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**THE 'INVENTION' OF PALESTINIAN CITIZENSHIP:
DISCOURSES AND PRACTICES, 1918-1937**

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Thesis submitted for the degree of PhD in History

2013

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Declaration for PhD thesis

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Abstract

The dissertation contextualizes the unique creation of citizenship during the first two decades of the British-administered Palestine Mandate. It emphasises the mandate's quasi-colonial regime in order to understand how the British officials and the Palestinian Arabs understood and actively practiced citizenship and the rights associated with that status. The aim of the dissertation is to offer a historical analysis of the legislation, discourses, practices and expressions of Palestinian nationality and citizenship. In doing so, it finds that nationality and citizenship became less like abstract concepts and more like statuses integrated into political, social and civil life and as markers of civic identity in a changing society. British officials in London and in Jerusalem crafted Palestinian nationality and citizenship in order to ensure that these statuses reflected the policy of support for a Jewish national home in Palestine.

The thesis examines the topic by analysing both the British colonial perceptions and subsequent legislation of citizenship in Palestine and the reactions by the Arab population to the transition from Ottoman subjecthood to the new status of Palestinian citizens within the larger British colonial empire. I argue that the native population relied heavily on their pre-war experience as nationals of the Ottoman Empire, a status granted by both *jus sanguinis* and *jus soli* provisions, as a basis for their contestation over mandate citizenship. Meanwhile, British officials crafted citizenship to be separate from nationality based on prior colonial legislation elsewhere, a view of the territory as divided communally, and the need to offer Jewish immigrants the easiest path to acquisition of Palestinian citizenship in order to uphold the mandate's policy. From 1918 throughout the Palestine Revolt that began in 1936, the institutionalisation of citizenship effectively distinguished between Jewish and Arab citizens and allowed for the administration to treat the citizenship status each group differently.

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List of Abbreviations

Archival Series

CO.....	Colonial Office
DO.....	Dominions Office
FO.....	Foreign Office
HO.....	Home Office
ISA.....	Israel State Archives
LN.....	League of Nations
TNA.....	The National Archives (Kew, England)
WO.....	War Office

Organisations

DAER.....	Defense of Arab Emigrants Rights to Palestinian Nationality
The Executive.....	Arab Executive Committee of the Palestinian Arab Congresses
HAC.....	Higher Arab Committee
HC.....	High Commissioner
MCA.....	Muslim Christian Association
RAF.....	Royal Air Force
SMC.....	Supreme Muslim Council
YMMA.....	Young Muslim Men's Association
ZO.....	Zionist Organisation

Note on Transliteration

I have used a modified version of the system of Arabic transliteration used by the *International Journal of Middle East Studies (IJMES)* with several exceptions for ease of reading. Arabic words used commonly in English such as *fellah* or *sheikh*, as well as place names, do not follow the *IJMES* system. I have also used common or preferred spellings, without diacritical marks, for Arabic surnames such as al-Husayni. With first and surnames, I have only used the ayn and the hamza where necessary. In other instances of Arabic words, I have transliterated the long vowels, the ayn (‘) and the hamza (’). As often as possible where newspaper article titles and book titles have been translated into English from Arabic, I have kept the original Arabic spelling.

Chapter One

Introduction

In the fields of Palestinian studies and modern Middle Eastern history, arguments over the existence of nationalism in Palestine have so far been approached from nearly all angles. The historiography of Palestinian Arab nationalism is saturated with literature dealing with questions of when, how, and to what end nationalism became a political practice and social reality. Although in the past decade or so, the study of nationalism under the Arab mandates has shifted from a grand narrative that emphasized the paramount role of Arab notables to a greater concentration on the agency of the popular classes, the framework of nationalism remains the ever-present explanation for Arab interactions with and resistance to the interwar mandates system.¹ The study that follows brings a new focus to an important and understudied element of Palestinian history as well as to the study of mandates in the interwar Arab Levant. Rather than concentrating on Arab nationalism, the focus of this research is in fact on multivalent discourses and practices of Palestinian nationality and citizenship under the first two decades of British administration of Palestine from 1918 to 1936.

This historical study on the formation of Palestinian citizenship in the mandate period will be contextualized with emphasis on the mandate's quasi-colonial administration in order to understand how the Palestinian Arabs understood and actively practiced their nationality and citizenship. During the mandate, both nationality and citizenship became less like abstract political concepts and were integrated into political, social and civil life and as markers of civic identity in a changing society. I will focus on the discourses of Palestinian citizenship popularised by several groups: the British colonial officials within the Palestine Administration, the League of Nations, the Arab populist and national leaders and the middle-class intellectuals throughout Palestine, and Palestinian Arab emigrants, particularly those who resided in Latin America during the period under study. An essential component of this thesis is to historicise how and when the notions and definitions, terminology and active expressions of a specifically-Palestinian citizenship came into being for the British administration, the Arab leadership and the Arab population.

¹ For a nuanced compilation of studies, see Nadine Meouchy and Peter Sluglett, *The British and French Mandates in Comparative Perspectives* (Leiden: Brill, 2004).

Not only is this ideological and practical transformation missing from the historiography, but it is beneficial for the contemporary political implications of Palestinian citizenship. The Palestinian citizenship held by the Arabs of the territory at the time the British rescinded control over the mandate and as the state of Israel was proclaimed in 1948 was a status that the Arabs themselves alternately molded, rejected and resisted actively. By that point, the Arabs had been constituted as political subjects and active citizens for over two decades: they did not simply exist in nationalist imaginings but were a legally-defined demographic entitled to passports, identity documents, measures of civil, political and social rights and an international recognition. In 1947 and 1948, the Palestinian Arabs were citizens and as such they did not, and could not have, accepted the partition of Palestine, the creation of Israel, or the massive displacement of over 700,000 Arabs as a result of the creation of Israel. The contemporary political implications of this citizenship are thus reflected in the history of the existence of, and the engagement with, a rights-based notion of a uniquely-Palestinian citizenship and civic identity among the Arab population.

The use of discourse, as in the title of the thesis and throughout the following chapters, is defined here in terms of language, rhetoric and vocabulary. Discourses refer to the multiple ways in which political language, rhetoric and vocabulary represented nationality and citizenship, as well as the ways in which institutions, such as civil society, nationalist organisations and the mandate government, used and manipulated discussions of nationality and citizenship. As part of this discourse, expressions of citizenship were evaluated and re-defined by the institutions and the individual actors (British and Arab) involved in the construction of Palestinian citizenship between 1918 and following the end of the Palestine Revolt in 1939. The language of rights, duties and behaviours associated with citizenship will be analysed in light of the Palestinian Arabs' understanding of their status after 1918 as members of a 'primordial' Arab nation that had been recognised and granted nationality by the Ottoman Empire in the nineteenth century. The following chapters investigate how mandate legislation shaped a unique Palestinian citizenship that did not take into full account the provisions of the pre-existing Ottoman nationality. As a result, Arab leaders redefined and came to understand citizenship as a national, political and social status imbued with certain political, civil and social rights. In other words, the thesis will show how citizenship identity and markers of citizenship as a status of membership in a nation, especially between

1918 and 1937, became an integral part of the social and political behaviour of the Arab population.

By using mandate legislation, the Arabic press, documents of Palestine's nationalist organisations, and letters sent to Palestine and the League of Nations from native Arabs resident outside of the mandate territory, I aim to trace how British officials in London and Jerusalem, nationalist populist leaders, traditional notable Arab politicians and the Zionist Organisation, alongside international regulations, influenced the construction and evolution of the post-war national and citizen. The processes by which the mandate administration created an internationally-recognised Palestinian nationality and citizenship have been given scant attention in the historiography. This thesis will hopefully contribute to an understanding of how the British and the Palestinian Arabs developed ideologies of nationality and citizenship as well as highlight how these ideologies permeated practices of citizenship under the Palestine Mandate. Notions and definitions of what constituted 'national' and 'citizen' developed in the context of colonial policies, Britain's own transition from empire to nation-state, and Jewish immigration, through a series of negotiations and confrontations between the actors noted above.

The term 'citizen' is itself used seemingly without qualification or explanation in the histories of not only the Palestine Mandate but also of the other Arab mandates. In fact, the presence of 'the citizen' was an essential element in the formation of nation-states in former colonial and imperial territories in the interwar period. Yet, in studies of Palestine under the mandate the term has been used as if citizenship was an accepted and uncontested reality for the population of Palestine from the earliest years of the mandate administration. Indeed it was not, as the thesis details, and the provisions, status and terminology of citizenship continued to be contested and reshaped through the 1940s and until the creation of Israel in 1948. Such assumptions of the term's ubiquity are misleading and do not consider the historical processes through which Palestinian nationality and citizenship came into existence in a particular colonial context.

The historian Ilana Feldman has noted that the British promoted an apolitical citizenship in Palestine meant to transcend nationality and offer rights in a social rather than political

sense.² Since the mandate charter included the Balfour Declaration, the establishment of a Jewish national home in Palestine was the driving force for early policy under the British administration. As such the charter required the mandatory power to pass legislation in order for Jewish immigrants to acquire Palestinian nationality. This nationality would grant certain rights and obligations not only to the Jewish immigrants, but also to the Arab population since the mandate also stipulated that the Jewish national home policy could not prejudice the civil or religious rights of the existing majority population. Hence, the British had to walk a fine line in their legislation on nationality and citizenship and they needed to act as a colonial power in order to implement a colonial citizenship that offered only limited rights. In light of the restrictions posed by the mandate, the British feared giving explicit liberal citizenship rights or supporting citizenship practices such as a representative legislative council and proportional voting rights. These types of proposed democratic measures severely challenged the foundation of British policy in Palestine—the facilitation of a Jewish national home. Palestinian citizenship had to be created in a way that it would not allow any civil, political or social right to threaten the provisions of the Balfour Declaration as enshrined in the mandate.

Historians must however be careful to study the development of citizenship in the Arab mandates in as nuanced a way as possible. In fact, throughout the period under study citizenship was not viewed by all Arab Palestinians or even by all Jewish immigrants in the same manner as there were considerable variations depending on social status, class and geographical location. The issuance of the 1925 Palestine Citizenship Order-in-Council, which effectively codified citizenship, did not suddenly create standardised practices or behaviours of the Palestinian citizenry. The thesis analyses citizenship in two ways. The first is the development and definition of the status by British colonial administrators in line with imperial policy, international regulations and the opinion of Zionist leaders. The process began with the earliest drafts of the Palestine Mandate charter which specified that the mandatory would be responsible for creating a nationality law for Jewish immigrants. Together, these bodies and individuals created an internationally-recognised Palestinian citizenship. The second approach, in parallel with the first, is an analysis of the Palestinian

² Ilana Feldman, *Governing Gaza: Bureaucracy, Authority, and the Work of Rule, 1917-1967* (Durham, NC: Duke University Press, 2008), 194-196.

Arab nationalist concepts, definitions and language of nationality and citizenship which were both influenced by Ottoman nationality legislation and resulted from reactions to British legislation. Whereas the British framed citizenship in a colonial manner by not imbuing the status with a set of political, social or civil rights and by creating ‘the citizen’ without any input from the Arab population, the Arabs defined citizenship as linked to nationality in light of the mandate and its policy in support of a Jewish national home.

Both approaches will be followed through 1937, the year the Peel Commission released a report that recommended partition of Palestine as well as substantial changes to citizenship legislation following the outbreak in 1936 of massive popular demonstrations organised against the mandate and the Zionist project in the form of the six-month general strike that marked the beginning of the Palestinian Revolt. The chronology used in the thesis is meant to demonstrate the nature of change over the time period that began with the late Ottoman Empire and ended a decade before the termination of the mandate. The start of the British administration in Palestine in 1918 does not represent a break in the history of what became Arab Palestine. Instead, self-identities among the Arab population continued to be in line with late Ottoman identification: the end of the Ottoman Empire did not signal a new conception of political selfhood or even nation-hood by the Palestinian Arabs, who continued to stress their legal and ideological identity as Arab nationals of the Ottoman Empire.

In the years preceding 1936, the British made amendments and changes to the 1925 Citizenship Order-in-Council in an attempt to satisfy both the Arab and Jewish population as to the conditions of citizenship and immigration. By the early 1930s it was clear the legislation effectively created two separate bureaucracies for Jews and Arabs in the application, grant and removal of Palestinian citizenship. By 1936, the rise of Palestinian Arab mass politics and an active civil society allowed for citizenship to take on a deeper meaning for a larger section of the population than simply that of a legal status. New Arab grassroots organisations and anti-mandate leaders issued joint challenges to the existing civic order. However, as Great Britain passed the final amendments to the citizenship law in 1939 and 1942, attention to legislation was curtailed due to the beginning of a new European war.

Background: the Palestinians, the mandate and the construction of citizenship

In 1920, British civil officials came to Palestine both with instructions to uphold the terms of the Palestine Mandate as dictated by the League of Nations and their own style of colonial administration and management. As such, these officials brought with them Western European concepts of law, administration and government that they molded in order to apply in the territory governed by the Ottoman Empire until the end of the First World War. Alongside this, the British Empire began to lack stability as it transitioned into a nation-state in which citizenship and nationality merged. In their position as the mandatory power, Great Britain in fact created the new Palestinian citizen through legislation. Prior to the imposition of the mandate, the Arab Palestinians were recognised internationally as Ottoman nationals owing to their birth in one of the provinces of *Bilād al-Shām*, or Greater Syria.³ By the time the British relinquished the mandate over Palestine in 1948, citizens in the political entity called Palestine included mainly Arabs and Jews either born under the Ottoman administration or who had been naturalised along the lines of British-imposed legislation. Before the arrival of British troops to Jerusalem in late 1917, the status of Ottoman civic and legal citizenship had existed since the middle part of the nineteenth century; by 1948 it no longer existed, as it had been altered and transformed through the integration of Ottoman precedents and British regulations. The purpose of the following background section is to offer an explanation of the scene in Palestine in terms of political identity and society before and after the First World War. The relationship between the British, the League of Nations, the Zionist movement and the Palestinians is also in order.

The transition from imperial subject to Ottoman citizen began during the latter half of the nineteenth century but initially meant little for the popular classes in the Arab provinces of the Empire. Debates on Arab identity and belonging to the Ottoman Empire and the duties of the Empire toward its subjects were conducted solely within the domain of the Arab educated elite. As such, until the end of Ottoman rule the Arab political and intellectual leadership did not demand that the Sublime Porte recognise a separate, wholly Arab

³ Many countries simply regarded all Arabs from the region as either Syrians or ‘Turkos,’ a term based on their ‘Turkish’ origins. The countries in Latin America as well as Cuba and Haiti did not always make the distinction between Arabs and Turks or always refer to both as ‘Ottoman nationals,’ their proper international status.

nationality and national status. Rather, the Arabs remained subjects of the Ottoman sultan despite a level of regional decentralisation. The Ottoman state delegated control over the Arab population, the majority of whom were peasants, to what Elizabeth Thompson calls “paternalistic elites” such as large landowners, tax collectors and provincial officials.⁴

Indeed from the latter nineteenth century until the outbreak of war in 1914, Ottoman citizens held a number of rights within the provinces. They voted for municipal councils and for the Chamber of Deputies in the Ottoman Parliament and could stand for election. Due to property qualifications that limited the exercise of the right to vote, those individuals elected came from the wealthy landowning class and the urban elite class. The municipal and provincial councils rarely functioned as truly representative bodies since members came from the very small elite stratum of society. Still, the electoral laws did stipulate that the franchise was a right granted by the sultan to Ottoman nationals. Arab identity meanwhile, emerged as distinct from Ottoman Turkish or other identities out of the *Nahda*, the Arab cultural and literary revival of the nineteenth century. Historians have also pointed to the policies implemented by the Committee of Union and Progress (CUP) government after 1908 as triggers for the development of an Arab identity in Greater Syria.⁵ This identification was part of an expression of national political goals in the Levant as linked with the establishment of Arab clubs like the Young Men’s Society (*al-Fatāh*).⁶

At the time of the 1916 Arab Revolt against the Ottoman sultan, certain Arab political leaders in Syria and Iraq made clear their desire for independence and representative and parliamentary government under an Arab king. The King-Crane Commission, put in charge by United States president Woodrow Wilson with consulting the population of Greater Syria about its wishes for a post-war settlement in the Arab provinces, carried out work in 1919 and received thousands of petitions. The commission concluded the wishes of the inhabitants to be nearly completely against any form of a protectorate. The Syrian

⁴ Elizabeth Thompson, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Mandate Syria and Lebanon* (New York: Columbia Press, 2000), 75.

⁵ For much more on pan-Arabism, Islamism, Ottomanism, and other forms of nationalism, see the aptly-titled Hasan Kayali, *Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918* (Berkeley: University of California Press, 1997) as well as Philip Khoury, *Urban Notables and Arab Nationalism: The Politics of Damascus, 1860-1920* (Cambridge: University Press, 1983).

⁶ Muhammad Muslih, *The Origins of Palestinian Nationalism* (New York: Columbia University Press, 1989), 63.

population made clear they wanted total independence and rights to representative government under the Hashemite Emir Faisal in Damascus in 1918.⁷ However, the Allied victory in the First World War and the subsequent British and French mandates in the Arab Eastern Mediterranean went against the inhabitants' wishes and demands.⁸

From 1918 until 1920, the Arab leaders in Palestine, still referred to 'southern Syria' (*suriyyā al-janubiyya*), rallied behind the idea of a Greater Syrian federation headed by Faisal. This spirit of pan-Arabism manifested itself in the form of the Syrian *Istiqlal* (Independence) Party, a pro-Syrian congress and the Arabic press. Faisal presented the Arabs' demands to the post-war Paris Peace Conference of 1919 and the San Remo conference of 1920. The latter conference confirmed the mandates system of the newly-formed League of Nations and assigned mandates for the Arab provinces. These mandates were to be international trusteeships over the former Ottoman lands.

The British military administered Palestine from late 1917 to the middle of 1920 as Occupied Enemy Territory Administration South (OETA). The transition to a civil government took place in 1920 with the appointment of Herbert Samuel as the first high commissioner, although the League did not ratify the mandate for Palestine until 1922. The text of the Palestine Mandate included the 1917 Balfour Declaration which promised British support for the establishment of a national homeland for the Jews. Prior to 1914, Palestinian delegates in the Ottoman parliament spoke about the Zionist movement, the force behind the Balfour Declaration, and the potential dangers it posed to Arab control, land ownership and the economy in southern Syria. Once the British administration began in Palestine and as drafts of the Palestine Mandate charter first circulated in 1919 it became clear that Whitehall's support of the Zionist aims in Palestine meant that the administration of the

⁷ Charles R. Crane and Henry C. King, *King-Crane Report on the Near East, 28 Aug. 1919*, v. 55, no. 27 (NY: Editor and Publisher Co., 1922). The two men were sent officially to the former Ottoman Empire to determine the desires of all the Arabs for their own future government. The report on the inhabitants of Syria included petitions from the Arabs and interviews. Although much propaganda had been spread King and Crane felt that they did accurately gauge the political situation. They concluded that the Syrians wanted complete unification of greater Syria and total independence; they opposed the Zionist movement; would accept only assistance and preferably from the US with Great Britain as their second choice; they rejected Article 22, all French claims to Syria, any secret agreements, and independence of greater Lebanon; they wanted a democratic, non-centralised government under Faisal and total independence for Mesopotamia.

⁸ See also Michael Provence, " 'Liberal Colonialism' and Martial Law in French Mandate Syria," in *Liberal Thought in the Eastern Mediterranean: Late 19th Century until the 1960s*, ed. by Christoph Schumann (Leiden: Brill, 2008), 72.

territory had to be carried out in order to accommodate the Balfour Declaration as much as possible. This necessitated a break from Ottoman legislation in a number of realms, including that of nationality regulations.

Martin Bunton's studies on land law in Palestine have demonstrated the need for historians to "problematize and contextualize the Ottoman law in force during the mandate" as it related to and impacted on the British and international legislation that affected Palestine.⁹ Bunton focuses on Ottoman land law, but his argument is applicable to the Ottoman nationality law. The Arab inhabitants of Palestine (Muslims, Christians and Jews) were familiar with the Ottoman nationality legislation and their status as 'citizens' of the Ottoman Empire prior to 1918. Once mandate legislation to regulate and institutionalise Palestinian citizenship came into being in 1925 and then through periodic amendments, national leaders expressed their dissatisfaction with the clear contradictions between its provisions and that of Ottoman nationality.

The British in Palestine, Bunton adds, worked on the assumption they should maintain the status quo of Ottoman legislation where possible. However, in issues of nationality and citizenship the civil administration could not keep the status quo. The main reason to discard Ottoman regulations for nationality was that the status quo would threaten the mandate's immigration policy and indeed the mandate charter itself since a law was necessary in order to grant Jewish immigrants the nationality of Palestine. The 1925 citizenship order, more than other legislation, meant that Great Britain could assume and keep direct control over Palestine's inhabitants through the grant or denial of their citizenship. The mandate's laws did not exist unto themselves but "were part of an institutional framework which included lawyers, law schools, attorney-generals, translators, law reports, manuals and settlement officers."¹⁰ In Palestine, all parts of this framework influenced the creation of citizenship and contributed to the bureaucratization of citizenship as a status to be applied separately to the Jewish and Arab communities.

Furthermore, the number of actors—individuals and governmental departments—involved in the administration of Palestine played a significant role in the construction of

⁹ Martin Bunton, "Inventing the Status Quo: Ottoman Land-Law during the Palestine Mandate, 1917-1936," *The International History Review* 21 (March 1999): 28.

¹⁰ *Ibid.*, 29; 36.

nationality and citizenship. Other studies have been published that detail the relationship between the Colonial and Foreign Offices in the administration of Palestine (as well as in Britain's other mandates and colonies) and it is well-known to historians of British colonial history in the Middle East that the centre (i.e., London and Whitehall) did not always exclusively control actions in the colonies. In the case of Palestine, this was even more so since two international bodies, the League and the Zionist Organisation, lent considerable influence into the administration and legislation of the mandate.

Within Palestine, the British administered all branches of government: the executive, legislature and judiciary and the Arabs did not have any official representation to the mandatory. The Jewish immigrants and settlers did: the mandate charter granted the Jewish Agency the right to advise Great Britain on policy and the Zionist Organisation also advised on legislation and policy that affected the entire citizenry of Palestine. The legislature included both mandate officials and officials in Great Britain. For instance, the Law Officers of the Empire and the Dominions Office as well as Parliament supported the ratification (or conversely, the non-implementation) of laws and regulations in Palestine based on Empire-wide standards and British public opinion. Naturally, albeit with some disagreement,¹¹ mandate officials often neglected to use Ottoman legislation as they institutionalised citizenship since British and imperial standards had been used elsewhere in the Empire. Although the first two high commissioners were conciliatory towards the Zionist Organisation and Jewish national homeland policy of the mandate, later high commissioners often clearly stated their distaste for the policy and the influence of Zionists in Palestine. Each high commissioner, as well as other administrators such as Palestine's attorney-generals and district commissioners, carried with them a certain 'colonial experience.' Indeed, British rule in the Middle East was largely carried out by men who served in Egypt, India and Nigeria prior to their posting in the Levant.

