

**British Policy in Mandate Palestine: Institution Building and the Thwarting
of a Palestinian State**

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In order to understand the current dilemmas of Palestinian political leadership and the continuing statelessness of the Palestinians, it is helpful to examine how British policy influenced institutional development and power dynamics during the mandate era, the remnants of which are still clearly visible today. British policies toward the Jewish and Arab communities in Palestine during the British Mandate period greatly influenced the defeat of the Palestinians, and the emergence of the state of Israel in 1948. Although the British attempted to maintain an appearance of balance and neutrality in which they proclaimed, “that Arabs and Jews would live in harmony together,” and in which they publicly denied Zionist aims for statehood, their policy was far from even-handed between the two parties.¹ While the British did adjust their policy according to events unfolding on the ground over time, and did sometimes display pragmatism and sympathy to Palestinian grievances, British policies largely favored Zionist goals and aims. This was particularly true of British policy regarding the creation of para-state mechanisms and institution building during the Mandate.

In fact, British policy from 1917 through 1939 greatly enabled the organization and establishment of Jewish para-state institutions. For purposes of this paper, I will focus primarily on the Jewish Agency (the Zionist Executive), which prepared the Jewish community for eventual statehood. I will compare and contrast this with British policy vis-à-vis the Palestinians, which actively prevented them from establishing a political institution of the same magnitude and power, and instead favored the centralization of

¹ Walid Khalidi, ed. From Haven to Conquest: Readings in Zionism and the Palestine Problem Until 1948. (Beirut: The Institute For Palestine Studies, 1971) 259.

Palestinian authority in political-religious structures, utilizing the old Ottoman framework for local governance that allowed for a minimal amount of autonomy over their own affairs. While this alone cannot sufficiently explain the inability of Palestinians to organize themselves effectively in the face of British and Zionist power, it undoubtedly placed them in a subordinate and much weaker position than the Jewish community in Mandate Palestine. This aspect of British policy presented challenges to the Palestinians as they struggled for statehood and self-determination that they were unable to overcome in the years leading up to 1948, and one could argue, that they are still struggling to overcome today.

To fully understand the implications of British policy regarding institution building in relation to the Palestinian and Jewish communities in Mandate Palestine, it is first necessary to examine the mandate system and the language written into the Mandate for Palestine itself. The mandate system emerged after World War I to temporarily allow world powers to administer Ottoman territories, with the understanding “that it would encourage the development of political, economic, and social institutions to the point that self-government would result and that the mandatory power would withdraw.”² In *The Iron Cage*, Rashid Khalidi asserts that it can be argued the Mandate for Palestine was intentionally written by the British to exclude national self-determination for the Palestinians, which at the time constituted an overwhelming majority of the population.³ However, regardless of the intention, the language of the Mandate is quite telling. As Rashid Khalidi pointed out, the Palestinians are never mentioned by name as a people, nor

² Charles Smith. *Palestine and the Arab-Israeli Conflict*. (Boston, New York: Bedford/St.Martin’s, 2007) 85.

³ Rashid Khalidi. *The Iron Cage: The Story of the Palestinian Struggle For Statehood*. (Boston: Beacon Press, 2006) 32.

is their right to self-determination specifically addressed and acknowledged in the text of the Mandate.⁴ Palestinians were merely referred to as ‘inhabitants,’ ‘non-Jewish communities’ and ‘other sections of the population.’⁵ Yet, the language of the Mandate goes deeper than neglecting to acknowledge the Palestinians as a people. It specifically addresses responsibility for fostering the development of self-governing institutions solely for the Jewish national home. Article Two of the Mandate states:

The Mandatory shall be responsible for placing the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home... and the development of self-governing institutions.⁶

What follows that section references “safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.”⁷ This contradictory and problematic addition attempts to acknowledge the rights of the Palestinians, but does not specifically address them as a people deserving of self-determination, nor does it declare any such responsibility for helping to secure the establishment of an Arab state in Palestine, or more importantly, Palestinian self-governing institutions. Yet the Mandate does specifically recognize a nascent Jewish governing body, and its commitment to cooperate with it in working towards the establishment of a Jewish national home. Article Four reads:

An appropriate Jewish Agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine.⁸

⁴ Rashid Khalidi 32.

⁵ Smith 109.

⁶ Smith 110.

⁷ Smith 110.

⁸ Smith 110.

Thus, while the British sought to protect their own interests, and the Mandate utilized ambiguous language, carefully avoiding the use of the word “state,” it clearly incorporated the establishment of a Jewish national home as part of British governing policy during the Mandate, allowing the Zionists to gain a necessary foothold from which their eventual state would emerge. Further, not only does the Mandate incorporate the Balfour Declaration itself, three of its six articles specifically mention support for the establishment of a Jewish national home, and/or recognition of a nascent Jewish governing body, the Jewish Agency (Zionist Executive). A complete absence of similar recognitions for the Palestinians demonstrates an obvious preference for and recognition of the aspirations of the Jewish community in Mandate Palestine over and above the aspirations of the majority Palestinian population. This, as Rashid Khalidi asserted, subordinated the Palestinians to the Jewish community in Palestine, which played itself out in subsequent events, resulting in the establishment of the state of Israel in 1948.⁹

