Zionists decided that Arab tenants should not be resettled between existing Jewish settlements, and they expressed a clear intention after the 1929 disturbances to create contiguous Jewish areas. Second, the British perceived that the coastal and valley regions were becoming more and more Jewish, and thus the 1931 directive for the resettlement of landless Arabs indicated that, save for exceptional instances, Arabs were to be resettled in the hill regions. The Peel Commission Report and Land Transfer Regulations made similar suggestions for the geographic division of Palestine into Jewish and Arab sectors. And third, natural migratory patterns brought many Arabs to the hill regions around Nablus, Tulkarm, Jenin, Bethlehem, Hebron, and the Galilee, and away from Jewish settlements. Individual Arab laborers still worked in urban areas and on Jewish settlements, but their families were settled far from Jewish concentrations. It is not surprising, therefore, that the Peel commissioners suggested the first partition of Palestine in 1937.

In February 1936, six years after Arthur Ruppin had expressed the fear that there was insufficient cultivable land in Palestine, Menachem Ussishkin of the Jewish National Fund sounded a similar warning. Yet in those six years, Jewish land purchase had abounded. The rate of purchase and the amount of land acquired had confirmed that the Zionists had succeeded in creating a nucleus for a state. That areas in Transjordan, Syria, and Lebanon were eagerly sought by Zionist land-purchase agents also indicated a recognition that land in Palestine could not long sustain its population under the existing methods of agriculture. When Jewish land-purchase efforts were rebuffed in these areas, the focus of land acquisition was redirected at areas, such as the Galilee, within Palestine.

The suggestion in 1937 that Palestine be partitioned into separate Jewish and Arab states expanded Zionist land-purchase objectives. Discussions at Jewish Agency and Jewish National Fund meetings thereafter centered on how land could be procured to derive the utmost political benefit. Unlike the 1929-31 period, the interval between 1936 and 1940 was marked by an unmistakable Zionist conviction that a Jewish state would ultimately be established. In the earlier period, the Zionists were openly committed to the goal of a Jewish national home, but after 1936 they felt a greater overt self-confidence in the feasibility of the objective. It is therefore not surprising that the imposition of the 1940 Land Transfer Regulations did little to impede Zionist efforts to buy more land. The events of the 1940s, which greatly affected the Jewish condition, the weakening British presence in the Middle East, and the varied Arab and Great Power responses certainly contributed to the establishment of Israel in 1948. But an analysis of Jewish land acquisition and Arab land sales makes it seem quite evident that a formidable Jewish national territory was necessary and was already present in Palestine in 1939.