In Palestine, the legacy of colonial experience had an impact on citizenship legislation as well as land settlement, personal status law and taxation policies. Additionally, the realities of belonging and identification to the mandate were complicated owing to Great Britain's own changing policies of nationality in its colonies and citizenship at home. Old precedents

¹¹ Assaf Likhovski, *Law and Identity in Mandate Palestine* (Chapel Hill, NC: University of North Carolina Press, 2006), 335.

in colonial possessions no longer fully applied for Palestine, since the concept of British subjecthood could not be consistently instituted in these possessions after the end of the First World War. As historian Rieko Karatani has shown, the interwar period marked the beginning of the development of nation-state citizenship in Great Britain, in contrast to imperial subjecthood.¹²

The laws issued by the Palestine Administration shaped and were shaped by the changing interwar society in Palestine. The thesis is focused primarily on the Arab nationalists who identified themselves as being supportive of a pan-Arab ideology of nationhood and who were against the mandate administration's policies. In 1918, the pan-Arab populist activists, often local leaders, consisted of intellectuals from a variety of middle-class backgrounds such as lawyers, teachers and writers. According to Keith Watenpaugh, with reference to Palestine's counterparts in Aleppo, this middle class believed in liberalism and saw their roles in modern society as fostering revolutionary change.¹³ By contrast, closer to the new British administration were the traditional leaders in Jerusalem who have been characterised as practicing the 'politics of notables.'¹⁴ The Palestinian *effendi* (notable class) came from established families who had long held political and religious power during the time of the Ottoman Empire including seats in the former *majlis* (council) in Jerusalem.¹⁵ Once the British arrived to Palestine, this group easily slipped into the role as allies of the British administration. Since most were reluctant to lose their positions of power they used nationalist terminology when it suited their aims.¹⁶

Two influential bodies, although not officially representative, were established just after the civil administration began in Palestine. One was the British-created Supreme Muslim Council, or SMC (*al-majlis al-islamī al-'aliā*), formed in early 1922 to oversee affairs of the

¹² For a fuller analysis, see Rieko Karatani, *Defining British Citizenship: Empire, Commonwealth, and Modern Britain* (London: Frank Cass, 2003).

¹³ Keith David Watenpaugh, *Being Modern in the Middle East: Revolution, Nationalism, Colonialism, and the Arab Middle Class* (Princeton: University Press, 2006), 64.

¹⁴ Albert Hourani was the first to bring forth and define the concept of "politics of notables" to the study of nationalism in the former provinces of the Ottoman Empire. The use of this term has been standard since. See his article, "Ottoman Reform and the Politics of Notables" in *Beginnings of Modernization in the Middle East: The Nineteenth Century*, ed. William R. Polk and Richard L. Chambers (Chicago: 1968), 41-68.

¹⁵ Alexander Scholch, *Palestine in Transformation, 1856-1882* (Washington, DC: Institute for Palestine Studies, 1993), 240.

¹⁶ In fact, the factions continually accused each other of either being too moderate, or too radical. An example of this can be found in Nasser Eddin Nashashibi, *Jerusalem's Other Voice: Ragheb Nashashibi and Moderation in Palestinian Politics, 1929-1948* (Exeter: Ithaca Press, 1990).

Muslim community. The Grand Mufti of Jerusalem, Hajj Mohammed Amin al-Husayni, was chosen to head the SMC. The second was the Arab Executive Committee, or the Executive (*al-lajna al-tanafīdhiyya al-‘arabiyya*), a body elected by the Arab delegates to the Third Palestinian Arab Congress of 1920 in order to convene nationalist congresses meant to represent the Arab population of Palestine. The British did not recognise the congresses or the Executive as representative of the Arab population.¹⁷ In the early 1920s, the president of the Executive, Musa Kazim Pasha al-Husayni, and many of its members came across as aligned with pan-Arab views. The Executive initially had wide influence in Palestinian towns since the congresses, held until 1924 and again in 1927 to issue resolutions against the government and in support of the Arab inhabitants, included members of the Muslim Christian Association, or MCA (*al-jam‘iyya al-islamiyya al-massihyya*), branches throughout all of Palestine. The MCA, established in Jaffa in 1918, the Arabic press, political and civil society groups demanded an end to the mandate, the cancellation of the Balfour Declaration and Syrian unity. The press and nationalist organisations were well-aware of legislation issued by the mandate administration including that on citizenship and immigration. The press conveyed the terms of legislation to the Arabs in simple, rhetorical language, creating vocabularies of citizenship, civic identity, rights and duties.

Research themes

The process of ‘inventing’ Palestinian citizenship was unlike anything else Great Britain had done in its colonial empire, especially because the mandate administration had to take into account international treaties and regulations, Ottoman laws and particularly the Balfour Declaration. While Palestinian nationality and citizenship laws were a by-product of the British Government’s legislative process to meet the obligations of the mandate, citizenship’s legal validity came from international law—the Lausanne Treaty’s law of state succession in 1923 and the mandate itself as an international document. In the early years of

¹⁷ The Arab Executive and its congresses have been analysed by many historians. See Ann Mosely Lesch, *Arab Politics in Palestine, 1917-1939* (Ithaca: Cornell Press, 1974); Baruch Kimmerling and Joel Migdal, *Palestinians: The Making of a People* (New York: Macmillan, 1993); Weldon C. Matthews, *Confronting an Empire, Constructing a Nation: Arab Nationalists and Popular Politics in Palestine* (London: I.B. Tauris, 2006).

the civil administration, the colonial administrators' notions of nationality were influenced by their empire's own citizenship legislation and history of colonialism in the 'Orient' (including India and Egypt), the perception of Palestine as divided into Muslim, Christian and Jewish religious communities and the Jewish national home policy that the mandate encompassed.¹⁸ The entire process of inventing citizenship in the crucial early 1920s resulted in unanswered questions that pertained to the changing statuses, sovereignty and political and civil rights of Palestinian Arabs and Jews. The process also formally separated Arab from Jewish Palestinian citizenships as both communities received, lost and used their citizenship in different ways.

The primary objective of this thesis is to offer a historical understanding of how the particular concepts of nationality and citizenship took on active social, political and civic expressions and meanings in Palestine from 1918 through 1937. The conclusion offers further insight on citizenship in Palestine after 1937 and until the end of the mandate in 1948. The differences between the multiple doctrines, vocabularies, expressions and concepts of citizenship during the first two decades of the mandate administration are reflected in the legislation on citizenship passed by the British administration and in the reactions by the Arab citizens to that legislation. In relation to colonial administrations, Frederick Cooper explains that terms like citizenship, ethnicity, nation and race became categories of social and political practice and social and political analysis.¹⁹ Cooper's argument is relevant to Palestine not only as it pertains to the colonial administration and colonial citizenship. Indeed, Arab writers and national leaders also used terminology and rhetoric in order to shape the social and political practices associated with citizenship.

In regard to citizenship status, Engin Isin argues that what is important is not only the legal status of citizenship issued from above but the practices of 'making citizens': practices which are social, political, cultural and symbolic. Isin questions the conditions under which subjects act as citizens and thus transform into citizens, as well as how they claim rights,

¹⁸ For a more general discussion on the late nineteenth century British perceptions of the 'Near East' see Michelle Tusan, *Smyrna's Ashes: Humanitarianism, Genocide, and the Birth of the Middle East* (Berkeley: University of California Press, 2012), 3-8, as well as Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied* (London: Hurst and Co., 2003).

¹⁹ Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), 62.

benefits and responsibilities.²⁰ The thesis refers back to this theme of the making of the Palestinian citizen. This entailed not only an ideological process through which notions of citizenship and the rights associated with that citizenship were crafted by the British administration and redefined by the Palestinian Arabs, but it also meant changes to the political language and vocabulary of identity and belonging.

Through the Arabic press especially, a standardization of terminology that expressed belonging to the nation-state took place. The terms for nationality (*jinsiyya*), citizenship (*muwatana*), and civil rights (*huquq midaniyya*) took precedence over others, and their meanings in the context of the Palestine Mandate became familiar to readers and a larger segment of Palestinian society as the readership of newspapers grew throughout the 1920s. Still, throughout the 1920s, writers and politicians often used citizenship and nationality interchangeably, and incorporated other meanings for citizenship such as *midaniyya*, which denoted a greater sense of *urban* civic identity. The dialogue of citizenship that emerged in Palestine by the mid-1920s countered the definition of the citizen provided through orders-in-council passed by the mandate administration. The terms that accompanied this discourse, such as *qawmiyya*, emphasised the synthesis of Palestinian nationality with a pan-Arab national identity. As Helen Haste has shown, in the construction of the citizen the historian must take into account the ways in which individuals negotiate rhetoric, meaning and definitions of citizenship and particularly the narrative that explains and justifies the citizen and the nation.²¹ In the case of Palestine during the era of British mandatory rule, the representation and the understanding of the citizen was directly linked to Ottoman-era social categories of (Arab) nationhood, community (southern Syria or *Bilād al-Sham*) and a sense of an Arab ethnic identity.

The overarching theme of the period under study is the development of the relationship between Palestinian citizenship and civic identity on the one hand, and Arab nationality and national identity on the other. It is also necessary to place the interaction of Arab nationality and Palestinian Jewish citizenship into a colonial context. The mandate administration specifically created Palestinian citizenship to facilitate Jewish immigration. As a

²⁰ Engin F. Isin, "Theorizing Acts of Citizenship," in *Acts of Citizenship*, ed. Engin F. Isin and Greg M. Nielson (London: Zed Books, 2008), 17-18.

²¹ Helen Haste, "Constructing the Citizen," *Political Psychology* 25 (June 2004): 420.

consequence, the Arabs stressed their nationality against the citizenship order's provisions that favoured Jewish immigrants. This thesis intends to answer, through an analysis of the discussions, vocabulary, behaviour, and active expressions of Palestinian citizenship during the first two decades of the mandate, when and why the Arab population began to think of themselves and others as citizens of Palestine in a political, social, civic and national sense. Palestinian politicians and writers equated a sense of pan-Arab commonwealth nationality (*qawmiyya*) with citizenship and continued to refer to the latter status as *jinsiyya*. 'Nationality' was a term "with an ethnic dimension and indicated that a certain person belongs to a nation in an ethnic sense," writes Gerard-Rene de Groot, while 'citizenship' "indicates *inter alia* the formal link between a person and a state."²² The 'Arabness' of the former concept was prominent in the discussions about it by the national movement and especially in the press. The term also offered a link, understood as primordial, between the Palestinian Arabs with Syria and the other Arab territories. Citizenship as a status did not do the same because citizenship separated Palestinians from other Arabs in both a legal and colonial sense.

In her writing on colonial citizenship status under the French mandatory administration in Syria and Lebanon, Elizabeth Thompson proposes that the citizens (the Arabs) and the state (the mandate administration) interacted within the sphere of a "colonial civic order" where citizenship and state power were expressed and constantly renegotiated. Since the French offered diplomatic protection, a system similar to a welfare state, and Arab representation in government, Syrians were incorporated into the mandate as citizens with access to knowledge of their rights and the duties of the mandate.²³ In Palestine, the British did not structure their administration in quite the same way and a major point of conflict (and a theme constantly referred to) between the colonial administration of Palestine and the Palestinian Arab leaders was the lack of representative institutions. As Benjamin Thomas White has shown for Syria during the interwar period, alongside representation, institutions such as citizenship are necessary to facilitate a sense of commonality upon which a public

²² Gianluca P. Parolin, *Citizenship in the Arab World: Kin, Religion and Nation-State* (Amsterdam: Amsterdam University Press, 2009), 13.

²³ Thompson, *Colonial Citizens*, 5-7.

sphere develops.²⁴ Citizenship is thus a key part of the formation of civil society and the institutions through which inhabitants of a territory and the state negotiate rights and duties.

In addition, the thesis highlights the particular discourses linked to the emergence of popular politics in Palestine. The chapters chronicle the changes within the fragmented nationalist movement as the politics of local, middle-class leaders became dominant over the middle and upper-class leadership in the Jerusalem-based Arab Executive Committee. Almost all of the actors who spread certain notions and active practices collectively came from the same social and political—as well as economic—groups in Palestine. The sources used in the thesis are nearly all from the literate upper and middle classes, and many activists and writers came from the same socio-political families in Palestine. Their approaches might have differed, but the status of the individuals and groups responsible for popularizing certain discourses were relatively homogenous. However, certain currents of discourse of citizenship and nationality existed alongside counter-currents of these discourses, although the latter remained subaltern by the end of the 1930s.

Even so, those populist leaders who shaped a counter-current of nationalist activity negotiated and manipulated the multiple meanings and assertions of Palestinian citizenship in the decades before and during the early years of the Palestine Revolt. By ‘populist’ and ‘populism,’ I refer to what Partha Chatterjee has called a theoretical framework that describes a process of often temporary aggregation of non-elitist associations and groups under a common banner as ‘the people’ or ‘the nation’ in opposition to a colonial structure of rule.²⁵ By the late 1920s, these populist groups stressed that the Arab citizens of Palestine included the subaltern classes who could make demands for rights upon the mandatory.

Similarly, the agency of the Palestinian Arab emigrants (*muhājarīn*) is traced as thematically connected with the process of ‘making citizens.’ The Palestinian Arab diaspora (*mahjar*), especially the emigrants in the Americas, played a major role in crafting a counter-definition of Palestinian citizenship intimately linked with that of Arab nationality. Historians of Palestine have long neglected the role of the emigrants from southern Syria in ideological and political movements against the mandate government and the Jewish national

²⁴ Benjamin Thomas White, *The Emergence of Minorities in the Middle East: The Politics of Community in French Mandate Syria* (Edinburgh: University Press, 2011), 34.

²⁵ Partha Chatterjee, “After Subaltern Studies,” *Economic and Political Weekly*, 47 (Sept. 2012): 47.

home policy of administrators and the Zionist Organisation. The emigrants' discourses on the questions of identity and belonging demonstrate that their 'outside-in' and ethnically segregated existence in the Americas allowed for the diaspora to make clear the realities of the British administration to their families, the national movement and socio-political organisations in the homeland. For example, the experiences and the ideologies of the emigrants in North and South America, especially that of statelessness with the demise of the Ottoman Empire influenced changes to the political and social notions of *qawmiyya*, or pan-Arab national identity, and Palestinian *wantaniyya* (territorial nationalism) after 1918.

In fact, the denial of citizenship to many natives who resided abroad at the time of the 1925 Citizenship Order-in-Council triggered the development of the argument that Ottoman nationality needed to be recognised as a qualification for Palestinian citizenship. The benefits that this approach to the Palestinian diaspora is a more nuanced understanding of multiple meanings of citizenship, Arab nationality and civic identity which at times converged with or diverged from the development of these same meanings and movements within the mandate territory. The diaspora also offers a third community through which the historian can understand the impact of British policies in Palestine, especially in light of changing imperial policy. The history of the *mahjar* is also crucial to contemporary understandings of Palestinian statelessness and refugee status. Those who emigrated before 1925 were disenfranchised twice: first in the interwar period when the notion of statelessness became pressing and as the mandate administration did little to offer an inclusive Palestinian citizenship to natives who lived abroad and then again with the creation of the state of Israel and the abolition of Palestinian citizenship.

As it is well known, the Palestine Mandate charter stated that the mandatory power must develop self-governing institutions: this implied the creation of a new relationship between the population and a central government. The history of the debates around the creation of Palestinian citizenship did not involve only the Colonial Office (which administered the Palestine Mandate) and the Palestine Government under a British-appointed high commissioner, but touched on the core meaning of what an international mandate was, and how citizenship in a mandatory territory fitted into Britain's general understanding of colonial subject status. These themes are covered in the following chapters alongside the

development of the dual administration in Palestine, a system that allowed for the British administration to interact in separate ways with the Arab and Jewish communities.²⁶

A great deal of the historiography on mandate Palestine has emphasised Britain's creation of dual structures of administration and society.²⁷ Dan Horowitz defines dual authority polities as a characteristic of bi-communal or multi-communal territories in which political authority is divided between the sovereign political centre and the semi-institutionalised political centres of the constituent communities of the territory. Dual authority polities are divided along ethno-national, religious or linguistic lines, often causing conflict between the 'national' in the sense of nationality and 'national' in the sense of nationalism. A duality of national identity means a duality of the structure of authority for each nationality.²⁸ The Jewish national home policy of the Palestine Mandate influenced the early notion of separate national statuses for the Arab and Jewish communities in Palestine. Other examples include the development of separate councils for Jews to advise the administration on matters of policy, the division of the electorate and system of secondary electors by religious groups and concessions for Jewish corporations.²⁹

The chapters of the thesis are structured both chronologically and thematically, alternating focus between the British creation of citizenship provisions and the Arab reactions and counter-definitions of Palestinian citizenship as the mandatory solidified its support of the facilitation of a Jewish national home. Following the current chapter, Chapter Two explains how debates on nationality framed the mandate charter and citizenship legislation between 1918 and 1925. The general implications and issues that arose from discussions in Palestine and London, such as the separation of Jewish nationality from the Arabs' Ottoman nationality, were further influenced by key historical markers such as the mandate charter, an organic law and the Treaty of Lausanne. The chapter introduces the number of actors

²⁶ Zachary Lockman provides an overview on the historiography of this phenomenon in "Railway Workers and Relational History: Arabs and Jews in British-Ruled Palestine," *Comparative Studies in Society and History* 35 (Jul. 1993).

²⁷ Of note, see Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab-Jewish Conflict 1917-1929*, Second Edition (Oxford: Basil Blackwell, 1991).

²⁸ Dan Horowitz, "Dual Authority Polities," *Comparative Politics* 14 (Apr. 1982): 329.

²⁹ 'Mandate for Palestine,' League of Nations, 12 Aug. 1922. Further, Article 4 recognised the Zionist Organisation as the public body to advise and cooperate with the mandate administration in all matters that would affect the national home and interests of the Jewish population.

involved in the creation of citizenship and their negotiations over the terminology and applicability of Palestinian citizenship.

Chapter Three shifts focus to the Arab inhabitants of Palestine and analyses the development of a political community in the territory, positing the middle-class nationalist leaders as the most able group to challenge mandate citizenship legislation. The chapter also provides the historical background to nationality and national rights. It highlights the Arabs' understanding of political and civil rights as linked to Ottoman nationality and the development of a language of rights during the early years of the mandate administration. This terminology was used frequently by the middle-class national leaders to express the national status of the Arabs vis-à-vis the Jewish immigrants. Chapter Four offers a new perspective on the Palestinian Arab emigrants from 1925 through 1931, analysing how citizens were 'made' in the diaspora. The impact of citizenship legislation on the diaspora frames the entire chapter. Additionally, the chapter notes the ways in which continued conflicts over the administration of the mandate within Great Britain hindered the resolution of emigrant grievances against the citizenship order's provisions.

Chapter Five again focuses on legislation and the institutionalisation of citizenship by the mandate administration and Great Britain in the decade after the former issued the 1925 order-in-council. The chapter demonstrates how Palestinian citizenship was offered and revoked in different ways for Arabs as opposed to Jews, and that the differences between administrators over policy toward Jewish immigrants had an effect on changes to citizenship legislation. Although the distinctions created by legislation were very much a part of the wider colonial project and the changing fortunes of the British Empire, the chapter also stresses that the unique nature of the mandate and its national home policy resulted in an internationalisation of citizenship questions and debates. Chapter Six returns to the context of popular politics in Palestine in the late 1920s and early 1930s in order to analyse how new ideas associated with subaltern political notions of citizenship existed in parallel with the dominant nationalist movement. The press, largely due to its reactions to legal developments in the mandate, was arguably the medium through which these ideas took shape. Citizenship rights are shown as taking on greater significance within the development of Arab popular politics and the latter's influence on a more inclusive notion of national belonging in

Palestine. The changing expressions of citizenship, especially as articulated by the *Istiqlal* political party, are also charted in Chapter Six prior to the Palestine Revolt of 1936 to 1939.

Finally, prior to the conclusion, Chapter Seven refers to the notion of a stalled citizenship in Palestine upon the outbreak of the nation-wide revolt. The revolt's early stages are situated in a broader understanding of the development of mandate institutions that influenced the meaning and practice of citizenship. In particular, the Peel Commission report, which offered recommendations on policy in Palestine following the initial disturbances, is described in terms of its impact on citizenship in order to offer a historical explanation of the continuities and changes of both the British and the Arabs' perceptions of nationality, citizenship and rights by 1937. The chapter is also focused on the changing definitions of the Palestinian Arabs in the discourse of colonial officials: martial law and other measures that the British implemented in order to contain the revolt resulted in the treatment of the Arabs as 'the population,' an apolitical category employed by the administration to limit citizenship rights and protections for suspected rebels. Throughout each chapter, nationality, citizenship and rights are presented as ideologies and as expressions used and manipulated by a variety of actors who attempted to make sense of the mandate, its colonial nature and the ever-growing assertions of both Palestinian Arab nationalism and Zionism during the period under study. With this in mind, it is useful to briefly discuss the history of nationality in nineteenth and early twentieth century in Western Europe and the Ottoman Empire.

Citizenship, national identity and nationalism

During the mid-nineteenth century, the influx of ideas and concepts from Western Europe into the Ottoman Empire began to crop up in writings and discussions by the intelligentsia in regard to identity and territorial belonging. New Ottoman reforms stressed equality before the law of all the Empire's subjects regardless of religion or ethnicity. The terminology of liberalism used in the western political discourse (especially as associated with the French Revolution) on identity and rights influenced the Ottoman reforms, known as the *Tanzimat*: edicts evoked equality, liberty, natural rights and the protection of life and property. The reformers strove to cultivate a single Ottoman identity among the respective subject

population. This attempt to unite the population was one of several defensive measures against the development of territorial and religious-based national movements which threatened the centralisation of political power.³⁰

General developments in Western Europe

In studies on the ideological development of the nation, scholars such as Jurgen Habermas have posited two types of nationhood whose roots lie in the eighteenth and nineteenth century. The French notion of the nation refers to a nation of citizens whose identities do not come from common ethnic, cultural or linguistic properties but instead from the practice of citizens exercising their civil rights as participants in the state. Political unity as related to the territorial and institutional structure of the French state has been the deciding factor of inclusive belonging to the nation as citizens (*demos*).³¹ Therefore, citizenship was a right through the provision of *jus soli* (territorial rights to citizenship). The German notion of the nation differs from the French notion in that national identity developed before the nation-state in the territory that became modern Germany. Citizenship and nationality were much more exclusive than in France: the community formed the nation through their shared culture, language and ethnicity (*ethnos*). The right to citizenship came from the provision of *jus sanguinis* (rights to citizenship by descent).³² The provisions for nationality are crucial components for a study of Palestinian citizenship. Both *jus soli* and *jus sanguinis* were recognised by the Ottomans.