Yet, despite the preference exhibited in the text of the Mandate for the aspirations of Jewish self-determination, the British nonetheless felt the need to address Palestinian grievances, and attempted to do so, rather unsuccessfully in the years to follow. However, it’s worth noting that until 1939, all British attempts to address such grievances were not meant to impede Britain’s obligation to facilitate the establishment of a Jewish national home in Palestine. This was made evident, even prior to the Mandate, by Britain’s unwillingness to relinquish support for the establishment of a Jewish national home as embodied in the Balfour Declaration, as well as its refusal to discuss its obligations to the Zionists within various legislative bodies it proposed in 1920, 1922, and again in 1923,

⁹ Rashid Khalidi 33.

each of which did offer Palestinians some representation.¹⁰ However, in each of these proposals, the Palestinians were denied representation proportional to their majority population. After the last attempt at the creation of a legislative body in 1923 failed, Herbert Samuel, the first High Commissioner of Palestine and an ardent Zionist, proposed the creation of an Arab Agency to function similarly to the Zionist Executive.¹¹

However, there were some major and significant differences within the proposed Arab Agency as compared to the Zionist Executive. As noted by Smith, the Zionist Executive was not subject to British control. Moreover, it elected its own members. The proposed Arab Agency, on the other hand, would consist of members selected by the high commissioner, thus denying authentic and autonomous Palestinian representation.¹² The Palestinians declined this offer along with the various legislative proposals, all of which essentially required them to accept the terms of the Mandate. They did so on the basis that acceptance of such measures effectively negated their own right to self-determination and their own aspirations for statehood. This, however, left the Palestinians without any representative voice whatsoever.¹³

The importance of the Zionist Executive should not be underestimated. As noted by Rashid Khalidi, the recognition of the Jewish Agency as a public body in the text of the Mandate bestowed upon it international legitimacy and diplomatic representation in Geneva before the League of Nations.¹⁴ Moreover, the Zionists were able to concentrate some of their power in London, the seat of Britain's colonial power, which enabled them to

¹⁰ Smith 117.

¹¹ Smith 117.

¹² Smith 117.

¹³ Rashid Khalidi 33.

¹⁴ Rashid Khalidi 45.

sway public opinion toward their cause for statehood in Britain, particularly through members of the parliament and ministers.¹⁵ The Palestinians, on the other hand, did not have an international forum to plead their case for self-determination and air their grievances, nor would the proposed Arab Agency have provided this outlet for them. In fact, because of their lack of para-state institutions, the Palestinians had very little sway in public opinion anywhere in the world, but particularly in Britain itself. This point is summed up nicely by comments made in the House of Commons in Britain in 1938:

There are no Arab Members of Parliament, there are no Arab constituents to bring influence upon their Members of Parliament. There is no Arab control of newspapers in this country. It is impossible to get a pro-Arab letter in *The Times*. There are, in the City, no Arab financial houses which control amounts of finance. There is no Arab control of newspaper advertisements in this country. There are no Arab ex-Colonial Secretaries.¹⁶

Thus, the Palestinians effectively had very little ability to voice the justness of their cause within Britain. Furthermore, if the Palestinians sought to petition the League of Nations, they were dependent upon the British government to deliver it on their behalf.¹⁷ The proposed Arab Agency would not have provided the Palestinians with much of an avenue toward access to state power, international representation, or autonomous self-government, privileges which were all enjoyed by the Zionist Executive. This lack of diplomatic power placed the Palestinians in a subordinated and weaker position to the Zionists in the pursuit of statehood.

Yet the British had to respond to Palestinian discontent in an attempt to maintain order, and to appear as though they were trying to balance the power Jewish institutions

¹⁵ Walid Khalidi 259.

¹⁶ Walid Khalid 260.

¹⁷ Rashid Khalidi 45.

had achieved. According to Rashid Khalidi, the British borrowed from previous experiences with indirect rule in Ireland, India and Egypt by exploiting internal Palestinian divisions, both religious and political. In managing the Palestinians, the British utilized the previously existing Ottoman framework for governing, in which the Palestinian elite acted as intermediaries between Ottoman officials and the local population, and to which they had long been accustomed.¹⁸ This framework was outdated and ineffective in garnering state power, particularly in comparison to European models for nation building, which the Zionists successfully adopted. This was, perhaps, why the British chose to exploit the pre-existing Ottoman framework.

Thus, in the place of fostering Palestinian para-state institutions, the British attempted to allay Palestinian grievances through the restructuring or creation of religious-political institutions, all of which were remnants of the Ottoman era. Unlike the Zionist Executive, these institutions did not enable the Palestinians to access state power or offer them any official standing, but they did grant a nominal amount of control over the management of Palestinian affairs. According to Rashid Khalidi, the granting of such minimal powers was done primarily to neutralize resistance to Zionism among the Palestinian elites, who dominated Arab society as they had done within the Ottoman framework. They did so through the development of privileged relations with them.¹⁹

One of the positions created by the British was that of the Grand Mufti of Jerusalem.