Nationality developed out of the concepts of nationhood and the nation came to define the political identity of its citizens. Brubaker defines nationality as ethno-cultural membership in a nation and argues that the nationality of an individual is not dependent upon their place of residence but rather on descent.³³ Once the nation-state comes into existence with

³⁰ Eugene Rogan, *The Arabs: A History* (New York: Perseus Books, 2009), 88-89.

³¹ Jurgen Habermas, "Citizenship and National Identity," in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: State University of New York Press, 1995), 258-273; Angus Stewart, "Two Conceptions of Citizenship," *The British Journal of Sociology* 6 (Mar. 1995): 66.

³² Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 123-124.

³³ Rogers Brubaker, *Nationalism Reframed: Nationhood and the national question in the New Europe* (Cambridge: University Press, 1996), 33.

sovereign borders and democratic political and legal structures, it becomes responsible for deciding the terms of citizenship as a legal and recognised status and then granting rights associated with it. National identity, as opposed to nationality and citizenship, is a more abstract collective consciousness and a nation can exist without being sovereign. A sovereign entity however, is essential to regulate citizenship and provide the proper identification to its citizens. According to the narrative of citizenship as linked with the nation-state, the city was the space in which groups defined their identity, rights and duties as citizens.³⁴

In academic discourse, the notion of citizenship refers to the legal relationship between an individual and the state. It is full membership in a community with civil, political and social rights and responsibilities. T.H. Marshall, the notable scholar on citizenship, stresses that the rights of citizenship must be shared equally by all citizens in a given community. Citizenship obligations include paying taxes and obeying laws and constitutions, as well as the defense of these rights for others in the same community and promotion of common interests.³⁵ Importantly, citizenship status determines access of an individual to the resources of the state and is used as a way to distribute power. Bryan Turner defined citizenship as a set of social practices of rights and obligations that define the nature of social membership of a community.³⁶ Citizenship allows for three classes of rights: civil, political and social, which Marshall identified as part of the stages of citizenship formation.³⁷

By the nineteenth-century, people slowly became dependent on the state they lived under to legislate their identity in terms of borders. As John Torpey notes, nationality is implemented through a state's bureaucratic measures (such as the passport) to control movement and borders.³⁸ With the collapse of empires in the early twentieth century,

³⁴ Ibid., 34-41. Also, Thomas Janoski and Brian Gran, "Political Citizenship: Foundations of Rights," in *Handbook of Citizenship Studies*, eds. Engin F. Isin and Bryan Turner (London: Sage, 2002), 13.

³⁵ David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000), 83.

³⁶ Bryan S. Turner, "Contemporary Problems in the Theory of Citizenship," in *Citizenship and Social Theory* ed. Bryan S. Turner (London: Sage, 1993), 4.

³⁷ The first stage is the development of civil rights, such as the definition and institutionalisation of individual freedoms and securities in the state. The next step was the formation of political citizenship, inaugurated when individuals participate in politics. Political rights include the franchise, due process and rights to fair trials. Social citizenship, the third stage, advances once rights of social entitlement, such as welfare, are introduced by the state for its citizens.

³⁸ John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: University Press, 2000), 4; 58-71; 116-123.

nationalism often shaped laws on nationality and immigration as states determined which individuals, or ethnic groups, belonged as nationals.³⁹ British officials in Palestine shaped nationality legislation based upon other colonial and imperial precedents as well the regulations in place within the United Kingdom. In sharp contrast to the Ottoman nationality law, the Palestine Administration's attorney-general crafted the citizenship order-in-council along the lines of colonial nationality laws. As Ann Laura Stoler has shown in reference to one of the principle architects of colonial law in the Indies, colonialism made obsolete *jus sanguinis* and *jus soli* as the sole determinants of nationality. In other words, birth or descent from indigenous inhabitants of the colonies did not confer the subjecthood or nationality of those colonies but rather denoted a lesser status—that of the native. By the late nineteenth century, new criteria to mark citizens and nationals included middle-class values and morals as well as privileged 'white' backgrounds. Indigenous inhabitants thus had to transform themselves and their cultures in order to achieve the nationality or citizenship granted by colonial rulers.⁴⁰

General developments in the Ottoman Empire and the Arab provinces

Ottoman nationality can be placed into the broader history of citizenship in the nineteenth century. However one must be especially careful when defining Ottoman nationality in terms of instances or absences of certain rights and duties associated with membership in a nation-state.⁴¹ In the Ottoman Empire, the lines between nationality and citizenship blurred: in the absence of the nation-state, the imperial officials issued a nationality law in 1869. The law classified all inhabitants as Ottoman nationals in a territorial, rather than ethno-cultural, sense. The following subsections discuss citizenship generally, and then elaborate on the

³⁹ Ibid., 5.

⁴⁰ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 98. For a specific analysis, see Laura Fair, *Pastimes and Politics: Culture, Community and Identity in Post-Abolition Zanzibar, 1890-1945* (Athens, OH: Ohio University Press, 2001).

⁴¹ Engin F. Isin, "Citizenship after Orientalism: Ottoman Citizenship," in *Challenges to Citizenship in a Globalizing World: European Questions and Turkish Experiences*, ed. F. Keyman and A. Icduygu (London: Routledge, 2005), 33.

relationship between citizenship, nationality and the nation-state after the First World War in the context of the end of empires.

In the Ottoman Empire, as elsewhere, the legitimacy of the state depended in part on the ability of groups to be able to ‘think’ that state as their own.⁴² Central to its *Tanzimat* reforms, the Ottoman government actively promoted a new national ideology termed *Osmanlilik* (Ottomanism) and the 1856 Imperial Edict declared all subjects equal regardless of religion. The 1869 Citizenship Law again reinforced the concept of equality and termed all subjects as ‘Ottomans.’ This law combined both *jus soli* and *jus sanguinis*.⁴³ Prior to the law, the population’s relationship to the state was mediated through their *millet*, or religious community. The citizenship law allowed for a direct relationship between the citizenry and the state. By the turn to the twentieth century and after the 1908 Young Turk take-over of Ottoman government, the notion of Turkish nationality became incorporated into citizenship legislation, and citizenship became more akin to nationality in the imperial codifications of identity.⁴⁴

General developments in the colonial world

In the nineteenth century the imperial nations of Britain and France did not grant full citizenship to the natives of their colonies and territorial possessions in contrast to the legislative practices by the Ottoman Empire in its provinces. In the case of British rule, India from the late eighteenth century and Egypt from the late nineteenth century were testing grounds for the import of British law into protectorates and colonies. Great Britain implemented the same legislation in India that had been drafted and issued in Britain itself, rather than create new laws specifically for India. This was a wholly colonial practice. As a type of precedent, Britain applied its own nationality and alien acts, passport legislation and judicial procedure. India did not have its own citizenship legislation until after independence

⁴² Asem Khalil, “Palestinian Nationality and Citizenship: Current Challenges and Future Perspectives,” CARIM Research Report (2007), 5.

⁴³ Michelle U. Campos, *Ottoman Brothers: Muslims, Christians, and Jews in Early Twentieth Century Palestine* (Stanford: University Press, 2011), 61.

⁴⁴ See the application of this in the centre and in the Empire’s provinces in Erol Ülker, “Contextualising ‘Turkification’: nation-building in the late Ottoman Empire, 1908-18,” *Nations and Nationalism* 11 (2005): 613-636.

in 1947. Rather, Indian legislation on nationality was influenced by British liberal thinkers such as John Stuart Mill and Edmund Burke. Burke felt that nationality needed definite nation-state boundaries and suggested for this concept to be promoted in India. Mill, on the other hand, claimed nationality was a quality achieved by only those societies at a certain level of development. Natives were thus not entirely fit to have their own Indian nationality.⁴⁵ It would be arguments such as Mill's that influenced the Colonial Office policies in the Middle East after the imposition of the mandates system.

In India, 'the law of England' governed the definition of nationality, citizenship and domicile until the end of colonial rule. The same law was applied in Palestine under the mandate. According to British law, nationality referred to "the jural relationship which may arise for consideration under international law" while citizenship referred to "the jural relationship under municipal law." Nationality determined the civil rights of individuals, while citizens had full political rights as separate from nationals who may not also be citizens.⁴⁶ These definitions in British law were imported into the colonies as the basis and framework for colonial legislation.

Egypt as a British protectorate offers a different historical situation than that of India. After 1882, the Egyptians acquired the status of British-protected persons. Protectorates did not acquire the nationality of the occupying power, nor could that power import its own nationality or citizenship laws wholesale. Protectorates did not have the framework of sovereignty exercised by the power that held the territory. Under prior Ottoman suzerainty, Egypt received an Egyptian nationality separate from Ottoman nationality.⁴⁷ According to historian Mervat Hatem, Egyptian nationalist discussions of citizenship began after the 1919 revolution that ushered in the declaration of independence in 1922. Importantly Egypt, like India, was a training ground for British colonial officials who later served the mandate administration in Palestine or advised the Colonial and Foreign Offices on policy. For instance, under Lord Cromer the influence of legislation and practices used in the 'East' was

⁴⁵ Jennifer Pritts, *A Turn to Empire: The Rise of Liberalism in Britain and France* (Princeton: University Press, 2005), 97-98, 139-143.

⁴⁶ R.B. Sethi, *Law of Foreigners and Citizenship*, Third Edition (Allahabd: Law Publishers, 1981), 108.

⁴⁷ Parolin, *Citizenship in the Arab World*, 79-80.

evident in Egypt.⁴⁸ In the Egyptian case, the British kept in place the system of personal status laws and *sharia* courts to regulate the native Muslim population.

Finally, the development of citizenship under the French administration in Algeria provides an interesting comparison to that in British territories. Citizenship and personal status laws governed the legal position of different population groups under French colonial rule. The French notion of republicanism combined with the experience as a colonial power “shaped the nature of citizenship” and its “elusive status for the colonised” in North Africa.⁴⁹ In July 1865, the French decreed that the indigenous Muslim and Jewish population of Algeria had French nationality but not French citizenship. According to James McDougall, French colonialism “reconstituted communities in categories of French nationality” but they were governed by a special civil code which made them “un-French in civic status.”⁵⁰ This example proves the thorny and often unresolved problems of defining nationality and citizenship in European colonies and it also demonstrates the separate meanings for nationality and citizenship in both British and French colonial discourses.

The nation-state, nationality and self-determination in the aftermath of the First World War

The demise of multi-ethnic and multi-confessional empires in the nineteenth and twentieth century—the Austro-Hungarian, Russian Romanov and the Ottoman empires—strengthened the ideology that posited the nation-state as the prime political formation and centre of belonging. During the course of the nineteenth century, the “principle of nationality,” which Brubaker defines as the conception of states *as* and *for* certain nations, became the major factor in the organisation and imagination of territorial space as political space.⁵¹ In the Middle East, the political reality of the post-war creation of mandated

⁴⁸ Robert L. Tignor, *Modernization and British Colonial Rule in Egypt* (Princeton: University Press, 1966), 98 and John Darwin, Britain, *Egypt and the Middle East: Imperial policy in the aftermath of war 1918-1922* (London: Macmillan, 1981), 255-256.

⁴⁹ James E. Genova, “Constructing Identity in Post-War France: Citizenship, Nationality, and the Lamine Gueye Law, 1946-1953,” *The International History Review* 26 (Mar. 2004): 62.

⁵⁰ James McDougall, “The Fetishism of Identity: Empire, Nation and the Politics of Subjectivity in Algeria,” in *Counterhegemony in the Colony and Postcolony*, ed. John Chalcraft and Yaseen Noorani (Basingstoke: Palgrave Macmillan, 2007), 52-53.

⁵¹ Brubaker, *Nationalism Reframed*, 3.

territories in the former Ottoman lands came up against hopes for measures of self-rule in the Arab provinces.

The mandates system was envisioned as one of trusteeship meant to guide subjects in former imperial territories toward sovereignty. In practice however, the British mandates were administered in a fashion similar to colonies and the League of Nations had little influence over them. Instead, as historian Susan Pedersen argues, the mandates system was largely an institution for ‘talking’: it was a ‘discursive arena’ in which Britain, France and others interacted in particular ways as they sought to establish or defend political claims. The system did not function as stated in the League Covenant: it did not work to support self-governing institutions for individuals not yet able to stand on their own. Still, the dichotomy between the purpose of the mandates system and its practical functioning did allow for the colonial citizens to access and to use a new language of international justice, rights, governance and citizenship in addressing claims and grievances to the mandatory powers and an international audience.⁵²

After the First World War, the League conceived of nationality as flexible and thus transferable. In the Middle East, Great Britain’s colonial officials conveyed a British understanding of the ways individuals acquired nationality. Even so, British officials did not unanimously agree upon provisions for the transfer and grant of nationality in colonies. An article in an international law journal published in 1917 explored these disagreements and argued that jurisdiction of the territory in which a subject was born (*jus soli*) was the most satisfactory foundation of nationality since it avoided instances of double nationality and absence of nationality. The author argued in support of “the full rights of citizenship . . . [to be] extended to as many persons as possible.”⁵³ However, another author appealed to the international acceptability of *jus sanguinis* rather than *jus soli* as the former was more in line with *realpolitik*. The ultimate aim, he claimed, “should be to avoid as much as possible a divergence between legal status as to nationality of an individual and the national sympathies of that individual.”⁵⁴ Colonial officials became increasingly concerned with ensuring that colonial legislation cultivated a loyalty of subjects toward Great Britain. A decade after the

⁵² Susan Pedersen, “The Meaning of the Mandates System: An Argument,” *Geschichte und Gesellschaft* 32 (Oct.-Dec. 2006): 560-582.

⁵³ H.S.Q. Henriques, Esq., “‘Jus Soli’ or ‘Jus Sanguinis’?,” *Problems of the War* 3 (1917): 119-122.

⁵⁴ *Ibid.*, 124-125.

Treaty of Lausanne, the editor of *The American Journal of International Law* wrote that the issue of nationality brimmed with difficulties and its “confusion is so great, so universal, and so embarrassing, not to say exasperating” that its definition needed to be singled out for international agreement. The lack agreement was based on whether nationality stemmed from a blood relationship with or birth within a particular state.⁵⁵ It would be in this muddled interwar context that British colonial officials developed nationality legislation in Palestine.

The Palestine Mandate, citizenship and the colonial citizen in secondary literature

There is no study in the existing historiography of the Palestine Mandate and Palestinian national identity that narrates the development of citizenship and nationality. This is striking, since the legislative context set up by the British, the League of Nations, the Zionist Organisation and the Palestinians themselves during the mandate have had a lasting influence on legislation that today still governs Israel and the Palestinian territories.⁵⁶ Only very few studies have approached the development of identity politics in Palestine through the lens of citizenship. Since so few historical works on Palestine deal with mandate citizenship, I have had to consider a wide range of studies often outside the discipline of history. The analysis of this literature is particularly illuminating of the thesis’ themes. Ultimately, this thesis can be a step toward filling the gaps in the history of interwar citizenship in the mandates.

Citizenship, colonialism and the modern nation-state

The literature on the development of political identity in the transition from colonialism to the modern nation-state is vast. National identity is a crucial part of identity formation in

⁵⁵ James Brown Scott, “Nationality: Jus Soli or Jus Sanguinis,” *The American Journal of International Law* 24 (Jan. 1930): 57-58.

⁵⁶ Mutaz M. Qafisheh, *The International Law Foundations of Palestinian Nationality: A Legal Examination of Nationality in Palestine under Britain’s Rule* (Leiden: Martinus Nijhoff Publishers, 2008), 4-5.

the modern world, as the often-cited Benedict Anderson and Eric Hobsbawm have shown.⁵⁷ In the past, many researchers tended to work within the discipline of sociology and use the model of Western Europe to posit citizenship as a sort of ‘exclusive’ Western concept. Several useful, general studies on the development of citizenship in Western Europe document the creation of the individual citizen. For example, one of the scholars cited frequently for his work on the process of citizenship formation is T.H. Marshall who has suggested that citizenship evolved in stages related to grants of rights. The authors who built upon Marshall’s work continued to convey the formation of the citizen as a process.⁵⁸

One theme relevant to the development of general citizenship is the codification of obligations, rights and privileges that a modern state provides to its citizens. As such, studies of the development of active and passive citizenship and civil society are an important element in the thesis’ themes.⁵⁹ The connection between imperialism and citizenship is most critically discussed by David Gorman in *Imperial Citizenship: Empire and the Question of Belonging*.⁶⁰ *Imperial Citizenship* is worth mentioning as it examines the “imperial ideological language” of citizenship in non-sovereign states and uses the British colonial world as a case study. However, the book explains the construction of citizenship for subjects of the British Empire from the perspective of the British themselves, rather than the other way around.⁶¹ The analysis offered by this book is of importance to the study of officially-sanctioned citizenship discourses: it chronicles how subjects outside of the United Kingdom came to have rights as subject-citizens of imperial Britain and it analyses those negotiations over identity as ‘subject’ and ‘citizen’ that led to a new model of colonial citizenship adopted by Britain at the end of the nineteenth century.

⁵⁷ See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983). Although the book’s original edition does not focus on the nation in the Middle East context, it helps to explain the formation of the nation in Syria, Palestine, and elsewhere. Further, my argument that citizenship in Palestine was an active social construction Palestinian citizenship is relevant to Anderson’s argument that the nation is created the same way. Also, Eric Hobsbawm, “The Nation as Invented Tradition,” in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: University Press, 1983).

⁵⁸ T.H. Marshall, *Citizenship and Social Class*, rev. ed. (London: Pluto Press, 1987); Bryan S. Turner, *Citizenship and Social Theory* (London: Sage, 1993); Beiner, ed., *Theorizing Citizenship* 1995). David Miller’s *Citizenship and National Identity* specifically describes the creation of allegiance to civic identity in the modern state.

⁵⁹ Turner, *Citizenship and Social Theory*.

⁶⁰ See David Gorman, “Liberal Internationalism, the League of Nations Union and the Mandates System,” *Canadian Journal of History* 40 (Dec. 2005): 449-477.

⁶¹ David Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester: Manchester University Press, 2006), 1.

The work of Engin Isin, mentioned above, and Bryan Turner are influential. In particular are collections of essays and other writings on citizenship's evolution as a concept and practice, and comparative inquiries into the 'making' of citizens. The theme of the creation of citizenship runs through other publications which have been useful in their fluid applicability to the historical context of the Middle East as well as Europe.⁶² The genesis of nationality is equally important to this thesis. The construction of nationhood in France and Germany is not so far removed from the historical construct of the same concept in the Arab world. Particularly insightful for the meaning of nationhood, nationality and the provisions of the former is the work of Rogers Brubaker.⁶³ Brubaker has also given significant attention to the link between citizenship and nationality, a link which the thesis examines in greater detail for the case of Palestine.

However, very little work within specific citizenship studies offers a historical analysis of the nuances of colonial citizenship. In order to flesh out the themes of colonial citizenship, struggles over civic identity and rights and the role played by race in the construction of the citizen in colonies, two works have been most influential. The first is Ann Laura Stoler's *Carnal Knowledge and Imperial Power*.⁶⁴ Stoler addresses the categories of race in colonies held by the Dutch and French, linking power and the hierarchy of race and ethnicity to the determinants of subjecthood and citizenship. In Palestine colonial discourses on citizenship and nationality were sites of the production of British (and Zionist) power in that the individuals most qualified to be citizens were white, entrepreneurial and industrious immigrants.

The second influential work on colonialism and the construction of identity is Frederick Cooper's *Colonialism in Question*.⁶⁵ Cooper, like Stoler, draws upon the symbiotic relationship between coloniser and colonised. He situates his discussion of the ownership of notions and expressions of citizenship firmly in the Global South and traces the genesis of how colonised peoples conceived of belonging in the context of colonial modernity. Certainly this is applicable to Palestine under the mandate, as historians must be sure to

⁶² Engin F. Isin and Bryan S. Turner, eds., *Handbook of Citizenship Studies* (London: Sage, 2002); Engin F. Isin, Peter Nyers and Bryan S. Turner, eds., *Citizenship between Past and Future* (Abingdon: Routledge, 2008); Engin F. Isin and Greg M. Nielsen, *Acts of Citizenship* (London: Zed Books, 2008).

⁶³ Brubaker, *Citizenship and Nationhood in France and Germany* and *Nationalism Reframed*.

⁶⁴ Stoler, *Carnal Knowledge and Imperial Power*.

⁶⁵ Cooper, *Colonialism in Question*.

recognise that the colonial citizen shaped colonial legislation on legal identity in specific ways. Finally, colonial citizenship has been explored in new ways in the case of African colonies. Emma Hunter's work on the development of citizenship in Tanzania and Cameroon in the twentieth century stands out as it is largely based on indigenous writings and the press.⁶⁶ Hunter's thoughtful and nuanced use of the press is evidence of a common link between printed culture and the construction of the colonial citizen.

Citizenship in Palestine and the Middle East

Until recently historians have discussed Arab identity in Palestine from the late Ottoman period through the interwar era as molded by the modernist, educated minority segment of society. These approaches do not allow much room to study citizenship as part of the history of political modernity as it was shaped and developed through popular politics. Historians have not yet taken on in-depth studies of the formation of civic identity in Palestine during the British colonial administration. In comparison, a small number of studies have been published that provide greater detail on the formation of civic identity in Syria and Lebanon. These works illustrate how the system of 'new' colonialism in Syria as advocated by the mandates shaped the discussions of the middle-class and civil servants on topics of modernity, sovereignty, minorities and rights and obligations to the mandatory government. Obviously these themes are all relevant to Palestine under mandatory administration but they have not yet been significantly explored.⁶⁷

Instead, useful analyses on colonial citizenship can be gleaned from outside the field of history. They include perspectives on politics, law and sociology, as these disciplines offer compelling analyses of citizenship formation in the Middle East. One important work that

⁶⁶ Emma Hunter, "Dutiful Subjects, Patriotic Citizens and the Concept of 'Good Citizenship' in Twentieth Century Tanzania," *The Historical Journal* 56 (2013):257-277; "'Our Common Humanity': Print, power and the colonial press in interwar Tanganyika and French Cameroun," *Journal of Global History* 7 (July 2012): 279-301.

⁶⁷ *Divided Loyalties: Nationalism and Mass Politics in Syria at the Close of Empire* (Berkeley: University of California Press, 1998) by James Gelvin; Thompson, *Colonial Citizens*; Watenpugh, *Being Modern in the Middle East*; White, *The Emergence of Minorities in the Middle East*. A work on Beirut fits into this category as well. In the reading of *Fin de Siècle Beirut: The Making of an Ottoman Provincial Capital* by Jens Hanssen (Oxford: Clarendon Press, 2005), I have found similarities in the creation of Beirut and Jerusalem as provinces in terms of social and political development.

combines historical, sociological and political approaches is the edited volume *Citizenship and State in the Middle East*. Its contributors use an interdisciplinary framework to analyse the differences between a state and a nation in Arab political thought. This allows for an elaboration of ideologies of identity and belonging in the Arab nation. An engaging and more specific discussion comes from Uri Davis, who argues that democratic citizenship was a term introduced by the British and made a part of the colonial system in Palestine and Syria.⁶⁸ This is a good starting point to begin an exploration of the vocabulary and rhetoric of citizenship and nationality in the colonial context. What is missing is an explanation of the historical roots of the concept of Arab nationality in the mid-nineteenth century Ottoman Empire.

Little attention has been paid to the vocabulary of citizenship in Arabic and this is indeed a historical gap. The evolution of citizenship terminology from the Ottoman period is also missing from studies of identity in the Arab world. Davis and Gianluca Parolin are among the few academics who address the terminology of nationality and citizenship.⁶⁹ Relevant to the ‘making of citizens’ is the work of Manuel Hassassian. He argues that the interpretations of citizenship in the Levant at the turn of the century were ambiguous compared with the concepts of citizenship that circulated in Western Europe.⁷⁰

The only works on citizenship and legislation in mandatory Palestine have been produced in the context of legal and political studies. These works approach citizenship as part of the official British discourse with particular reference to nationality laws and they make use of documents produced by the British administration and by the League.⁷¹ Although the shortcomings of these studies is that they do not convey a popular or ethnographic perspective, they are nonetheless important for their use of League archives including

⁶⁸ Uri Davis, “Democratization, Citizenship, Arab Unity, and Palestinian Autonomy: A Critical Reading of the New Middle East”, in *Citizenship and State in the Middle East: Approaches and Applications* edited by Nils A. Butenschon, Uri Davis, and Manuel Hassassian (Syracuse, NY: Syracuse University Press, 2000), 62-63.

⁶⁹ Uri Davis, “*Jinsiyya* versus *Muwatana*: the question of citizenship and state in the Middle East,” *Arab Studies Quarterly* 17 (Winter/Spring 1995): 19-50; Parolin, *Citizenship in the Arab World*.

⁷⁰ See Manuel Hassassian, “Palestinian Political Culture, Civil Society, and the Conception of Citizenship” in *Citizenship and State in the Middle East*.

⁷¹ Ronen Shamir, *The Colonies of Law: Colonialism, Zionism, and Law in Early Mandate Palestine* (Cambridge: Cambridge University Press, 2000); David Gorman, “Liberal Internationalism, the League of Nations Union, and the Mandates System,” *Canadian Journal of History* 40 (Dec. 2005): 449-477; Likhovski, *Law and Identity in Mandate Palestine*; Qafisheh, *The International Law Foundations of Palestinian Nationality*; Feldman, *Governing Gaza*.

petitions from the mandate's inhabitants and for drawing comparisons between the Arab and African mandates.⁷²

More recently, historians of Palestine and the interwar Arab region have paid attention to the Arab diaspora and its links with the Levant. A small number of studies address the topic of Palestinian citizens in the diaspora during the mandate period, most notably those who lived in the Americas. They are important in their analysis of the social and political structures in the Arab diaspora through which emigrants expressed and experienced the burgeoning ideology of nationalism. However these secondary sources do not present an extensive history of the emigrants, and their experiences with mandate citizenship are largely un-documented.⁷³ Scholarship on civic belonging in the Levantine diaspora has been largely influenced by crucial studies by Albert Hourani, Kemal Karpat and Akram Khater. These authors use Syria and Lebanon as case studies to highlight the history of the Syrian diaspora from the nineteenth century through to the latter half of the twentieth century. The literature, particularly Khater's work, traces the formation of civic associations in the diaspora as tied to the notion of a Syrian emigrant nationality.⁷⁴ Despite the social history of the emigrants, scholarship tends to emphasise the post-Second World War era. Whilst obviously important, studies by Gonzalez, Marin-Guzman and others do not generally use mandate archives. A thorough overview, in light of the sources used, can be found in Adnan Musallam's *Folded*

⁷² Naomi Shepherd, *Ploughing Sand: British Rule in Palestine 1917-1948* (New Brunswick, New Jersey: Rutgers University Press, 2000); *The British and French Mandates in Comparative Perspectives* edited by Sluglett and Meouchy; the detailed *Empire by Treaty: Britain and the Middle East in the Twentieth Century* (Notre Dame, IN: University of Notre Dame Press, 1964) authored by M.A. Fitzsimons; *Mandates and Empire: The League of Nations and Africa, 1914-1931* (Portland: Sussex Academic Press, 1999) by Michael Callahan, which includes the opinions of the mandates' inhabitants through petitions and surveys to the League.

⁷³ See Nancie L. Gonzalez, *Dollar, Dove, and Eagle: One Hundred Years of Palestinian Migration to Honduras* (Ann Arbor: University of Michigan Press, 1992); Roberto Marin-Guzman, *A Century of Palestinian Immigration into Central America* (University of Costa Rica, 2000); Manzar Foroohar, "Palestinians in Central America: From Temporary Emigrants to a Permanent Diaspora," *Journal of Palestine Studies* 40 (Spring 2011): 6-22; Kathy Saade Kenny, "The Power of Place: Katrina in Five Worlds," *Jerusalem Quarterly* 35 (Autumn 2008): 5-30; Christina Civantos, *Between Argentines and Arabs: Argentine Orientalism, Arab immigrants and the writing of identity* (Albany: State University of New York Press, 2005); and work by Adnan Musallam on Bethlehem's emigrants. Jacob Norris has written about Ottoman-era migration of Christian Palestinians to Latin America, the U.S. and Russia who sold so-called holy land artifacts.

⁷⁴ See Kemal Karpat, *Ottoman Population, 1830-1914: Demographic and Social Characteristics* (Madison: University of Wisconsin Press, 1985); Kemal Karpat, "The Ottoman Emigration to the America, 1860-1914," *International Journal of Middle East Studies* 17 (May 1985): 175-209; Albert Hourani and Nadim Shehadi, eds., *The Lebanese in the World: A Century of Emigration* (London: I.B. Tauris, 1992); Akram Fouad Khater, *Inventing Home: Emigration, Gender, and the Middle Class in Lebanon, 1870-1920* (Berkeley: UC Press, 2001).

*Pages from local Palestinian history in the 20th century.*⁷⁵ Musallam notes the negotiations and struggles of Palestinian Arab emigrants from Bethlehem who were unsuccessful in securing mandate citizenship. The discussion however is part of the larger book, which does not provide further details on nationality and citizenship.

Regionally-specific studies on citizenship and Palestinian popular nationalism

National identity is more of an abstract concept than citizenship; the latter being a legal relationship between an individual and a state. The main problem with historical debates over nationalism in the case of Ottoman and mandate Palestine is, as Justin McCarthy says, that “the ultimate definition of nationalism is personal. Those who consider themselves to be Palestinians are Palestinians. The only real measure of ‘national identity’ is self-identification, not legal citizenship.”⁷⁶ The historians and political scientists who engage with these distinctions are few, and the ones most relevant are discussed below. The important secondary literature for my research is that which explores the relationship between the creation of national communities and civic identity. A number of studies approach the evolution of citizenship in a way similar to that of nationalism: as a product of deep political processes, as the rejection of other statuses, and as a result of homogeneous narratives promoted by elites to gain consensus.⁷⁷

A historiographical shift occurred in the late 1990s toward broader analyses of the formation of popular Palestinian identity owing to the popularity of social and oral histories and ‘histories from below.’ Of course, the history of the identity of popular classes had not been completely ignored in publications before the mid-1990s but subaltern studies scholarship is not generally applied in reference to the Middle East. Some monographs mention civic and political identity formation in the context of village councils and

⁷⁵ The full citation is: Adnan Musallam, *Folded Pages from local Palestinian history in the 20th century: Developments in politics, society, press and thought in Bethlehem in the British era, 1917-1948*, Bethlehem: WIAM Conflict Resolution Center, 2002 (Arabic and English).

⁷⁶ Justin McCarthy, *Population History of the Middle East and the Balkans* (Istanbul: Isis Press, 2002), 297.

⁷⁷ These arguments come from *Gender and Nation* (London: Sage Publications, 1997) by Nira Yuval-Davis, which is not completely oriented to the development of the Western European nation and devotes considerable space to the use of citizenship by populist, radical leaders as a call for general political mobilisation; Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion and Nationalism* (Cambridge: University Press, 1997); Miller, *Citizenship and National Identity*.

provincial decentralisation.⁷⁸ Historians such as Ted Swedenburg, Musa Budeiri and Joel Beinin highlighted the counter-agency of certain actors in Palestine including peasants, workers and communists. The essays in *Rethinking Arab Nationalism in the Middle East* contributed to the shift toward popular identity politics and a history from below. The critical research of Rashid Khalidi, Zachary Lockman and James Gelvin confronts the accepted meaning of nationalism in Palestine.⁷⁹ Namely, the focus on nationalism as a discourse guided by the moderate national movement only has been sidelined in favour of the agency of the subaltern classes.

Ottoman Palestine has also been revisited by historians, most recently in a monograph by Michelle Campos that approaches the making of Ottoman citizenship through social and political reforms and development.⁸⁰ Campos pays close attention to popular notions of

⁷⁸ These include the early chapters of anthropologist Rosemary Sayigh's *Palestinians: From Peasants to Revolutionaries* (London: Zed Books, 1979); Ann Mosely-Lesch, *The Politics of Palestinian Arab Nationalism* (Ithaca: Cornell Press, 1974); *Arab Politics in Palestine, 1917-1939: The Frustration of a Nationalist Movement* (1979); Yehoshua Porath, *The Emergence of the Palestinian-Arab National Movement 1918-1929*, (London: Frank Cass, 1974) and *The Palestinian Arab Nationalist Movement 1929-39: From Riots to Rebellion* (1977); Joel Migdal's *Palestinian Society and Politics* (New York: Macmillan, 1980); Muslih, *The Origins of Palestinian Nationalism*; Ylana Miller, *Government and Society in Rural Palestine, 1920-1948* (Austin: University of Texas Press, 1985). For a new perspective on identification of the Arab Christian community see Noah Haiduc-Dale, *Arab Christians in British Mandate Palestine: Communalism and Nationalism, 1917-1948* (Edinburgh: University Press, 2013).

⁷⁹ Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997); and James Gelvin, *Divided Loyalties*; Zachary Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906-1948* (Berkeley: University of California Press, 1996); Joel Beinin, *Workers and Peasants in the Middle East* (Cambridge: Cambridge University Press, 2001); *The Nation and Its "New" Women: The Palestinian Women's Movement 1920-1948* (Berkeley: University of California Press, 2003) by Ellen Fleischmann; Musa Budeiri, *The Palestine Communist Party, 1919-1948: Arab and Jew in the Struggle for Internationalism* (London: Ithaca Press, 1979). Several newer theses, articles, and works on memoirs by scholars that have given more space to the subject of identity and modernity in Palestine under the mandate deserve mention: Rena Barakat, "Thawrat al-Buraq in British Mandate Palestine: Jerusalem, Mass Mobilization and Colonial Politics, 1928-1930," (PhD diss., University of Chicago, 2008); Mutaz Qafisheh, "Genesis of Citizenship in Palestine and Israel: Palestinian Nationality during the Period 1917-1925," *Journal of the History of International Law* 11 (2009) 1-36; Salim Tamari, *Mandate Jerusalem in the Memoirs of Wasif Jawahariyyeh*. Institute for Palestine Studies, 2007; Michelle Campos, "A 'Shared Homeland' and its Boundaries: empire, citizenship, and the origins of sectarianism in late Ottoman Palestine," (PhD diss., Stanford University, 2003); Laila Parsons, "Soldiering for Arab Nationalism: Fawzi al-Qawuqji in Palestine," *Journal for Palestine Studies* 36 (April 2007): 33-48.

⁸⁰ Campos, *Ottoman Brothers*; Yuval Ben-Bassat, *Late Ottoman Palestine: The Period of Young Turk Rule* (London: I.B. Tauris, 2011); Abigail Jacobson, *From Empire to Empire: Jerusalem between Ottoman and British Rule* (Syracuse: University Press, 2011); A.W. Said Kayyali, *Palestine: A Modern History* (London: I.B. Tauris, 1978); *Palestine in the Late Ottoman Period* (Leiden: E.J. Brill, 1986) edited by David Kushner; Scholch's *Palestine in Transformation*; Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700-1900* (Berkeley: University of California Press, 1995); Hasan Kayali,

subjecthood and citizenship prior to 1914. Other recent monographs on the mandate that explain popular mobilisation through discourses of identity that deserve mention include Swedenburg's *Memories of Revolt: The 1936-1939 Rebellion and the Palestinian National Past* and Weldon C. Matthews' *Confronting an Empire, Constructing a Nation: Arab Nationalists and Popular Politics in Mandate Palestine*.⁸¹ Swedenburg broke new ground using oral history to re-orient the Palestine Revolt through a narrative of political mobilisation privileging memories of peasants and rebels. The approach reflects the transition in society toward a national and *civic* identity as it charts changes in attitudes among representative groups in Palestine in the years under study. The same type of study remains to be done on the preceding decades of the mandate. Matthews' work is the most up-to-date study on the dissemination of civic and national identity through a grassroots political approach used primarily by Palestine's pan-Arab *Istiqlal* Party. He uses newspaper sources along with records of the *Istiqlalists* and national and civic organisations. The research contributes significantly to our understanding of the growth of a pan-Arab national identity in the early 1930s but again, citizenship is not mentioned.

Zeina Ghandour's *A Discourse on Domination in Mandate Palestine* 'unwrites' the history of the mandate and particularly the revolt through the use of oral history and British sources in order to convey the viewpoint of ordinary Palestinians and colonial administrators.⁸² Ghandour, unlike most historians of Palestine, explicitly engages with subaltern studies as a means to critique other work on mandate Palestine that privileges elite and middle-class narratives. In light of these studies, the current thesis seeks to engage the history of the subaltern citizen further in order to get at the core meanings, notions and expressions of citizenship and nationality as they were shaped by the Arab subaltern, the middle-class local leaders, the emigrants and the British colonial project in Palestine in association with the Jewish national home policy.

Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918 (Berkeley: University of California Press, 1997).

⁸¹ Ted Swedenburg, *Memories of Revolt: The 1936-1939 Rebellion and the Palestinian National Past* (Fayetteville: University of Arkansas Press, 2003); Matthews, *Confronting an Empire*.

⁸² Zeina Ghandour, *A Discourse on Domination in Mandate Palestine: Imperialism, property and insurgency* (London: Routledge, 2010).

Primary sources

An entire chapter can be written on the subject of the primary sources used in this thesis. The archives for the Palestine Mandate are at the same time rich and limited and therefore highly problematic. To be sure, these archives housed in the United Kingdom are easily accessible and consulted frequently by scholars. On the topic of citizenship, the Colonial Office, Foreign Office, and many other departmental files have quite a story to tell. Certain sources are easy to find and consult, while others are either easy to find and impossible to access, or impossible to find in the first place. What follows will illustrate the primary material that supports this thesis with a brief note on the politicization of the mandate's archives.

The official debates and legislative record for the mandate administration and League of Nations are primarily located in the Public Records Office (PRO) in Kew, London. Other major British resources for the mandate can be found in the British Library, Rhodes House Library in Oxford and the Middle East Centre archives at St. Anthony's College in Oxford. These documents, mainly in English, include legislative orders-in-council, regulations, laws, the official gazette of the administration, minutes of League of Nations meetings, policy papers and commission reports, petitions from the civil population of Palestine, and correspondence in the form of letters, decrees, memorandum and notes between the Colonial Office, Foreign Office, the Secretary of State for the Colonies, the Egyptian Consulate, the India Office, the League's Permanent Mandate Commission, and administrations in Iraq, Syria and Lebanon.

Since the British dealt with the League of Nations through the Foreign Office and Cabinet Office, documents on the League, the mandate for Palestine, and peace treaties are in the following series: FO 371, 374, 608, 893 and general correspondence in FO 369, 372, 395, 411; treaty arrangements, in which nationality played a major role, in Cabinet Office series 24, 27, 29. Since the Colonial Office actually administered the mandate, relevant holdings, including documents of the Secretary of State for the Colonies, are included mainly in CO 733 and 793 among other more specific files.⁸³ In St. Anthony's are stored personal

⁸³ They include CO 967/2, CO 377, 742, 765, 793, 794, 814, 821

collections, such as an archive on the Palestinian police force and the Philby Collection on the Mandates Committee. Additionally, Herbert Samuel's papers are housed in the parliamentary archives in London.

The archives in the Arab world are essential for my research and for any research on the mandate period, but they remained unused for many decades after the mandate ended. Due to the lack of a central Palestinian archive and intentional destruction of many mandate documents, sources are scattered widely.⁸⁴ Both personal and institutional archives and can primarily be found in the Palestinian West Bank, Israel (including East Jerusalem) and Beirut.⁸⁵ For my own work on Arabic sources I was able to access a number of archives in the West Bank which were particularly helpful. First of all, the university libraries of Birzeit and Bethlehem contain mandate-era newspapers (*Filastīn* and *al-Difā'* at Birzeit). The Institute for Palestine Studies and the Palestine-American Research Center in Ramallah were indispensable for their holdings of published memoirs of Palestinian national leaders and general Arabic histories on social and political developments in mandate Palestine. Where possible I have used memoirs and personal papers of active, self-professed nationalists. They have provided an understanding of society in mandate Palestine and the terminology used in relation to the status of the population.⁸⁶

I used two main archives in West Jerusalem extensively. The first is the Israel State Archives (ISA). The archive contains thousands of pages of documents from the mandate's British records as well as 'lost Arab Executive property,' the latter being useful to fill in the gaps for those missing records in Britain. The Executive document files include records from the Ottoman census and *nefus* population registers, *waqf* papers, the British Colonial Office and Chief Secretary, profiles of Palestinian leaders and social groups, minutes of Arab

⁸⁴ Archives were destroyed by the Israel forces during various times since 1948 including the 1982 invasion of Beirut and wholesale looting and destruction of the PLO Research Center.

⁸⁵ Roger Heacock, professor of history at Birzeit University and head of the university's archive project, has written about the subject of suspicion by Palestinians and associations for projects to combine their archives in a centralised database for researchers. See Roger Heacock and Caroline Mall-Dibiasi, "Liberating the Phantom Elephant: The Digitalization of Oral Archives," Birzeit University Working Paper No. 2011/8 (2011). However, for a different view on archiving and accessing Palestinian history, including the definition of an archive in the Palestinian context of family papers, see Beshara Doumani, "Archiving Palestine and the Palestinians: The Patrimony of Ihsan Nimr," *Jerusalem Quarterly* 36 (Winter 2009): 3-12.

⁸⁶ For example, this includes the memoirs of Izzat Darwaza, Akram Zu'aytir, Wasif Jawhariyyeh, and Khalil Sakakini.

Executive meetings and conferences, and petitions from civil society. They are a mix of English and Arabic and the Arabic petitions were most useful.

The second Israeli archive that I used for much of my research was the Hebrew University's Jewish National Library in Jerusalem. This library holds the most extensive, accessible collection of Palestinian periodicals on microfilm and in bound volumes. The press records form a major part of my primary source list, and the Palestinian discourse on citizenship, nationality, civil rights, and the plight of emigrants left without citizenship, comes from the press. The library holds not only the main weeklies and dailies from Jerusalem and Jaffa but crucially for my work, the smaller and shorter-run periodicals from places like Gaza or Tulkarm.⁸⁷

I was also able to use the Institute for Palestine Studies Library in Beirut, where I found not only memoirs and personal papers but also collections of Arabic documents from the Palestinian nationalist and anti-Zionist movement during the mandate, compiled by Palestinian intellectuals. These documents included letters of protest dating from 1917, strike and boycott decisions, and full proceedings of nationalist conferences, delegations and speeches. They are invaluable to constructing the Palestinian perception on the national movement.⁸⁸

In recent years the number of new publications based on rich primary source material held in libraries and personal collections have grown. They offer complex, nuanced and fascinating mixtures of stories about the Palestine Mandate, the mandate's place in the colonial, international and transnational contexts, and the agency of historical actors whose voices have previously remained silent. Indeed, nationalism continues to be a topic that draws the interest of students of the modern Middle East but it need not be a concept portrayed narrowly. It is hoped that what follows will offer an entirely new contribution to the field of Palestine studies and to the history of particular spaces of negotiation which shaped the historical narrative of the Palestinian Arab citizens. Finally, the thesis offers a

⁸⁷ The newspapers include *Filastīn*, *al-Difā'*, *Mir'at al-Sharq*, *Sawt al-Sha'b*, *al-Jamiyya al-Arabiyya*, *al-Jamiyya al-Islamiyya*, *al-Ittihad al-Arabī* and *Sawt al-Haqq*.

⁸⁸ Most notably, 'Abd al-Wahhab al-Kayyali, *Wathā'iq al-Muqāwama al-Filastīniyya al-'Arabiyya did al-Ihtilāl al-Britānī wa al-Zioniyya*, 1918-1939 [Documents of the Palestinian Arab Resistance against the British and Zionist Occupation] (Beirut: Institute for Palestine Studies, 1967); *Wathā'iq al-Haraka al-Wataniyya al-Filastīniyya min Awrāq Akram Zu'aytir*, 1918-1939 [Documents of the Palestinian National Movement from the Papers of Akram Zu'aytir] (Beirut: Institute of Palestine Studies, 1979).

methodological and theoretical framework through which the mandate and the Arab colonial citizen can be represented as active agents of global interwar connections, discourses and practices of citizenship.

Chapter Two

Inventing the National and the Citizen: The British Legislative Context, 1918-1925

“That terminology [between citizenship and nationality] marks the difference which exists in Oriental countries between allegiance to a State, which is citizenship, and membership of a nationality within a State, which is a matter of race and religion. Arabs and Jews in Palestine claim respectively to have Arab and Jewish nationality, but they are equally Palestinian citizens.”

(Norman Bentwich, Palestine’s first Attorney-General)

“Palestine is a land of marvels and this new regulation [of provisional nationality] is one of them.”

(Abdulkader al-Muzaffer, Oct. 1922)

Introduction

The cornerstone of mandate policy, as has been shown in numerous studies, was to facilitate the creation of a Jewish national home in Palestine as embodied in the mandate’s inclusion of the Balfour Declaration. This policy influenced the legislation proposed by British colonial officials and the mandate administration in London and Jerusalem between 1918 and 1925, and it was reflected in the intricacies of Palestinian nationality and citizenship legislation. In order for the successful establishment of a national home, the British favoured arrangements that allowed Jewish immigrants to easily acquire Palestinian citizenship upon their arrival to the territory. At the same time, Great Britain was keen to ensure the legislation in their mandates remained in line with new, post-war international regulations. As the mandatory in Palestine, Great Britain undeniably acted more as an imperial power than as a trustee, and the colonial nature of its rule is evidenced by the ways in which the mandate’s civil administration created and implemented legislation in cooperation with the British Colonial and Foreign Offices, the British government and the Zionist Organisation.