¹⁸ Rashid Khalidi 52.

¹⁹ Rashid Khalidi 52.

Under Ottoman rule, the muftis were subordinate to both the *qadis* (judges in Islamic courts) and the *Shaykh al-Islam* in Istanbul.²⁰ Additionally, the Ottoman government oversaw the appointments of both the muftis and the *qadis*.²¹ Thus, the power of the muftis and the *qadis* had been limited in nature under Ottoman rule. The British essentially restructured the power dynamic within the Ottoman framework. For example, the British bestowed upon the Mufti of Jerusalem much greater power by “combining the office of *qadi* and mufti.”²² In doing so, the British essentially created the equivalent of the ‘Mufti of Palestine.’²³ It is important to note here that the initial consolidation of the offices of *qadi* and mufti, which happened under Kamil al-Husayni, was done “in exchange for his cooperation with the British.”²⁴ As Mattar noted, the increase in prestige and power required him to promote pro-British policies. This trend continued, and in fact was strengthened, when Samuel selected his half brother Al Hajj Amin al-Husayni for the position after Kamil died. As Rashid Khalidi asserts, “Palestinian figures who accepted such posts were obliged to refrain from openly opposing the Mandate, its commitment to support a Jewish national home, and the concomitant denial of Palestinian self-determination.”²⁵ Therefore, the Grand Mufti was largely constrained and contained by the Mandate government, and by extension, so were the Palestinian people.

In addition to awarding greater power to the Mufti of Jerusalem, the British also created the Supreme Muslim Council, which was awarded control over revenues that

²⁰ Philip Mattar. The Mufti of Jerusalem: Al-Hajj Amin al-Husayni and the Palestinian National Movement. (New York: Columbia University Press, 1988) 22.

²¹ Rashid Khalidi 53.

²² Mattar 22.

²³ Mattar 22.

²⁴ Mattar 22.

²⁵ Rashid Khalidi 58.

primarily were allocated to charity and “public service purposes,” which had been previously controlled by the Ottoman bureaucracy. In addition, the Supreme Muslim Council gained power over the appointments of various bureaucratic positions, including the *qadis* and the other muftis.²⁶ Under Ottoman rule, there had always been a balance of appointments between the notable families to prevent favoritism and conflicts of interest.²⁷ Thus, the British essentially created an unprecedented centralization of Palestinian religious power. The result of this restructuring allowed Amin al-Husayni to eventually emerge as the most powerful figure in the Palestinian national movement, which served the purpose the British intended it to: it inflamed inter-Palestinian rivalries among the notable families, particularly the al-Husayni family and the Nashashibi family, and ensured cooperation with British policy for nearly a decade and a half.

Through the concentration of power into al-Husayni’s hands, the British strategy served to prevent the viable development of grassroots political bodies among the Palestinian masses at a critical juncture of early British Mandate rule. By the time al-Husayni severed his cooperation with the British during the Arab Revolt in the late 1930s due to pressure from the Palestinian masses that were fed up with British policy, the Palestinians as a whole lagged far behind the Zionists in terms of building para-state institutions. In fact, with the help of burgeoning Zionist military institutions, the British were able to brutally crush the Arab revolt, sending al-Husayni into exile, and killing or imprisoning many other Palestinian political figures and resistance fighters. This left the Palestinians with virtually no capable or officially recognized leadership, little organized military capability, and still without any viable para-state institutions from which a

²⁶ Rashid Khalidi 55.

²⁷ Rashid Khalidi 57.

Palestinian state could emerge. In this regard, the Palestinians were thus as subordinated to the Zionists and as weak as they had ever been.

After they crushed the Arab Revolt, the British issued the 1939 White Paper, which Zionists believed nullified the Balfour Declaration and its commitment to the establishment of a Jewish national home in Palestine according to the terms of the Mandate. As such, they were greatly opposed to it. The 1939 White Paper called for reduced Jewish immigration, restricted land sales to Jews, and support for the establishment of an independent Palestine State within ten years.²⁸ This state, according to the White Paper “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.”²⁹ Al-Husayni asserted what was left of his waning influence and convinced the remaining Palestinian leadership not to accept the White Paper.

It is difficult to say at this point what might have happened had the Palestinians accepted the White Paper, or if it was too little too late. It also remains unclear whether or not the British would have honored its terms, or if the Zionists would have triumphed with military might regardless. What can be surmised, however, is that without cohesive and effective leadership and recognized para-state institutions, the Palestinians would have remained in a weak and subordinate position vis-à-vis the Zionists in the struggle for statehood. Thus, through its policies, which up until 1939 had largely favored Zionist goals and aims, and cooperation from the Palestinian elite, the British were able to effectively thwart the emergence of Palestinian para-state institutions at a critical time while allowing the Zionists to develop their own. This placed the Zionists in a much stronger position than

²⁸ Smith 167.

²⁹ Smith 167.

the Palestinians to achieve statehood in 1948 after the British evacuated Palestine. Finally, the consequences of British policy are still playing themselves out; the Palestinians remain weak, only now they are subordinate to the state of Israel and the will of U.S. foreign policy, rather than British policy, and their struggle for self-determination and statehood continues.

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