This chapter demonstrates how debates on nationality, both in general and as specific to Palestine, prior to the 1922 ratification of the mandate actually framed the mandate charter.

These debates further influenced the shape of the Palestinian nationality legislation introduced between 1922 and 1925. The general implications and issues that came to light from discussions, debates and questions between government departments in London and with the League of Nations, the Zionist Organisation and the Palestine Administration were defined largely by international treaties and British colonial policies. Equally important is that after 1918, the British Empire began to contract and citizenship, nationality and subjecthood lost their former meanings in both the metropole and the imperial possessions. These changes are reflected in the muddled nature of belonging in Palestine as envisioned by mandate and colonial authorities and policy-makers.

The chapter argues that the main outcome was the separation—first codified in the mandate’s 1922 Order-in-Council—of a Jewish-Palestinian nationality from an Arab-Palestinian nationality. Finally, this chapter investigates the immediate impact upon the Jewish immigrants and the native inhabitants of the subsequent 1925 Palestine Citizenship Order-in-Council as a citizenship order rather than a nationality law. The debates over the creation of Palestinian citizenship were not confined to the Colonial and Foreign Offices and to the Palestine Administration, but were framed more broadly by ambiguity and measures of uncertainty over nationality and citizenship based on Britain’s experience with imperial subjecthood, national status and imperial consular protection.

Immediately after the end of the First World War, British officials in Palestine grappled with the contradiction between fulfilling both the obligations of the proposed Palestine Mandate and those of the Balfour Declaration. Although officials found points of comparison with colonial administrations elsewhere in the Middle East and India, the post-war rhetoric of national self-determination that inspired the awards of the mandates ran against imperial practice. Yet in Palestine, a colonial style of administration became necessary to uphold the Balfour Declaration and to prepare the population for independence. Although as enshrined in the Declaration the mandate could not prejudice the civil and religious rights of the Arab majority, Great Britain could not offer Jews and Arabs an equal, rights-based citizenship. Administrators feared that giving rights to the Arabs to vote or sanction the enactment of legislation would hinder their obligations towards the Zionist movement. Therefore, citizenship had to be framed as a legal status devoid of accompanying

political or civil rights, and the ultimate power to give or take away such a status rested with the British high commissioners in Palestine.

As noted in Chapter One, the British institutionalised a dual administrative structure which offered Arab and Jewish individuals separate and unequal civil, political and social rights.¹ The foundations of this structure can be traced back to the period between 1918 and 1925 when the British made every attempt to exclude the demands of the Palestinian Arab leadership in matters of political rights from the official discourse on nationality and citizenship. In the early 1920s as the British codified nationality provisions, Arabs were treated differently from Jewish ‘provisional’ citizens in the practical matters of travel, passports, diplomatic protection and voting regulations.

Great Britain, Palestine and the League of Nations: questions of nationality, 1919-1922

The military administration in Palestine, lasting from December 1917 to mid-1920 and known as Occupied Enemy Territory Administration South (OETA), decided in 1918 to keep the status quo of Ottoman laws until bureaucratic measures could be undertaken upon the arrival of the first High Commissioner Herbert Samuel in July 1920. During these two years, and for quite some time after, the most pressing issue was that of sovereignty in the territory that was to become the Palestine Mandate. The basic structures of the League of Nations were not yet fully formed when the Paris Peace Conference of 1919 decided the future status of the Ottoman Empire’s Arab provinces of Syria and Mesopotamia. The uncertainty of the early post-war years in the Levant affected the status of the inhabitants of Palestine and one of the most pressing issues linked to sovereignty proved to be the dissolution of Ottoman nationality.

In particular, this section explores the basic questions faced by the British on the sovereignty of Palestine as they related to nationality prior to the ratification of the Palestine Mandate in 1922. This uncertainty played a role in the official conceptualisation of the nationality of the inhabitants of Palestine. Initially, the colonial experts in Britain who supervised the establishment of the mandate system did not place much emphasis on the

¹ Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab-Jewish Conflict 1917-1929*, Second Edition (Oxford: Basil Blackwell, 1991), 109.

necessity to formulate new provisions to clarify sovereignty and nationality in each mandate. These officials concerned themselves more with the international validation of Great Britain's position as mandatory power in Palestine.² Individual colonial administrators in Palestine, delegates to the League and Zionist leaders all held different opinions as to the implementation of certain legislation under the mandate. Primary sources from governmental departments in Palestine and London (namely the Colonial and Foreign Offices) and correspondence with international bodies such as the League and the Permanent Mandates Commission (PMC) are used to reconstruct the history of the varied debates centring on the status of Palestine and its inhabitants after 1918.

From the beginning of the military administration in Palestine, the Colonial Office and the Foreign Office diverged on policy and only reluctantly worked together. Historians such as Aaron Klieman argue that the two departments had fundamental differences of orientations and priorities for Palestine which emerged out of the post-war tensions over their shared responsibilities for British interests in the Arab mandates. The Colonial Office (and its Middle East Department, established in 1921) was responsible for the administration of the mandates while the Foreign Office was responsible for conducting their relations with independent states.³ The India Office, Air Ministry, Home Office, Dominions Office and other departments also claimed some measure of responsibility for Palestine or its foreign relations.

After the appointment of Samuel in 1920 to replace the military governor, the departments in London guided the activities of Palestine's civil administration through the newly-established high commissioner's office once the latter passed 'on-the-ground' information to policy makers in the British capital. The government formed directives and issued decrees which were sent to Jerusalem for implementation. Throughout this process, divergences in opinions became clear: in 1921, Winston Churchill noted that ninety-percent of the British officials in Palestine, at that time closely aligned with the Foreign Office, opposed the Zionist policy of the local British administration headed by Samuel.⁴ Although

² Wm. Roger Louis, "The United Kingdom and the Beginning of the Mandates System, 1919-1922," *International Organization* 23 (Winter 1969): 74-75.

³ Aaron Klieman, "The Divisiveness of Palestine: Foreign Office versus Colonial Office on the Issue of Partition, 1937," *The Historical Journal* 22 (June 1979): 423-424.

⁴ Roger Louis, "The United Kingdom and the Beginning of the Mandates System," 91.

the Colonial Office was concerned with Arab public opinion specifically to maintain political stability and public security, the Foreign Office was by contrast aware of the importance of Palestine for the wider Arab and Muslim world and felt more sympathetic toward the general Arab opposition to Zionist policy.⁵

As the process of drafting the mandate charters began in 1919, Great Britain recognised the need to work with the League of Nations to administer the territories, but the relationship was often tense because Great Britain had claimed since 1918 to be the sovereign power in Palestine. In 1919, Lord Robert Cecil, head of the British delegation to the League and president of the League of Nations Union (LNU) stated his opposition to any League interference with future administrative decisions made by mandate governments. At the same time, British statesmen played the main role in writing the proposals for the three classes into which mandates came to be divided. Class A territories included the former Ottoman Empire's Arab provinces, whose inhabitants required some administrative assistance and advice before sovereignty. In the case of Palestine, differences of opinion over these specific preparations for independence surfaced between colonial officials in London, members of the civil administration and Zionist leaders. Disputes in 1920 over which Allied power would take the Arab mandates postponed the actual implementation of the mandate system.⁶ By then, the terms of the mandates were well-known from the highly-publicised Article 22 of the Covenant of the League of Nations.

Between 1919 and 1922, although colonial officials delegated power to other members of the PMC to help formulate the framework of each future British-administered mandate, Britain greatly influenced the ultimate acceptance or refusal of mandate charters. For example, the director of the Mandate Section, Switzerland's William Rappard, supervised the day-to-day running of the PMC and collected data on the proposed mandates. His colleague Sir Frederick Lugard served as Britain's first representative on the commission, despite a lack of diplomatic or political experience (he had been a former governor-general in colonial Nigeria). Internally, in the battle between the Colonial and Foreign Offices over the supervision of the mandates, Lugard argued that the mandates fell within the realm of

⁵ Klieman, "The Divisiveness of Palestine," 425-426.

⁶ Roger Louis, 93. Class B and C mandates were for "lesser civilized" former German colonies in Africa and the Pacific.

colonial rather than foreign policy. In order to pre-empt further disagreement, in 1921 control of the civil administration of Palestine was transferred from the Foreign Office to the Colonial Office.⁷

By the end of January 1920, the British delegation to the League had a general understanding of the structure of the mandates but no consensus existed as to how they would work in practice, especially as to provisions of nationality.⁸ The mandatories were nominated at the San Remo conference in April but the situation in Anatolia and the refusal of the Turkish nationalists to endorse a peace treaty further complicated the practical implementation of the Arab mandates and a change in the national status of their inhabitants. Regardless, British Prime Minister Lloyd George and French Prime Minister Georges Clemenceau decided to grant the Palestine Mandate to Great Britain, as one of the fourteen mandates divided between six countries. The decision came despite strong Arab objections as clearly evident from the conclusions of the King-Crane Commission's report.⁹ At the same time, the Arab leaders voiced their opposition to Article 22 of the League Covenant because it did not clarify how each mandate could be abrogated.¹⁰ The official preamble of the Palestine Mandate charter had twenty-eight articles and included the provisions of the Balfour Declaration. In contradiction with the Covenant which stated that advice and assistance to the mandate administration could come from the mandatory, the mandate charter gave the Zionist Organisation privilege to assist the mandate administration.

It must be stressed that the territories of the former Ottoman Empire remained nominally part of that empire until the conclusion of a peace treaty with the forces of Mustafa Kemal and the new Republic of Turkey in 1923. Kemal did not accept the first peace treaty, the 1920 Treaty of Sèvres and therefore he remained symbolically at war *as the Ottoman Empire* with the Allied Powers. The Treaty of Sèvres' importance to the current discussion can be related to its provisions for the enforcement of nationality in Palestine and in all of the

⁷ Ibid., 70, 72-75.

⁸ Callahan, *Mandates and Empire*, 34-35. The Allies drafted policies that gave the League stronger powers such as complete supervision over the mandates, the right of their inhabitants to appeal to the League, and the establishment of a mandate commission which was to receive annual reports on each mandate.

⁹ *King-Crane Report on the Near East*. The commission consisted of two Americans sent to greater Syria to survey the inhabitants of the former Ottoman provinces as to their opinions on the mandate system and their preferences for a mandatory power. The two men visited both urban and rural areas and received numerous petitions and delegations by Arab leaders.

¹⁰ Callahan, *Mandates and Empire*, 193-194.

Ottoman Empire's former territories. The treaty sanctioned the League's consensus on state succession: Ottoman nationality would effectively cease to exist and the new administrations that took the place of the Empire would be responsible for the creation and regulation of nationality. However, without Turkey's approval of the treaty, the inhabitants of the mandated territories remained *Ottoman* nationals. They included not only Arabs but also ethnic Kurds, Turkomen, Circassians, Armenians, and Eastern European Jewish immigrants.

As the Allied powers considered questions of nationality in the international, post-war context, the British placed the population of Palestine into categories and accorded different treatment to them. Until the later ratification of the Treaty of Lausanne in 1923, the civil administration dealt with two different 'nationality' groups: the native inhabitants, Arab or otherwise, who had all been Ottoman subjects, and the immigrant Jews who arrived after 1914. During the later decades of Ottoman rule, immigrant Jews from Europe who resided in the Empire came under the protection of European consuls. In contrast, Jews who came from the other Arab lands including North Africa usually took Ottoman nationality.¹¹ Some groups of Mizrahi Jews (such as merchants and especially Baghdadi Jews) acquired British-protected status in the nineteenth and twentieth centuries.¹²

Prior to 1923, the Euro-centric Zionist Organisation led by Chaim Weizmann lent a great amount of influence into the initially nebulous discussions of nationality which affected the Jewish inhabitants of Palestine, the separation of 'national' groups in the territory, and the framework of the mandate. Indeed, the mandate charter allowed only for the Zionist movement, rather than the Arab leadership, to offer assistance and advice to the British administration. Due to the Balfour Declaration's obligations and the increased Jewish immigration after the war, the British confronted the unique question of how to create a legal and political framework of nationality and citizenship to satisfy the conditions in Palestine. The answer offered by the administration and the Zionist Organisation shaped both the mandate charter and nationality legislation. Weizmann, after seeing the earliest draft mandate charter in 1919, proposed to the Secretary of State for the Colonies that Palestine's inhabitants must have full freedom of religion as part of the 'civil rights' of citizenship.'

¹¹ Matthias B. Lehmann, "Rethinking Sephardi Identity: Jews and Other Jews in Ottoman Palestine," *Jewish Social Studies* 15 (Fall 2008): 93.

¹² Sarah Abrevaya Stein, "Protected Persons? The Baghdadi Jewish Diaspora, the British State, and the Persistence of Empire," *The American Historical Review* 116 (Feb. 2011): 85.

However, the proposal gave no definition for civil rights. Weizmann's close friend Baron Rothschild added his own commentary to the proposal. He suggested that Jews should receive preferential treatment with a separate citizenship in order to satisfy the Zionist leaders of British sincerity for the national home policy. Rothschild elaborated further by suggesting that the Jews of Palestine should also be given the status of full British subjects. The British noted the potential difficulties of such a measure: Arab demands for the same status as British subjects and widespread opposition to the mandate, a mass emigration from Palestine of Jews who had full British protection, and the impossibility of maintaining a suitable mandate with such a provision.¹³

While British officials and the League worked on drafts of the mandate, it became clear that departments within the government needed clarification as to the application of Palestinian nationality since colonial precedents could not be used in their entirety. The discussions framed what later became Article 7 of the mandate. The article required the administration to enact a nationality law specifically for Jewish immigrants. Colonial legislators focused their attention on the means through which they could provide these immigrants with a national status. Initially, the drafts stated that immigrants who took up residence in Palestine within two years of the ratification of the mandate would lose their existing nationality and automatically become Palestinian citizens.¹⁴ Until that time however, Zionist leaders requested that the Foreign Office offer consular protection to Palestine's Jewish immigrant population. These discussions framed Article 12 of the mandate charter, which entitled all citizens to British protection when outside of Palestine.¹⁵

The debates and discussions highlighted above—whether between British administrators in the Colonial and Foreign Offices, officials in London and Jerusalem or members of the Zionist Organisation—informed the practical application of the mandate charter between 1919 and its ratification in 1922. From the beginning of Herbert Samuel's civil

¹³ 'Future Constitution of Palestine Zionist Proposals with Secretary of State's Amendments,' 27 Feb. 1919, FO 608/98/8. This proposal was essentially a constitution for Palestine, or a draft mandate, written by the Zionist Organisation in late 1918 in anticipation of the Versailles Conference. The proposal was not discussed at the conference since the Allies did not make a decision on the Ottoman Empire's territories. This draft was reviewed then by the Foreign Office and commented upon in April 1919.

¹⁴ 'An ordinance to regulate the acquisition of the status of Palestinian subjects,' Feb. 1921, Norman Bentwich papers, GB 165-0025/2/69-71.

¹⁵ 'Zionist Proposal for the future of Palestine with Secretary of State amendments,' 20 March 1919, FO 371/2/10.

administration in 1920, the local British government visualized two separate national communities in Palestine. The abrogation of the Treaty of Sèvres by Mustafa Kemal forced the administration to recognise Jewish immigrants as provisional nationals but reinforced the status of the majority Arab natives as former Ottoman subjects who were accorded different treatment from that of the immigrants. Great Britain's various categories of colonial subjecthood also influenced the different treatment of the Jewish immigrants. The Palestine Mandate charter stated in Article 7 that the mandatory was to enact a law for the *acquisition* of Palestinian nationality by Jewish immigrants but crucially did not define nationality or citizenship and it made no mention of the Arab population. Arguments over whether Great Britain could offer consular protection to immigrants and natives further complicated matters. Members of the administration failed to come to a unified and definitive opinion on the international status of the Palestinian population despite intense discussions. A number of variables forced administrators to delay the completion of a nationality law to regulate citizenship and these reasons are placed into context below.

Norman Bentwich and discourses of nationality, citizenship and imperial protection in the early 1920s

The mandate administration did not take swift action to affirm the legal status of the native Palestinian population and the Jewish immigrants in large part because colonial officials debated the intricacies of the status of Palestine as a territory within the British Empire prior to the ratification of the mandate in 1922. Neither the League of Nations nor the mandate charter stated whether authority in Palestine came from the League, the British Crown, the Parliament or some other international body. The League did not make clear the procedures through which the British could administer the mandated territories, which meant that between 1920 and 1923 the civil administration headed by High Commissioner Herbert Samuel hesitated to pass legislation. The question of sovereignty remained largely unsolved through Samuel's term of office although the British flew the Union Jack in their mandated territories with the belief that they, rather than the League, were the sovereigns.¹⁶

¹⁶ Roger Louis, 74-5.

One issue that the government in London and Samuel's administration spent a great deal of time to agree upon was the status of the Palestinian natives. In particular, officials disagreed on whether to treat them as British-protected persons, Ottoman subjects, foreigners, or as members of an altogether new legal category. As was the nature of the empire at the point, the officials who served in London and those who had experience in the colonies and protectorates each had their own clear understandings of nationality, citizenship and subjecthood in the context of British imperial policy. These understandings were situated at a unique juncture in the history of empire, and thus were subject to change with the changes to British and international legal realities. As part of these transformations within and outside of the British Empire, officials wondered how other states would treat residents of an international mandate when they left the mandate territory. One of the first concerns faced by the administration after the demise of the Ottoman Empire was the cancellation of protection and capitulations granted by the British government to some of the empire's Jewish and Christian residents, and the effect this had on the Jews in Palestine. As a result, the Foreign Office failed to come to an agreement with the Colonial and Home Offices as to whether all inhabitants came under British protection or if Great Britain could instead grant Jewish immigrants the status of imperial subjects.¹⁷ The task of defining the new legal status of Palestinian citizenship, as well as offering advice on other matters of nationality, fell to Norman Bentwich, the administration's first attorney-general and an expert on colonial legislation.

Norman Bentwich was appointed the attorney-general of Palestine in 1920 after service as a barrister in England and a post in the Egyptian ministry of justice prior to the First World War. Nationality legislation was one of his most important creations in Palestine during a tenure that lasted until 1931. In shaping legislation, he worked closely with Samuel and firmly supported the facilitation of a Jewish national home. Shortly after his appointment, Bentwich expressed the hope that the majority of foreigners in Palestine, the Jewish immigrants, could automatically receive Palestinian citizenship. At that time, Jewish arrivals

¹⁷ Stein, "Protected Persons?," 87-90. British-protected persons and British subjects were accorded the same treatment until the 1934 British Protected Persons Order, a uniform regulation that marked the difference between the two statuses. The order defined a protected person as an individual without any other nationality but who belonged to British protectorates, trust or mandated territories with the exception of Palestine and Transjordan.

to Palestine were treated differently dependent on the country of origin of the newcomers. When they made applications for provisional certificates of nationality some lost the nationality of their birth country but others were able to keep their original nationality when they acquired provisional Palestinian nationality.

The Foreign Office helped guide Bentwich in arranging for consular facilities to be offered to provisional nationals as part of the office's overall management of the international relations of the Palestine Administration. In line with Bentwich, Foreign Office legal advisor H.W. Malkin felt it important that Jews who settled in Palestine became full citizens, with the right to take part in political and other activities. To ensure this, he advised Bentwich during the early days of the draft legislation process that it would be undesirable to allow foreign Jews who resided in Palestine to be entitled to the protection of their own country. At the time, Malkin doubted that most immigrants would take the necessary steps to naturalise in order to lose their original nationality. He suggested that Palestinian citizenship be automatically given to them, and warned that if this was not to be the case Britain "shall have the spectacle of the Jewish National Home containing quantities of Jews who are not citizens."¹⁸

Bentwich assisted the Foreign Office on the drafting of regulations for dual nationality, the revocation of nationality and naturalisation under the mandate. These regulations needed to conform to British standards and especially to the 1914 British Nationality and Status of Aliens Act and the 1919 Aliens Restriction (Amendment) Act. Meanwhile, the immigrants' entrances were coordinated with the Zionist Organisation. Bentwich turned to the Treaty of Sèvres as a guide to ensure the compatibility of the Palestinian nationality law with international regulations. However, the latter regulations could not be implemented as long as the Turkish nationalist forces refused to sign the treaty, as noted above. Thus, the Arab inhabitants of the former Ottoman Empire remained Ottoman nationals while Bentwich worked on the law.

Diplomatic and consular protection were further complicated by the classification of Palestine by the League as an A mandate. While Great Britain provided consular protection to inhabitants of its B and C mandates, the administration of the A mandates, *not* the home

¹⁸ Foreign Office minute, 16 Mar. 1921, GB 165-0025/2/85-86.

government of the mandatory power, was obliged to offer such protection. The disagreements over how Great Britain could regulate protection for Palestine's inhabitants—whom were then neither British subjects nor Palestinian citizens—meant that both Arabs and Jewish immigrants had an ambiguous international and national status.

The on-the-ground effect of the differences of opinion over the international status of Palestinians in the early 1920s is illustrated in the following example taken from Foreign Office correspondence dealing with Palestinian Arab residents of Egypt before 1922. The Foreign Office classified Palestinian Arabs and Palestinian Jews who resided in Egypt separately based on their 'race' and 'culture.' British Foreign Secretary Curzon, a man with an extensive background in colonial administration, presented his concerns to High Commissioner Samuel as they related to consular protections and capitulatory privileges for Palestinian Arabs and Jews in Egypt and in other British protectorates. In Samuel's opinion, the Palestinian Arabs lost the protection of the Ottoman Empire and therefore in their travels abroad Great Britain assumed the responsibility to provide consular protection.¹⁹ He also assumed that the Palestinians would benefit from capitulatory privileges whilst in another territory under British administration.

The frame of reference for Samuel and Curzon was the former system of capitulations between Britain and certain nationals of the Ottoman Empire and Egypt. British-protected persons had a special status under the protectorate in Egypt. Whilst Ottoman nationals in Egypt had been subject to Native Courts in matters of law, British-protected persons and British subjects were offered favourable treatment in courts of law, such as trial in the Mixed Courts by British or French judges, and favourable tax duties. After the inhabitants of Palestine became subject to the regulations of the civil administration in 1920, Curzon asked Samuel for advice on whether to continue to treat certain individuals from Palestine as Ottoman nationals or as British-protected persons in Egypt or in other British imperial possessions.²⁰ The Foreign Office and the mandatory power realised that if the Palestinian Arabs received British protection they could be tried in Mixed Courts. At the very least,

¹⁹ 'H. Samuel to Curzon, High Commission of Egypt correspondence paper no. 337,' 7 Oct. 1920, FO 141/495/1.

²⁰ The Mixed Courts heard commercial and civil cases of non-Ottoman subjects, using French law codes. This can be seen as a type of capitulation granted to Europeans in the Ottoman Empire. The Native Courts tried civil cases on the basis of Ottoman law.

such a practice would affirm their international status as British-protected persons (without a separate Palestinian nationality) and at most it would indicate the Palestinians were akin to British colonial subjects.

The correspondence reveals the telling attitude of the Foreign Office on the matter: Curzon argued that the British in Egypt should attempt to grant privileges only to select Palestinian individuals.²¹ These “select individuals” specifically referred to the “better-educated” Palestinian Arabs and Jews in Egypt. In a letter to Samuel, Curzon stated that the Egyptian administration assumed the Levantine Arabs to be “on a lower plane of civilisation than the average Egyptian.”²² The correspondence highlights the practical separation between Jewish and Arab Palestinians who traveled or resided outside of the mandate territory. Educated Jews and a select few Arab Christians qualified for special treatment such as trial in British courts outside of Palestine. Their international statuses then, mirrored that of British colonial subjects.

The debates over consular protection diverged into related issues including new questions that referred to passports and visas for Arab and Jewish residents of Palestine. Before the implementation of the mandate, a uniform passport system for the Palestinians did not exist and travelers used Ottoman passports. After the end of the war, British consulates treated Palestinians in a number of ways: as ‘former alien enemies,’ foreigners or protected persons when they traveled outside of Palestine. The debate over the proper treatment of Palestinian Arabs and Jews in Egypt underscores the confusion that stemmed from the classification of Arabs as former Ottomans and of Jewish immigrants as provisional Palestinian nationals. In one particular instance in 1920, immigration officials in Jerusalem treated a Palestinian holding a British passport and a valid Ottoman passport as a ‘former alien enemy.’²³ Because Ottoman passports became invalidated after 1918, British consular officials were unable to endorse them for travel to and from Palestine. Neither the Foreign Office nor the Palestine Administration appealed to the League for advice but instead, in contravention of the future mandate charter, the Foreign Office in 1920 advised consular officers not to recognise any claims to British protection by Arabs who lived abroad. In practice however,

²¹ ‘H. Samuel to Curzon, High Commission of Egypt correspondence paper no. 337,’ 1 Nov. 1920, FO 141/495/1.

²² Ibid.

²³ ‘Passports for Jews and Arabs of Palestinian or Syrian Origin,’ 5 July 1920, CO 323/831/19.

the Foreign Office provided emergency certificates for Arabs and Jews that entitled them to receive one-way Palestinian visas or *laissez-passer* in order to travel.

As part of the development of separate ‘national statuses,’ in August 1920 the Foreign Office published the details of the two categories devised for the Arab and Jewish population of Palestine. The first category included those people born in Palestine who possessed Ottoman nationality but whom were not habitual residents. Ottoman nationals (by birth or descent) who lived abroad but wanted Palestinian nationality could either obtain their nationality by exhibiting their Ottoman passport or other identity documents as proof of paternal descent from an Ottoman subject.²⁴ The second category featured non-Ottoman residents who wished to adopt Palestinian nationality, and this group consisted mainly of Jewish immigrants. The Zionist Organisation issued certificates to Jews going to Palestine in order for the mandate administration’s immigration officials to grant them a *laissez-passer*.²⁵ To receive a *laissez-passer*, individuals in both categories needed to reassure the authorities that they would opt for Palestinian nationality as soon as a law passed to that effect and conditional on their permanent residence in the mandate territory. The measure also ensured that travelers did not use their status as provisional Palestinian nationals only to obtain British consular protection. At this point, the Foreign Office and Bentwich expressed the belief that Palestinian natives, whether Arab or Jewish, could not have changed their allegiance as Ottoman nationals prior to the ratification of a peace treaty with the Empire.²⁶ By the time of the 1923 formal assumption of the mandate by Great Britain, a nationality law had not been promulgated and the concerns of the Foreign and Colonial Offices and Bentwich and Samuel regarding the national status of Arabs as opposed to Jewish immigrants remained unresolved.

Mandate legislation, 1921-1922

As the League of Nations and the Allied Powers argued over the conditions necessary for the implementation of the mandate system between 1920 and mid-1922, the administration

²⁴ As discussed prior, the Ottoman Nationality Law of 1869 granted nationality by both provisions of *jus sanguinis* and *jus soli*.

²⁵ Foreign Office Circular, 31 December 1920, CO 323/831/81.

²⁶ ‘Passports for Arabs of Palestinians or Syrian Origin,’ 7 July 1920, CO 323/831/338.

in Palestine and the government in London worked on several other pieces of legislation in anticipation of the formal award of the mandate over Palestine. The legislation was also meant to clarify a number of the questions discussed above, including those that concerned the international status of the territory and its inhabitants, faced by Norman Bentwich. The legislation included a nationality law, an electoral law and an organic law (or constitution). The following section contextualises the challenges the mandate administration faced in drafting and implementing legislation intended to regulate Palestinian nationality in the early 1920s.

Nationality and citizenship, and the rights associated with both were connected with the enactment of an organic law and the establishment of a partially-elected legislative council. As early as 1921, High Commissioner Samuel expressed hope for the rapid formation of a legislative council and the enactment of a constitution. The administration in Palestine and the government in London debated the framework and function of such a council but decided that an electoral law could not be passed before the ratification of the mandate by the League. However, the administration felt it necessary to issue an order-in-council to regulate Palestinian nationality in order to compile electoral registers. The administration depended on such registers in order to classify inhabitants as citizens entitled to vote, but it first faced the task of defining the parameters of nationality.

The British government, which was ultimately in charge of approving major legislation for Palestine, outlined three options: the first was to pass a nationality order-in-council; the second was to issue an electoral order-in-council so that an elected legislative council could discuss a nationality law and constitution; and the third was to pass a temporary nationality order-in-council before an elected assembly could work to finalise provisions to regulate nationality. High Commissioner Samuel favoured the first option as he had promised early municipal elections to the Arab leadership.²⁷ The mandatory government did not opt for any of the three options before the League approved the Mandate for Palestine on 24 June 1922 but instead completed orders-in-council for a constitution and legislative council. Consultation with the League or the Arab leadership over the specifics of the legislation was unnecessary as the mandate text allowed the mandatory full power of legislation and

²⁷ 'Palestinian Nationality,' Aug. 1921, CO 733/14/117.

administration.

Following the ratification of the mandate in July 1922, His Majesty's Government approved the Palestine Order-in-Council as an organic law. Enacted on 10 August 1922, it outlined the functions of the mandate government and provided for the composition of the legislative council of appointed British officials and elected representatives from each religious community. The text of the 1922 Order-in-Council defined a foreigner as any national or subject of Europe, America or Japan, whereas natives from a British mandated territory or any area under direct British rule, Ottoman subjects, or any person who lost his Ottoman subject status were not considered foreigners in Palestine. Crucially, the order defined the Palestinian citizen for the purpose of enfranchising inhabitants for the legislative council. Those considered citizens included 'Turkish subjects' (meaning Ottoman) habitually resident in Palestine and all other inhabitants who did not possess 'Turkish nationality' but were habitually resident in Palestine (Jewish immigrants) provided they applied for provisional citizenship within two months.²⁸ Jewish immigrants did not need to renounce their birth nationality to be enfranchised since the 1922 Legislative Election Order-in-Council, passed in conjunction with the organic law, did not actually confer any nationality.²⁹

The electoral order-in-council provided Jewish immigrants with provisional nationality while the mandatory kept the Ottoman Nationality Law of 1869 as the basis for the provisional nationality of the Arabs. The order-in-council stipulated that the right to vote, the first political right linked with nationality, would be on the basis of communal identity—an important concept to British rule in Palestine. The proposed elected legislative body limited the power of Arab representatives to pass laws because the nominated British and Jewish members would outnumber them and the high commissioner (with two votes) could veto or change any legislation.³⁰

The use of communal and religious divisions as the basis of the new voting system did not reflect the realities that secular Ottoman nationality had created on the ground in the Arab

²⁸ 'The Palestine Order-in-Council,' 10 Aug. 1922 and 'the Palestine Legislative Election Order,' 10 Aug. 1922, URL: <http://unispal.un.org/>, accessed 20 April 2010.

²⁹ 'Status of applicants for Palestinian citizenship under the Electoral Order-in-Council, Home Office paper,' 25 Sept. 1922, CO 733/32/32.

³⁰ 'Municipal Government memo from Edward Keith-Roach to Herbert Samuel,' 14 Feb. 1921, CO 733/1/7.

provinces since the mid-nineteenth century. The mandate administration instated a notion that rights, duties and the status of Palestine's inhabitants came from their belonging to a religious community.³¹ Some mandate officials, such as Edward Keith-Roach, suggested that proportional representation was a better option. Other officials deemed his suggestion too complicated and argued that the Arabs lacked knowledge of self-government due to high illiteracy rates.³² The order-in-council implemented a system of secondary electors in electoral colleges and in each district community leaders determined the number of secondary voters for the legislative council's elections. These voters formed electoral colleges divided by religion and a fixed number of 'provisional' citizens could stand for election from each religious community.

The correspondence between government offices, the Palestine Administration and the Zionist Organisation and the resulting legislation in 1922 shaped the idea of a Palestinian citizen without consultation with the League or the leadership of the Arab population. The citizen that emerged through early legislation was on the whole a colonial one. He was a British-protected person with an ambiguous status outside of the mandated territory. The codification of two distinct categories of nationals in 1922 would be reproduced in the subsequent nationality law.

The draft 'nationality' order: definitions, concepts and the status of Palestine, 1922-1924

In order to properly trace the legislative development of Palestinian nationality soon before and after the issue of the 1922 Order-in-Council, historians must rely on records of the Colonial, Foreign, Home, Dominions and India Offices, as well as records from Parliamentary debates, Trade and Treasury Offices, the Crown Agents and the Law Officers. The drafts of the nationality order were also influenced by officials in Egypt, the French administration in Syria and the Zionist Organisation. This section covers the period from

³¹ Fruma Zachs and Basilius Bawardi, "Ottomanism and Syrian Patriotism in Salim al-Bustani's Thought," in *Ottoman Reform and Muslim Regeneration: Studies in Honour of Butrus Abu-Manneh*, eds. Itzhak Weismann and Fruma Zachs (London: I.B. Tauris, 2005), 111.

³² 'Municipal Government memo from Edward Keith-Roach to Herbert Samuel,' 14 Feb. 1921, CO 733/1/7.

1922 through 1924 and has several purposes. It traces the various debates and ideas that influenced the drafts of nationality legislation and highlights different definitions and concepts. Additionally, the section demonstrates how the regulations set out by the post-war peace treaties dictated new provisions for nationality that the British government had to incorporate into their imperial legislation. This section further depicts the struggle (first mentioned earlier in the chapter) between London and Palestine to reach a consensus on the meaning of nationality and citizenship, especially as the two terms became linked within Great Britain itself as the realities of the nation-state as the new, primary political formation took hold.

As mentioned above, due to the refusal by Mustafa Kemal and the Turkish nationalists to endorse the Treaty of Sèvres, its provisions were instead incorporated in the Treaty of Lausanne which was signed by the Turkish Republic in 1923. Both peace treaties stipulated that nationality orders needed to be passed in each mandate within twelve months from the date of endorsement by Turkey. In Palestine, Attorney-General Bentwich constantly updated the draft of a nationality law in order to adapt it to the conditions stipulated by the peace treaty. He submitted its first draft to the Foreign Office in February 1921.³³

In 1920, Bentwich initially modeled the nationality draft on international provisions regarding Palestine in the Treaty of Sèvres. Article 129 of the treaty directly benefited the Zionist ambitions in Palestine. The article allowed for the *ipso facto* acquisition of Palestinian nationality for all non-Ottoman Jewish residents of Palestine who had resided in that territory for two years on the date of the treaty ratification. This automatic acquisition of nationality meant that Jewish residents could keep their birth nationality. Bentwich argued in 1920 that although political difficulties would arise in Palestine if the article remained in the treaty or if it was used in the nationality law, it could not be eliminated. He was well aware that not all Jews resident in Palestine would want to automatically receive Palestinian nationality. He predicted protests against the article and suggested an amendment for the Lausanne Treaty that allowed the non-Ottoman Jews of Palestine the option to receive citizenship and renounce their former nationality.³⁴ The Zionist Organisation seconded this

³³ C. Luella Gettys, "The Effect of Changes of Sovereignty on Nationality," *The American Journal of International Law* 21 (April 1927): 269.

³⁴ Memo, Herbert Samuel to Secretary of State for the Colonies, 17 July 1921, GB 165-0025/2/54-55.

proposed amendment and the Treaty of Lausanne did indeed exclude the text of Sèvres' Article 129.

Some Zionist leaders also disagreed with Bentwich's amendment on the grounds that Jewish residents would be forced to give up their birth nationality upon receipt of Palestinian citizenship. Both the Joint Foreign Committee of the Jewish Board of Deputies, headed by the British statesman Lucien Wolf, and the Anglo-Jewish Association termed their disagreement "a very grave objection."³⁵ The Colonial Office took up this objection and suggested that Jewish immigrants could also declare their desire not to become citizens and that the mandate administration could authorise them to remain in Palestine. This suggestion allowed for British and American Jews who might wish to stay in Palestine and help establish the national home to keep their own nationality.³⁶ The Foreign Office agreed and even suggested that non-habitually resident Jews who wished to help build the national home should have the option to acquire Palestinian citizenship "to take their full part in [the Jewish national home's] political life instead of remaining foreigners." British and Zionist leaders came to a consensus with Bentwich that Palestinian citizenship should not be enforced on Jews either resident or non-resident but should be made an option just as people resident in other territories detached from Turkey opted for their new nationalities in accordance with international regulations.³⁷

Article 125 of the Sèvres Treaty particularly affected Palestine. The article stated that only those individuals who belonged to racial minorities in their new post-war states could opt for the nationality of other territories composed of the racial majority they desired to join. In his position as Colonial Secretary, Winston Churchill advocated that Palestine be included as one of the territories listed as compliant with this article. The inclusion of Palestine among such territories exclusively benefited the Jewish national home plan: it meant that Arabs of Syria or Iraq could *not* opt for Palestinian nationality since they belonged to the racial majority in their own country. Although Arabs in places like Armenia could opt for

³⁵ Memo, Lucien Wolf to Colonial Office, 13 May 1921, GB 15-0025/2/91.

³⁶ Colonial Office annex, 16 Mar. 1921, GB 165-0025/2/88-89.

³⁷ Memo, Launcelot Oliphant to Foreign Office, 21 May 1921, GB 15-0025/2/96.

Palestinian nationality, the British administrators felt this would be unlikely and “would not probably make a serious difference to the balance of the population [in Palestine].”³⁸

In light of disagreements by Zionist leaders and pro-Zionist British statesmen with certain articles in the Sèvres Treaty, Bentwich attempted to shape Palestine’s nationality regulations in order to be more favourable to the Jewish national home policy. The Palestine Administration realised that it was not possible to exempt any special class of Jews from the nationality provisions of the peace treaty. However, Bentwich could insert articles into the nationality law in Palestine to give the mandate government discretion in how it regulated the nationality of Jewish immigrants, as long as the articles did not contravene the treaty.³⁹ The Home Office initially suggested what would become the most important of these nationality provisions, that *jus sanguinis* should be limited so that nationality did not pass indefinitely through native-born Palestinian fathers to future generations resident outside of Palestine. Contrary to the Sèvres treaty, the Home Office recommended that citizenship should pass only to the first generation born outside of Palestine.⁴⁰ Officials felt that this limitation should be made clear in the legislation but Bentwich ultimately chose not to explicitly mention it in the final draft of the citizenship law despite its inclusion in that law.⁴¹

Colonial officials and Bentwich never quite resolved the issue of terminology in the early draft nationality ordinance. The early drafts adopted the terms ‘Palestinian subject’ and ‘Palestinian nationality’ to indicate the international status of Palestinians under the mandate. The Sèvres and Lausanne treaties used ‘citizen’ with the same meaning. In a memo to the Foreign Office in February 1921, High Commissioner Samuel argued that ‘nationality’ was the better term to use since it indicated belonging to a nation-state. On the other hand, the Foreign Office noted that the phrase ‘Palestinian citizen’ should be used and argued that the term ‘citizen’ was used to denote a national of a state whose constitution was not monarchical.⁴² ‘Subject’ seemed unfitting for the Palestinians because it incorrectly indicated the inhabitants were the subjects of the British Crown.

³⁸ Memo, Herbert Samuel to Secretary of State for the Colonies, 17 July 1921, GB 165-0025/2/54-55.

³⁹ Memo, R.H. Campbell to Foreign Office memo, 27 May 1921, GB 165-0025/2/97.

⁴⁰ ‘Draft Palestinian Nationality Order,’ 7 June 1921, CO 733/12/13-14. See also, *Report by HMG to the Council of the League of Nations on the Administration of Palestine and Transjordan*, 1925 (London: HMSO, 1926).

⁴¹ Memo, John Pedder to Home Office, 7 June 1921, GB 165-0025/2/60.

⁴² ‘Palestinian Nationality Draft Ordinance, Samuel to Curzon,’ 9 Feb. 1921, CO 733/9/391.

The Foreign and Colonial Offices disagreed on other important practicalities in the law and their disagreements lengthened the process of drafting nationality legislation. One important disagreement concerned the link between habitual residence in Palestine and eligibility for nationality. The policy of support for the Jewish national home influenced naturalisation and residency arrangements. For his part, Bentwich advocated a favourable treatment for Jewish immigrants in the process of naturalisation compared with immigrants to other British-administered territories. By providing for the two-year residency provision Home Secretary Edward Shortt wrote to Bentwich that such “very special provision” would modify Great Britain’s ordinary requirements of residence for the purpose of naturalisation.⁴³ In their communication with Bentwich, Zionist leaders stressed that all Jews resident in Palestine could become “Palestinian subjects” but crucially asked that the nationality law allow Jews usually resident in other countries the right to hold dual nationality. Yet the Organisation declared that they would oppose the latter policy if it meant that Arabs would also be entitled the right to dual nationality.⁴⁴ Owing to their influence, the final legislation met the demands of the Zionist leaders.

On the other hand, the Foreign Office adamantly opposed granting nationality to native Palestinian Arab emigrants who lived even temporarily abroad if any chance existed that applicants would use their status to claim British protection. The office had maintained this position since the first years of the civil administration, a position which contravened British nationality laws.⁴⁵ In the final months of 1922 in the midst of the above-mentioned debates, the Palestine Administration and HMG began to receive petitions from Palestinian Arabs stranded in Latin America, Haiti and Cuba. British consuls had not received definite instructions on Palestinian nationality or the dissolution of Ottoman nationality and the qualifications for grants of *laissez-passeurs* and provisional certificates of nationality were not uniformly recognised by consular representatives. British consuls sometimes refused to issue passports or visas to Palestinian Arabs (many who claimed Ottoman nationality) wishing to return to Palestine or to travel on business. These travelers were often forced to remain in one country for extended periods although a number applied to French consuls in

⁴³ Memo, John Pedder to Home Office, 7 June 1921, GB 165-0025/2/62.

⁴⁴ ‘Zionist attitude on the draft Palestinian Nationality Order,’ 7 June 1921, CO 733/12/12.

⁴⁵ ‘Foreign Office Minute on Draft Ordinance,’ 9 Feb. 1921, CO 733/9/406.

bids to obtain Syrian passports or visas to enter mandate Syria.⁴⁶

The international recognition of Palestinian nationality (alongside Turkish, Syrian, Lebanese, Iraqi, Egyptian and other nationalities) came as a result of the application of the Treaty of Lausanne between Turkey and the Allied Powers in September 1924 (a year after it had been signed in July 1923). Its regulations for state succession forced the Palestine Administration and the British government to rush the completion of the Palestine nationality law in order to regulate the relationship between the population and the mandatory power.

Throughout 1923, officials were keenly aware of the debates among delegates to the League over the national status of inhabitants of mandated territories. Members of the Permanent Mandates Committee (PMC) grappled with the concept of mandate nationality and the Allied Powers' perceptions of citizenship. For example, one British delegate insisted that a mandate power could *not* grant a status other than its own national status to inhabitants. In other words, the delegate claimed that Britain did not have the power to create a new nationality.⁴⁷ Other delegates agreed, noting that "native inhabitants should not be led to think they were not under the protection of the Mandatory Power." This posed the danger that "natives, or those who incited them" would be more difficult to control if they thought their nationality was separate from the nationality of the mandatory. A French delegate added that the nationality of the mandate power could not be offered to certain populations because of the differences in the natives' "state of civilization."⁴⁸

The same themes were mentioned in the debates that took place within the British government in regard to Palestine prior to the signing of the 1923 Lausanne Treaty. The Foreign Office wrote to the Home Office that Palestine did "not bear the slightest resemblances to an independent state" and its citizens had no such status as belonging to one. Foreign Office leaders declared that Palestinian inhabitants had a local national status in Palestine but internationally were British-protected persons which they deemed to be an important position.⁴⁹ The Home Office, responsible for naturalisation, agreed and stated that

⁴⁶ Examples of this can be found in letters from 1922 contained in the file CO 733/27.

⁴⁷ Minutes of the 24th session of the Council, Geneva, 17-23 Apr. 1923, League of Nations Official Journal, 4th Yr No. 6 (June 1923), 567-568.

⁴⁸ *Ibid.*, 568-570.

⁴⁹ 'Endorsement of Provisional Certificates,' 8 May 1923, CO 733/55/487-491.

Palestinian nationality was a “creation” that gave Palestine a definite status whilst it remained a state under external British protection.⁵⁰

In a general sense, the debates over the national status of Palestine clearly influenced future legislation, including the nationality law. Most notably, if Palestine were a protected state (let alone a foreign country), the King had no jurisdiction over it, yet the King had already ratified the 1922 Palestine Order-in-Council. Even Bentwich, the most senior legal scholar in Palestine, was confused as to the nature of British power in Palestine.⁵¹ In late 1923, the Colonial Office argued that the phrase “the Government of Palestine” was not just a title but rather “the instrument by which HMG is exercising his authority under the Mandate” even if Palestine did not fall into any existing Dominion, Protectorate or British-protected State category. In that case, nationality legislation, like the orders-in-council, could be drafted by various departments and by the Palestine Administration, but it could only be ratified by order of the King. By early 1924, the Colonial Office and Law Officers concluded that the population was under a type of unique British protection.⁵² Despite the opinion of departments in Great Britain, the League of Nations did not consider Palestine to be a protectorate of Great Britain.⁵³ The issue remained unsolved.

To return to the use of terminology, Bentwich and other colonial officials decided only in May 1925 to change the title of the nationality legislation from a Nationality Law to the Palestine Citizenship Order-in-Council. One month before the order’s ratification, the term ‘nationality’ was crossed out and replaced with ‘citizenship’ throughout the text.⁵⁴ A short article written fifteen years later by Bentwich offered an explanation for the use of each term. Bentwich noted that citizen and citizenship replaced national and nationality in the final text of the order because of the “Oriental” difference of the terminology. In Oriental countries, he maintained, citizenship marked the allegiance to a state whereas nationality was a matter of race and religion. Both Arabs and Jews were equally Palestinian citizens, wrote

⁵⁰ ‘Draft Palestinian nationality,’ 19 November 1923, CO 733/56/490-497. The Home Office cited two other “curious” cases of Tonga and Zanzibar.

⁵¹ ‘Palestine Constitution,’ Aug. 1921, CO 733/14/170.

⁵² ‘British naturalisation for persons employed under the Palestine Government,’ Home Office memo, Nov. 1923, CO 733/56/490-497.

⁵³ ‘Extension of Imperial Preference to Palestine,’ Jan. 1924, CO 733/63/31-32. See also ‘Palestinian Nationality Letter from the Institute of Civil Engineers to the Palestine Government,’ 20 Nov. 1924, CO 733/84/331.

⁵⁴ ‘Palestinian Nationality Order-in-Council draft,’ 8 July 1924, CO 733/80/599.

Bentwich, but they both claimed to have separate Arab or Jewish nationality.⁵⁵ After the ratification of the Treaty of Lausanne, the provisions of nationality were first applied to Palestine, but citizenship remained a debatable term and status. This again demonstrates the messy definitions of both terms proposed within Great Britain during the 1920s as the empire disintegrated and as policy-makers began to fuse citizenship and nationality to mark belonging in what would become the political formation of nation-state.

Implementing citizenship legislation in Palestine, 1923-1925

In December 1923, High Commissioner Samuel recommended that the administration adopt into law the framework for conferring nationality stipulated in the 1922 Legislative Election Order. It must be remembered that the order codified separate provisions through which Jewish immigrants, as opposed to former Ottoman subjects, could acquire Palestinian nationality. Samuel had postponed municipal elections until the adoption of these provisions in a nationality law so the “right of voting” could be exercised by all inhabitants with the “definite and incontestable right to Palestinian citizenship.”⁵⁶ In the interim before the completion of the nationality law, members of the Foreign Office argued against the terms of provisional nationality listed in the Legislative Election Order-in-Council. They stated that a class of “undesirable people” such as communists, prostitutes and fugitives could remain in Palestine as habitual residents who received provisional nationality through the order. These individuals would then acquire citizenship without a waiting period once the proper legislation was ratified.⁵⁷ Since the short residency requirement for citizenship was meant to favour Jewish immigrants only, it led to intense debates that further delayed the final draft of the law.⁵⁸

One of the mandate’s chief administrators, Edward Keith-Roach, opined that the two years’ residency requirement for naturalisation would be abused by immigrants who wanted

⁵⁵ Norman Bentwich, “Palestine Nationality and the Mandate,” *Journal of Comparative Legislation and International Law* 21, Third Series (1939): 231.

⁵⁶ Memo from Herbert Samuel, ‘Provisions in the Palestine Legislative Council Election Order-in-Council,’ 26 Dec. 1923, CO 733/52/451-453.

⁵⁷ ‘Fees for certificates of Palestinian nationality and laissez-passers,’ 24 Aug. 1923, FO 371/38.

⁵⁸ ‘Observations on the Order-in-Council revisions,’ 12 May 1924, CO 733/68/313-320. The Zionist protests against the revisions are included in this file.

British protection and not Palestinian nationality. He gave examples of residency requirements in Great Britain, the United States, Switzerland, Belgium, France and Italy, and all required at least five years. He maintained that the Jews in Palestine, with their two-year residency qualification, would have been greatly advantaged, and pointed out the Arabs would give a “tremendous howl” that a Jewish individual from Europe could become a citizen of Palestine in two years. The Treaty of Lausanne prevented Arabs who resided in Arab-majority countries from choosing Palestinian nationality.⁵⁹

However, in 1923 the immediate repercussion of the Treaty of Lausanne in Palestine was that the Arab inhabitants were no longer treated as former Ottoman subjects. Still, the treaty required native inhabitants to be resident in Palestine on the date that it came into force and to possess proof of their Ottoman nationality in order to become subject to the laws and regulations of the Palestine Administration.⁶⁰ Those former Ottoman nationals who lived abroad upon the date of ratification in July 1924 were obliged to first declare their willingness to become nationals of their new states within two years and then to return to those states to reside. By 1924, the circulated draft of the Palestine nationality law conformed to Lausanne’s regulations. It stipulated that native-born Arabs who resided abroad on the date of the enactment of the law (not the treaty) had to return to Palestine in order to be considered permanent residents able to opt for citizenship.⁶¹ By the end of 1924, the Colonial Office noted that because of the Jewish policy in Palestine (termed “a set of unparalleled circumstances in the history of the world”) the draft order required further administrative tweaks. These were completed one year after the implementation of the Lausanne Treaty.

Five years after the advent of the civil administration, HMG approved the Palestine Citizenship Order-in-Council and its provisions officially came into force on 1 August 1925. This was the only citizenship order the British government enacted in any of its mandate territories. In Iraq and Transjordan, the mandate power placed local Arab authorities in charge of nationality legislation. In Britain’s African mandates, inhabitants remained

⁵⁹ ‘Nationality Order-in-Council,’ Oct. 1924, CO 733/271-273.

⁶⁰ “*Al-ra’iyyā al-uthmāniyyun āsbahu filastīniyyīn*” [Ottoman subjects become Palestinians], *Al-Huquq Scientific and Education Journal*, Vol. II (Aug. 1925). By virtue of the treaty the former Ottoman nationals, the largest national group in Palestine, would be able to opt for Turkish nationality.

⁶¹ ‘Nationality Order-in-Council,’ 1924, CO 733/75/271.

British-protected persons.⁶² The provisions of the citizenship order-in-council concerning naturalisation and the paternal transmission of nationality were drawn from the British Nationality and Status of Aliens Act of 1914. Article 1 of the order, which mirrored Article 30 of the Lausanne Treaty, declared all “Turkish subjects” habitually resident in Palestine on 1 August 1924 (the date Lausanne came into force) to automatically become Palestinian citizens on 1 August 1925. Turkish subjects referred to all Ottoman nationals as defined by the Ottoman Nationality Law of 1869. This article did not account for individuals who had been given provisional nationality under the 1922 Legislative Election Order, most of whom were Jewish immigrants. It also did not take into consideration Ottoman subjects who lived abroad on 1 August 1924. In total, the number of Ottoman nationals resident in Palestine on the date of the order who became Palestinian citizens was nearly 730,000.⁶³ A subsequent article addressed the immigrants as the non-Ottoman residents who received provisional Palestinian nationality through the 1922 electoral order and automatically became Palestinian citizens under the 1925 order-in-council regulations.

The order addressed natives of Palestine who lived outside the territory. According to Article 2, individuals over eighteen years of age born in Palestine and with Ottoman nationality who had habitual residence abroad on 1 August 1925 could opt for citizenship “subject to the consent of the Government of Palestine” in accordance with the regulation they have been in Palestine for six months prior to opting and on the condition that they had not acquired a foreign nationality. This option had to be done within two years from the date of the order, by 31 July 1927.⁶⁴ Despite British attempts to keep its citizenship order in line with Lausanne, the discussions within the departments in London and Palestine led to the codification of different terminologies. These differences were to the detriment of the Palestinian Arabs.

The difference in wording of Article 2 of the citizenship order from its sister Article 34 in the treaty denied citizenship to those individuals residing abroad. Article 34 of Lausanne used the phrase “native of” to reference former Ottomans whereas the order-in-council used “born in Palestine” in reference to the same individuals. The latter phrase was used due to

⁶² Qafisheh, *The International Law Foundations of Palestinian Nationality*, 75.

⁶³ *Ibid.*, 95.

⁶⁴ ‘Palestine Citizenship Order-in-Council,’ 30 January 1925, CO 733/88/383-398.

the recommendation from the Home Office that nationality by birth not be passed on indefinitely for former Ottoman subjects residing outside of Palestine.⁶⁵ This change meant certain descendants of native Palestinians were not to be *ipso facto* recognised as citizens. It also meant that the order did not conform with prior policy that gave *laissez-passers* to children born abroad to Palestinian parents. It contradicted international standards, British nationality law, and the 1869 Ottoman law, all of which supported the acquisition of *jus sanguinis* nationality.

The non-Ottoman applicants, mainly Jewish immigrants, who wished to be naturalised or had received provisional certificates of nationality dated prior to October 1922 were required to have been resident in Palestine since that date. They were obliged to surrender any passport or *laissez-passer* on receipt of citizenship documentation. It must be remembered that the surrender of a passport was a different process from the renunciation of birth-nationality. The order required applicants for naturalisation give a formal declaration that they would permanently reside in Palestine, to take an oath of allegiance to the government and to show proof of an ability to converse in English, Arabic or Hebrew. Naturalised citizens received a certificate of citizenship that entitled them to (unlisted) political rights and privileges and subjected them to obligations, duties and liabilities of a Palestinian citizen.⁶⁶

While the citizenship order arguably had positive implications for Jewish immigrants, it negatively affected the international status of Arab emigrants from Palestine. The former Ottoman nationals who lived outside of Palestine initially had two years to opt for citizenship in accordance with the Treaty of Lausanne. High Commissioner Samuel exercised sole power to amend the order—and he did so drastically before he left office. In November 1925, Samuel pushed forward the date for option of nationality for these non-habitual residents. Rather than give these individuals two years to choose Palestinian citizenship beginning 1 August 1925, the two year timeframe for option was put into effect retroactively, from 6 August 1924—the date the Treaty of Lausanne came into force. This change further brought the order in line with the Treaty of Lausanne’s Article 34.⁶⁷ The change affected Arabs, Jews and any other former Ottoman native of Palestine; however, Arab Christians and

⁶⁵ Qafisheh, *The International Law Foundations*, 97.

⁶⁶ ‘Palestine Citizenship Order-in-Council,’ 30 January 1925, CO 733/88/383-398.

⁶⁷ Qafisheh, *The International Law Foundations*, 96.

Muslims composed the majority of individuals who lived abroad. These natives, such as students or merchants who resided outside of Palestine in August 1924, had less than one year to opt for citizenship.

Without any *ipso facto* nationality, Palestinians resident abroad on 1 August 1924 lost Ottoman nationality with the Treaty of Lausanne and were unaccounted for once the Citizenship Order-in-Council came into effect in August 1925. The order's provisions barred these individuals from citizenship unless they returned to Palestine by 1 August 1926. Emigrants usually needed a valid provisional certificate of nationality or other proof to show that their father was an Ottoman subject, not only to opt for citizenship but to travel. Without this documentation, these individuals often could not travel to Palestine to comply with the six-month residency period before opting for citizenship. In places such as Latin America, Cuba and Haiti, Palestinian émigrés were hit particularly hard. They encountered difficulties to even receive a travel visa to Palestine to visit family. Moreover the order-in-council was not published broadly *outside* Palestine until at least November 1925.⁶⁸ In mid-1923, the Foreign Office reported that in the region south of Peru alone, up to six hundred Palestinians held a *laissez-passer* issued the British that identified them as Ottoman nationals.⁶⁹

Conclusion

The 1925 Citizenship Order-in-Council, once in effect, offered a local citizenship independent of British nationality for Palestinians under the mandate administration. When outside of Palestine, the mandate's provisions placed these citizens (but not necessarily natives) in the position of British-protected persons. In an odd twist, they were recognised as citizens of the Palestine Mandate but in the absence of mandatory consulates, these inhabitants came under the same type of protection as did British colonial subjects. Citizenship in this sense was not equal to full nationality as far as international law was concerned since Palestinians became British-protected persons when outside of the mandated

⁶⁸ As mentioned above, Palestinians abroad encountered these difficulties long before the order was passed and their record can be found in numerous memos in the British Colonial Office records and Palestine press. More instances can be found in Qafisheh's *The International Law Foundations of Palestinian Nationality*.

⁶⁹ 'Endorsement of Provisional Certificates,' June 1923, CO 733/55/545.

territory.⁷⁰ The postwar situation was unique in that the Treaty of Lausanne created new principles of nationality that related to state succession in the Ottoman lands. For the inhabitants of Palestine, the application of the latter principles turned nationals of territories detached from Turkey into nationals of the state to which the territory was transferred—an entirely new international regulation.

Even so, the 1925 Citizenship Order-in-Council did not grant Palestinian citizens the rights they agitated for *as citizens*: control over their own government, rights to their borders, educational affairs, public works, election laws, taxation and tithe rates and trade laws.⁷¹ The Permanent Mandates Commission reported in October 1925 that political agitation had diminished in Palestine and that the enactment of the Palestine Citizenship Order-in-Council “should do much to strengthen a sense of Palestinian nationality.”⁷² As will be seen, the Palestine Arab Executive leadership unanimously rejected the proposed legislative and advisory councils and the election law. They disagreed with the citizenship legislation on the basis that through these measures the government continued to neglect the natural civil and political rights of the Arab population. Although Great Britain defined how one could be granted Palestinian citizenship, the specific rights and protections given to citizens were subjects of disagreement. What was clear however was that the ultimate power to decide on the legal status of the Palestinians was claimed by the British government, the mandate administration and the leadership of the Zionist Organisation. These groups refused to accept any input from the Palestinian Arabs. Despite the frustration of the Arab leadership, the method and attitudes that shaped Palestinian nationality persisted after the ratification of the citizenship order, setting the standard for how future legislation on nationality and citizenship would be drafted and implemented.

⁷⁰ ‘Constitutional Position of Palestine,’ 20 Feb. 1925, CO 733/105/45.

⁷¹ ‘Local Government Interim Report,’ 11 July 1924, CO 733/71/230-286.

⁷² ‘Situation in Palestine,’ October 1925, CO 733/107/511.

Chapter Three

Nationality, Citizenship and Rights: Discourses and Practices from the Palestinian Perspective, 1918-1925

“Countries with their civil and other rights and privileges are the property of their inhabitants and constitute an heirloom of the nation.”

(Palestinian Arab Executive Committee President Musa Kazim Pasha al-Husayni, to British Colonial Secretary Winston Churchill, 1921)

Introduction

During the early years of the Palestine Mandate, as described in the previous chapter, British colonial and mandate officials together developed an apolitical citizenship for the territory's inhabitants. These officials did not recognise rights normally associated with membership in a modern nation-state, and mandate legislation disassociated Arab nationality (*jinsiyya*) from Palestinian citizenship (*muwātana*). Given the complexity of the Palestinian and international situations after 1918, the British administration established different qualifications for Palestinian nationality and citizenship between Jewish immigrants and Palestinian Arab natives. The ethno-religious determinant was reflective of the support for Jewish immigration and a Jewish national home in Palestine. Provisions of nationality reflected the dual administrative structure of the mandate whilst the Zionist Organisation influenced legislation on nationality and naturalisation as they affected Jewish immigrants. In response, the Palestinian Arab leadership demanded that native Arabs hold an equal status and an equal combination of citizenship rights with the Jewish immigrants. Even before the issue of the 1925 Citizenship Order-in-Council, the Arabs framed these demands to the British and the League of Nations in terms of natural, civil, political, social and national rights. The current chapter analyses the articulation of the ideas and practices associated with these rights from 1918 to 1925.

Beginning in 1918, Palestinian Arab leaders and associations presented letters to the British and the League of Nations that demanded the right to self-determination and the creation of an independent and democratically-elected parliament in Palestine. In the

aftermath of the war, not only were Arab leaders and politically-aware residents hopeful to gain autonomy and unity with Syria, they increasingly feared future Zionist immigration and land settlement. To a large extent, the furor over the threat of British and Zionist colonialism and the preparations of the Allies to assume administrative control of the Levant gave the Arab leaders and the middle-class a greater awareness of their own membership in an Arab political community which was specifically Palestinian. Still, the educated middle-class, aware of the genesis of civil and political rights in France and Great Britain, tended to assume that the British would offer equal citizenship rights to all inhabitants of Palestine.¹

From this early stage, these educated leaders, who identified ideologically as pan-Arab or Palestinian nationalists, articulated the clear contradiction between liberal citizenship as legislated in the context of a democracy and colonial citizenship enforced in Britain's overseas possessions.² They framed their demands as a quest for civil and political rights. I differentiate between the traditional, notable ('*ayan*) leadership and what I term the middle-class populist (*sha'bi*) leadership. The latter group supported unity with Syria in the early years of the British administration and emerged as an important political actor by the late 1920s. These populists used various symbols, slogans and arguments to represent their ideas of civic identity. They advocated for rights with a heavy emphasis on the notion of 'primordial' Arab nationality. It must be remembered that both leaderships came from the same elite, educated socio-economic group in Palestine. Their discourses were what characterised the differences in their discourses as grassroots or populist. This chapter analyses what Palestinian historiography has not yet uncovered: the ways in which the Palestinian Arab national movement developed and publicised its own notions of citizenship from 1918 to the initial reactions to the citizenship order in 1925.

It is necessary to first give a sense of the structure of Palestinian Arab society at the end of the war in order to draw out the differences between the British-supported traditional notable Arab leaders and the populist, often middle-class anti-mandate leadership. The chapter then offers an analysis of the meaning of Ottoman citizenship and Arab nationality in

¹ For more on this in the context of European nation-state building, see Stuart Hall and Bram Gieben, eds., *Formations of Modernity* (Cambridge: Open University, 1992), 96-97.

² Awad Halabi has recently depicted these Palestinian Arabs as at an intermediate stage in terms of their political community, as they maintained strong links with an Ottoman identity in the early 1920s. See Awad Halabi, "Liminal Loyalties: Ottomanism and Palestinian Responses to the Turkish War of Independence, 1919-1922," *Journal of Palestine Studies* 41 (Spring 2012):19-37.

Greater Syria (*Bilād al-Shām*) as each concept emerged within the political framework of the late nineteenth-century. Both the ideology and implementation of provisions of nationality during that period are connected to broader processes of political and social change, most notably the evolution of new power relationships and a fledgling civil society in Greater Syria. The ideology of Arab nationalism propagated by leading Arab intellectuals in Greater Syria in the second half of the nineteenth century appeared alongside the new Ottoman provisions of nationality. By the end of the First World War, Arab nationalism provided the ideological framework for the articulation of the political aim of national membership in a future nation-state. When the Allies proposed the imposition of the Palestine Mandate, a strong, secular and pan-Arab populist movement developed counter-political discussions and actions from those politics of the more traditional leadership based in Jerusalem. A middle-class stratum of writers, educators, lawyers, civil servants and students assumed leadership of this subaltern movement in Palestine.

The current chapter uses populism and populist politics as a frame of reference to understand how nationalist groups and individuals mobilised under the banner of ‘the nation’ or ‘the people’ to express their opposition to what they saw as the enemy, the mandate administration. They viewed the Zionist movement as the lesser problem and one that would be solved with the abrogation of the mandate. Whilst part of the new middle-class, the Palestinian Arab populist groups rarely endorsed the pro-British agenda of men such as Mufti of Palestine Mohammad Hajj Amin al-Husayni, members of the Jerusalem-based political factions of Husayni and Nashashibi family, or the members of the Supreme Muslim Council.³

Ottoman foundations of nationality and the discourse of ‘rights’

Histories on the development of the modern nation-state in the Arab world often posit the *Tanzimat* reforms introduced by the Ottoman Empire in the 1830s as the trigger for the

³ The factionalism of politics in Ottoman Jerusalem and mandate Palestine is linked to what Albert Hourani has defined as ‘the politics of notables.’ These ‘politics’ referred to the competition for jobs and favours by notable, elite and well-connected Arabs in the provinces of the Ottoman Empire, and the notables were far removed from popular politics or mass mobilisation when it occurred against the mandate. See Albert Hourani, “Ottoman Reform and the Politics of Notables,” in *Beginnings of Modernization in the Middle East: The Nineteenth Century*, ed. William R. Polk and Richard L. Chambers (Chicago: 1968), 41-68.

ideological formation of national identities. The history of the modernising reforms in the Empire's provinces is too complex to be analysed here. In what follows I will concentrate on the link between the reforms and the creation of an imperial citizenship. The Ottoman reformers who created this citizenship intended to give an equal, non-religiously defined status to all Ottoman subjects. Historians have discussed the *Tanzimat* from different perspectives, recently as a *mission civilisatrice* but the issue of Ottoman citizenship in the provinces has not been fully explored.⁴

The 1839 Noble Edict of the Rose Chamber, issued by Sultan Abdulmecid, is generally noted as the start of the reform period. As a first step, the edict stated the equality of all imperial subjects. The more specific Ottoman Citizenship Law issued in 1869 codified a definition of Ottoman citizenship (*tabiiyet-i Osmaniye kanunnamesi*) without reference to religion. Article 7 of the law stated that all subjects were to be Ottomans without religious distinction, and that this nationality could be gained (*jus soli* and *jus sanguinis*) or lost according to conditions in the law.⁵ As Karen Kern notes, this was a shift from subjecthood to citizenship and a unifying measure to cultivate the loyalty of all Ottomans to the central government.⁶ According to Kemal Karpat, the wording of the law attempted "to reconcile the Ottoman concept of nationality stemming from the *millet* [religious community] experience with the European idea of citizenship." The law supported a direct relationship between the individual and the state.⁷

The reforms triggered important changes in southern Syria. In 1830, just before the Egyptian invasion of Syria and Palestine, the Ottoman Porte had redrawn administrative districts (*sanjaks*) in order to better unify the territory. The *sanjaks* of Jerusalem, Nablus, and Acre all came under the control of the governor of Acre, an official appointed by

⁴ Recent works that move away from a rigid nationalist history include Campos, *Ottoman Brothers*; Selim Deringil, "'They Live in a State of Nomadism and Savagery': The Late Ottoman Empire and the Post-Colonial Debate," *Comparative Studies in Society and History* 45 (April 2003): 311-342; Ussama Makdisi, "Ottoman Orientalism," *The American Historical Review* (June 2002):768-796; Karen M. Kern, *Imperial Citizen: Marriage and Citizenship in the Ottoman Frontier Provinces of Iraq* (Syracuse: Syracuse University Press, 2011); Karen M. Kern, "Rethinking Ottoman Frontier Policies," *The Arab Studies Journal* 15 (Spring 2007): 8-29; Thompson, *Colonial Citizens*.

⁵ Nawaf A. Salam, "The Emergence of Citizenship in Islamdom," *Arab Law Quarterly* 12 (1997): 140.

⁶ Kern, "Rethinking Ottoman Frontier Policies," 8.

⁷ Kemal H. Karpat, *Studies on Ottoman Social and Political History: Selected Articles and Essays* (Boston: Brill, 2002), 640.

Istanbul.⁸ After the brief period of Egyptian control of Greater Syria, Ottoman power was restored in 1840 and the Empire started to implement administrative reforms. In 1841, Jerusalem became the administrative centre of southern Palestine. The Empire reorganised its *vilayets* (provinces) into larger units in the 1860s and introduced general provincial assemblies and administrative councils alongside appointed governors (*valis*). For the Ottomans, the importance of the new *vilayet* administration was that power could be centralised and the provinces administered through an appointed official directly controlled by Istanbul. The reorganisation of territory and the new elected provincial councils fostered the distinct notion of a separate ‘Syria.’⁹

The administrative changes were conducive to the development of ideas of territorial patriotism by Ottoman and Egyptian intellectuals. Egyptian writer Rifa‘a Badawi al-Tahtawi first used the word *watan* to refer to the fatherland or homeland (influenced by French ideas of *patrie*) as the focus of identity, belonging and duties.¹⁰ It is argued that the popularisation of the concept of *watan* as a signifier of patriotic identity laid the groundwork for the idea of citizenship. Citizenship became one of several grounds for membership in the changing Ottoman political community.¹¹

There is no better starting point to discuss the genesis of modern liberal discourses of nationality and citizenship than the writings of the Syrian scholar and educator Boutrus al-Bustani who wrote after the intercommunal clashes in Mount Lebanon and Damascus in 1860. Ussama Makdisi concludes that local debates, such as those started by al-Bustani, on the place of secular politics in the Empire as they unfolded in Syria after the clashes fostered modern concepts of citizenship.¹² This is particularly evident in a series of pamphlets written and distributed by al-Bustani in support of Ottoman nationalism and Syrian Arab

⁸ Scholch, *Palestine in Transformation*, 12.

⁹ Ibid., 12-14. See also a similar argument: Butrus Abu-Manneh, “The Christians Between Ottomanism and Syrian Nationalism: The Ideas of Butrus Al-Bustani,” *International Journal of Middle East Studies* 11 (May 1980).

¹⁰ Al-Tahtawi was influenced in part by French intellectuals and ideas during his time in Paris in the 1830s. Although he held *sharia* as the highest authority, his writings frequently use the terms for patriotism and homeland, *hubb al-watan* and *watan*. He wrote of duties of citizens toward their homeland and of rights of freedom for citizens. See Albert Hourani, *Arabic Thought in the Liberal Age 1798-1939* (Cambridge: University Press, 1983), 78-83.

¹¹ Salam, “The Emergence of Citizenship,” 141-2.

¹² Ussama Makdisi, “After 1860: Debating Religion, Reform, and Nationalism in the Ottoman Empire,” *International Journal of Middle East Studies* 34 (Nov. 2002): 601-617.

patriotism. Bustani urged his fellow patriots (*abna' al-watan*), primarily other Ottoman intellectuals, to actively work toward a secular citizenship that could be “developed, taught, and embraced simultaneously at an imperial and local level.” Importantly, he wrote that Syrians were bound together as one nationality (*jinsiyya*) within the larger Ottoman state. He stressed that all Syrian nationals as Ottoman citizens must “sacrifice for the nation” so that the Empire could protect the rights of its citizens.¹³ In his pamphlets al-Bustani referred to civil rights such as the freedoms of thought and speech.¹⁴

Representation and participatory government began with the introduction of administrative and provincial councils in the *Tanzimat* era. As discussed in Chapter One, citizenship rights develop in modern nation-states through the grant of civil rights, such as individual freedoms and land ownership, and of political rights such as the franchise and representative decision-making. Al-Bustani’s writings combined with Ottoman reforms are evidence that early ideas of active citizenship developed alongside structures of participatory government and civil rights as advocated by political reform. The Ottoman constitution, promulgated in 1876, listed the further rights of Ottoman nationals including a reaffirmation that all Ottomans had personal liberties and freedoms.¹⁵ At the time of the promulgation of the constitution, a pamphlet translated from French appeared in Istanbul. Titled *Le Droit des gens*, the tract popularised the idea of the ‘natural rights’ of men which included elected representative democracy. The appearance of the pamphlet is evidence of the spread of western European liberal thought on citizenship rights, natural rights and constitutional government in the Ottoman Empire.¹⁶ As a result of the French Revolution liberal ideas reached the Empire and the 1869 citizenship law was a clear reflection of the popularity enjoyed by liberalism in official circles. Michelle Campos notes that Ottoman nationality as enshrined in the 1869 law demanded patriotism and love of the homeland as part of a new territorial, political and social contract of rights and duties.¹⁷

¹³ Ibid., 605-608.

¹⁴ *Nafir Suriya* 4, 25 Oct. 1860, in *Al-Mu'allam Boutros al-Bustani: Dirāsa wa thā'iq* [The Teacher Boutros al-Bustani: A Study and Documents] (Beirut: Publications de la Revue Fikr, 1981), 121-122.

¹⁵ For the full text of the constitution see “The Ottoman Constitution, Promulgated 23 December 1876,” *The American Journal of International Law* 2, No. 4, Supplement: Official Documents (Oct. 1908): 367-387.

¹⁶ Salam, “The Emergence of Citizenship,” 144.

¹⁷ Campos, *Ottoman Brothers*, 68-81.

In the years before the First World War Arab intellectuals in the provinces of the Empire promoted the transition from passive to active imperial citizenship. The late Ottoman usage of citizenship, however, changed. Linguistically, the Ottoman and Arabic terms remained the same but existed alongside the dominant Arabic term for nationalism, *qawmiyya*. The Young Turk Revolution of 1908 ushered in changes to the meaning of citizenship, framed by the nation-building project of the second constitutional era. As Erol Ülker suggests, the policy of Turkification was meant to construct a national, Turkish core to the Empire and the Ottomanism that stemmed from the 1869 citizenship law and other reforms was reinterpreted in line with the ideology of a dominant Turkish nationality.¹⁸ Thus nationality came to be synthesized with *muwātana* in the Arabic context.

The use of *muwātana* to refer to a Turkish nationality conflicted with the development of *jinsiyya* in the Greater Syria, and its fusion with *qawmiyya*. In Syria, the new middle-class of merchants, shop keepers, lawyers, editors, writers, army officers and teachers began to see themselves as the vanguard of liberal values, modernity and Arab nationalism.¹⁹ Their often-ambiguous, or otherwise not completely defined, claim to ‘rights’ (*huquq*) voiced in the press, civic associations and in the Ottoman representative councils produced a new discursive field that placed rights and duties in the context of an Ottoman nation. Meanwhile, public gatherings created spaces for the lower classes to join an emerging political community and to be exposed to debates surrounding key events like the 1908 revolution, the parliament, the constitution and the dissolution of the Empire after the First World War.

Post-war Palestine and the development of a political community, 1918-1921

The rise of mass politics in the final years of the Ottoman administration reshaped the relationships of power within the Arab political community towards a more horizontal rather than vertical structure. James Gelvin has shown that after 1918 civil society in Syria became

¹⁸ Ülker, “Contextualising ‘Turkification’,” 615-616.

¹⁹ Watenpaugh, *Being Modern in the Middle East*, 64.

separate from the realm of the state and was prominent over the state.²⁰ The press and civic associations played a crucial part in the political development of the former Ottoman Empire's Arab provinces. With the example of Syria in mind, the following section analyses the significance of the political and civic community that emerged in Palestine at the end of the war in the light of the articulation of new definitions and notions of nationality and citizenship rights. The development of this political community between 1918 and 1920 depended upon the role played by the middle-class educated leaders in spoiling dominant politics. The populist leaders refused to work as closely with the British as did the leaders in the Nashashibi and Husayni factions, and thus the former eventually became better-positioned to challenge mandate legislation.

The main medium through which the parallel nationalist movements communicated was undoubtedly the Arabic press, itself an elite medium for political discussions. Newspaper editors and journalists, educated in western-style national schools, were situated firmly in the new middle-class. During this first decade of the mandate, the largest Palestinian Arabic newspapers such as *Filastīn* or *al-Difā'* were linked to one of the two elite factions in Jerusalem. Egypt and Beirut-based newspapers also continued to be imported to Palestine after the advent of the civil administration.²¹ Of the several newspapers circulating in southern Syria before the war, the most notable was *Filastīn*, which was founded in Jaffa in 1911. Its name is evidence that the concept of Palestine as a geographical location and site of political identity had been established in public discourse. Another newspaper, Haifa's *al-Karmil*, claimed in 1909 that newspapers were dedicated to the service of the people and "inform[ed] citizens of their rights and obligations in this country."²² Fifteen Palestinian newspapers appeared in 1908 alone after the Young Turk revolution but the development of literacy remained uneven. However, a growth in education contributed to a larger reading public in the decades before and after the First World War.²³

²⁰ James Gelvin, "Demonstrating Communities in Post-Ottoman Syria," *Journal of Interdisciplinary History* 25 (Summer 1994): 29.

²¹ Zachary J. Foster, "Arabness, Turkey and the Palestinian National Imagination in the Eyes of *Mir'at al-Sharq*, 1919-1926," *Jerusalem Quarterly* 42 (Summer 2010): 64-65.

²² Mustafa Kabha, *The Palestinian Press as Shaper of Public Opinion, 1929-1939: Writing up a Storm* (London: Valentine Mitchell, 2007), xv.

²³ Ami Ayalon, *Reading Palestine: Printing and literacy, 1900-1948* (Austin: University of Texas Press, 2004), 16. Ayalon explains that the British used arbitrary sticks to measure literacy, and that a sketchy meaning existed for literate and illiterate.

The importance of the press cannot be understated: it helped to create public opinion and familiarised readers with political discussions, mandate legislation, voting regulations, nationalist ideologies and other affairs. The Palestinian press had a considerable circulation: newspapers made their way into the villages where the literate men would read aloud the week's international, regional and local news during public gatherings. C.A. Bayly has called late colonial north India a "literacy aware society." This condition certainly applies to Palestine soon before and during the interwar era.²⁴ The subaltern nationalists formed social organisations that set up libraries and night schools that offered reading lessons. In 1913, the editor of *Filastīn* delivered free copies of his newspaper to many of the villages in the Jaffa district to " 'teach the peasants their rights.' "²⁵ As a result, few inhabitants were left completely unaware of the most significant political issues and events.²⁶

Nationalist organisations and the concept of rights

After the British occupation of Palestine in late 1917 the discourse of Arab nationalism expanded in opposition to what Palestine's self-professed nationalists referred to as British 'colonialism' (*āsta'mār*). Members of the emerging Palestinian Arab national movement presented demands to Great Britain and the League of Nations written in a linguistic style replete with references to 'natural,' national and civil rights. The terminology was not properly defined but it was influenced by the spread of liberalism and new concepts of self-determination under the aegis of the nation-state. This language shaped the 'national' discursive field that incorporated symbols and rhetoric of nationality and citizenship. In the early 1920s, this discursive field was the domain of the educated classes. In Palestine, political demands for national rights focused on the idea Ottoman nationality had warranted that rights be granted to the indigenous population who would then assume administrative

²⁴ C.A. Bayly, *Empire and Information: Intelligence gathering and social communication in India, 1780-1870* (Cambridge: University Press, 1996), 39.

²⁵ Ayalon, *Reading Palestine*, 107.

²⁶ For example, the Literary Society of Bethlehem sponsored a large demonstration in late February 1920 in response to the King-Crane Commission report release in Paris and in support of complete independence and unity of Syria and Palestine. It was noted that "citizens" from towns and rural areas of Jerusalem subdistrict attended. See Adnan Musallam, "From Wars to *Nakbeh*: Developments in Bethlehem, Palestine, 1917-1948," *Al-Liqa'* (Bethlehem) 30 (July 2008).

and political control over the territory and its people. This idea legitimised the discourse of Palestine's first, post-war nationalists.²⁷

The first political group with nationalist inclinations to form in Palestine was the Muslim Christian Association (MCA), established in 1918 in both Jaffa and Jerusalem. The popularity of the MCA was evident in the fact that branches were soon opened by its middle-class leaders in every major city in Palestine. With slogans that endorsed Muslim-Christian unity, the MCA attracted a large following as a secular and inclusive political association. The MCA touted itself in petitions and letters to the British authorities as representative of all Palestinian Arabs, and used stamps and a flag that combined 'Palestinian' images such as the Holy Sepulcher and the Dome of the Rock.²⁸ The association was instrumental in organising the first Palestinian Arab Congress in early 1919 and continued to convene it in the following years. Members of the congress went on to form the Arab Executive Committee (the Executive) of the Palestinian Arab Congress in 1920. This committee assumed the MCA's role as the representative body of the Palestinian people. In the name of the Palestinian Arabs, it carried out the resolutions of the national congresses which were held on a yearly basis until 1924.

From 1918, nationalists in Palestine identified as members of the wider community (*umma*) and national movement (*al-haraka al-wataniyya*) but political allegiances and ideologies often shifted. One large bloc of self-professed nationalists included those who adhered to the ideology of Arabism (or pan-Arab nationalism). These nationalists supported a political union of Greater Syria administered through a federal-style system. However, the ideology of pan-Arabism did not influence the politics of the traditional leadership to the great extent as it did in the case of the middle-class and younger nationalists. These pan-Arab populist leaders, such as intellectuals, writers, lawyers and teachers, mobilised and reached out to the population at large, a process which was facilitated by the structure of Palestinian society and by the popularity of the press. As in Syria, Palestinian society had by 1920 become more horizontal as links were forged between the middle-class and subaltern

²⁷ For more of ideology as a part of communities of discourse and their discursive features, see Robert Wuthnow, *Communities of Discourse: Ideology and Social Structure in the Reformation, the Enlightenment, and European Socialism* (Cambridge, Mass: Harvard University Press, 1989), 12-18.

²⁸ 'Sessions of the Fifth Palestinian Arab Congress, Nablus (Aug. 1922),' Arab Executive Committee files, ISA/M/4/3.

groups, particularly peasants (*fellahin*), women and students who had formerly been excluded from politics.²⁹ For example, the urban intellectuals publicised the perceived threat to the *fellahin* posed by the Zionist project and land issues became topics of discussion in national conferences and associations. Editorials likened all Palestinians to the symbol of the farmer as the embodiment of the nation. Yet the nature of urban-rural relations was complex. Urban notables and absentee landlords often sold collectively-farmed land to the Zionists. Even so, the appeal of mass political involvement came from representations and symbols of national unity that obscured the activities of the notables in favour of a presentation of nationalism as the means to resist the British administration. As Gelvin has shown in the case of Syria, protests, slogans and public demonstrations which expressed unity instilled a civic model of the nation based on the bonds of a common Arab nationality and citizenship.³⁰

Integral to the growth of the nationalist political community in Palestine was the transformation of the public sphere. Nationalist leaders and associations such as the MCA and the Executive used the public sphere, including the press, schools, religious institutions and other public areas, as a site of civic expression and shows of opposition to the mandate and Zionism. As early as 1918, significant demonstrations and marches took place in the urban centres of Jerusalem and Jaffa. The several written protests addressed to the military administration in 1919 can also be understood as active practices of citizenship—in particular, written protests were given to British officials during demonstrations.³¹ Local popular committees in Palestine’s large towns staged demonstrations and claimed to represent the ‘will of the nation’ and to act in order to assert the primacy of civil society against the imposition of foreign control.³² Similarly, the MCA organised one of the first political gatherings in the name of the nation in January and February 1919, the First Palestinian Arab Congress. As delegates attended from all major areas of Palestine the

²⁹ This is demonstrated in the following works by James Gelvin, *Divided Loyalties*; “The Social Origins of Popular Nationalism in Syria,” *International Journal of Middle East Studies* 26 (Nov 1994): 645-661; “Demonstrating Communities in Post-Ottoman Syria.”

³⁰ Gelvin, *Divided Loyalties*, 183.

³¹ ‘Abd al-Wahhab al-Kayyali, *Wathā’iq al-Muqāwama al-Filastīniyya al-‘Arabiyya did al-Ihtilāl al-Britānī wa al-Ziōniyya , 1918-1939* [Documents of the Palestinian Arab Resistance against the British and Zionist Occupation] (Beirut: Institute for Palestinian Studies, 1967), 3.

³² Gelvin, “Demonstrating Communities,” 33.

Congress claimed to speak on behalf of all Palestinians when it passed resolutions in support of independent representative democracy and unity with Syria.³³ The congress was not united politically however: a definite separation existed between the pro-British and the pan-Arab blocs of delegates especially in terms of tactics necessary to achieve independence.³⁴ The Congress' demand for unity with Syria represented the break with the political position of the dominant factions.

This break between strands of political discussion and action sharpened in 1921 when British officials appointed the young Hajj Mohammed Amin al-Husayni as the Grand Mufti of Jerusalem and as the head of the newly-created Supreme Muslim Council (SMC), a body formed by the British to manage Muslim religious affairs. The appointment of Hajj Amin was made on the basis of his willingness to work with Great Britain. The Mufti and the SMC members held the most moderate nationalist views in order to remain on good terms with the administrators who paid their salaries. If anything, the First Palestinian Arab Congress and subsequent appointment of Hajj Amin as mufti demonstrates that by the beginning of 1921 Palestinian nationalism was developed to a large extent but the nationalist movement itself was certainly not a united, anti-British front.

The MCA and the Arab Executive of the congresses voiced new demands for 'rights' in petitions, strikes and boycotts—actions that had been performed in Ottoman times as active expressions of citizenship. Boycotts, for example, were “an echo of a republican understanding of citizenship, where every individual has to contribute to the public good” and an example of popular participation in politics. For example, Palestine's port cities led an Empire-wide boycott in 1908 against Austrian and German products to protest the annexation of Bosnia-Herzegovina.³⁵ Similarly, petitions had long been used by the Arab population to address the local Ottoman administration and the central government in Istanbul. In his analysis of the language of petitions from Egyptian peasants in the late nineteenth century, John Chalcraft notes that subalterns appealed to “the rule of law and new

³³ Two of the best studies of the early national movement in Palestine from secondary literature are Muslih, *The Origins of Palestinian Nationalism* and Porath, *The Emergence of the Palestinian-Arab National Movement*.

³⁴ Kayyali, *Palestine: A Modern History*, 61.

³⁵ Campos, *Ottoman Brothers*, 100-107.

and old rights” and made use of “the figure of the just ruler.”³⁶ In the case of Palestine, petition campaigns, like demonstrations and public meetings, introduced inhabitants to a form of direct political participation. By virtue of their signatures, the “the masses” held a stake in their own political affairs and defined their power of negotiation with the authorities.³⁷

Political nationality

Discourses of national belonging from the 1910s carried over into the 1920s. The national belonging associated with Arab nationality and later, Palestinian citizenship, were linguistically associated with concepts for Arab nationalism which had been common since the mid-19th century and which featured in the writings of al-Bustani, al-Tahtawi and others. *Wataniyya* and *qawmiyya*, which referred to belonging to a sovereign Palestinian nation and to a broader Arab nation, respectively, were used in newspapers and statements in association with *muwātana* and *jinsiyya*. Into the 1920s, these terms were used interchangeably and they were also perhaps picked and chosen to suit certain circumstances or audiences. In Palestine, the early public activities of the pan-Arab nationalists helped to create a link between the identity of the Arab population as ‘nationals’ and the need for these nationals to demand their ‘natural rights.’ In this atmosphere “a new *political* public was both created and mobilized.”³⁸ For example, on the first anniversary of the British occupation of Jaffa, that city’s MCA wrote a letter that stressed the relationship between the status of the Arabs and their rights in British-administered Palestine and reminded the British that the nationality of the country and its people was Arab.³⁹ That relationship between ‘the Arab nation’ or an Arab commonwealth nationality, *qawmiyya*, and rights cropped up frequently in newspaper editorials and in letters by local politicians and members of the

³⁶ John Chalcraft, “Engaging the State: Peasants and Petitions in Egypt on the Eve of Colonial Rule,” *International Journal of Middle East Studies* 37 (Aug. 2005): 304-309.

³⁷ Gelvin, “The Social Origins of Popular Nationalism in Syria,” 648.

³⁸ Gelvin, *Divided Loyalties*, 145.

³⁹ *Wathā’iq al-Haraka al-Wataniyya al-Filastīniyya min Awrāq Akram Zu‘aytir, 1918-1939* [Documents of the Palestinian National Movement from the Papers of Akram Zu‘aytir] (Beirut: Institute of Palestine Studies, 1979), 7-8.

Executive to the British administration and to the League. The link made between nation, nationality and rights is crucial to the establishment of a politically-aware Arab citizenry.

During the military administration of Palestine (until 1920), attempts by writers and MCA leaders to explain the text of the Balfour Declaration helped to shape a definition of Arab nationality (*jinsiyya*) and Palestinian citizenship (*muwātana*) in the public sphere. An editorial published in November 1918 by the newspaper *Filasṭīn* tried to define nationality in light of the phrase coined by Great Britain, ‘Jewish national home’ (*al-watan al-qawmī al-yahudiyya*). Its writer surmised that the application of nationality in Palestine meant that the national status of Arabs and Jews was equal before the law. The editorial stressed that this concept of nationality dated back to the Ottoman period as imperial legislation had conferred the same rights to all the Empire’s inhabitants. The writer expressed fear that this meaning of nationality could not be reconciled with the Balfour Declaration and warned British officials that the Arab “citizens” would not accept a Palestinian nationality that privileged the political standing of the Jewish immigrants within the wider ‘Arab nation.’⁴⁰

The conflation of terminology used in editorials and in statements by the middle-class leaders in the Executive is an important element in the analysis of the evolution of citizenship in mandate Palestine. At the end of the nineteenth century, as mentioned in the discussion on al-Bustani’s pamphlets, the term *jinsiyya* came into usage in the Arab provinces to denote nationality. During the mandate period the word referred to nationality in the context of a territorial nation-state. In the late Ottoman era Arab writers used a different term for ‘citizen.’ *Muwātin* was based on the Arabic word *watan* (homeland) and denoted a native as opposed to a foreigner. Both terms came into more frequent use in the interwar years as nationality evolved to connote membership in the Arab nation. Political and civil rights became attached to the status of belonging.⁴¹ The plural for citizens, *muwātinīn*, was rarely used within Palestine in documents or articles in the early 1920s. However, the term is not entirely absent: for example, leaders in the cities of Nablus and Tulkarm signed petitions to the 1919 Paris Peace Conference “on behalf of our citizens” (*nāba ‘an muwātinīnā*).⁴²

⁴⁰ Ibid., 7-8. The letter cited here referred to the majority Arab population as “guests” in their own country.

⁴¹ Parolin, *Citizenship in the Arab World*, 24-25.

⁴² *Min Awrāq Akram Zu ‘aytir*, 11; Al-Kayyali, *Wathā’iq*, 3.

The national leadership explained terms like nationality and civil and political rights in a rhetorical language through which a large section of the Arab population could easily identify. For example, newspaper articles published in 1919 voiced the complaint that the then-military administration gave certain rights to the immigrants as if these immigrants were “nationals of Palestine.” ‘National’ (*watanī* or *qawmī*) became equated with ‘native’ (*ibn al-balad*). These articles utilised a particular rhetoric to refer to Jewish and Zionist companies being wrongly granted the right to monopolies for natural resources, contracts with the government for land rights, and later, political rights such as suffrage.⁴³ Certain ‘rights’ were thus equated with the Arab population’s native origin in the territory. Both nationalist writers and members of the Executive understood the Arabs as the natives of Palestine either by birth or descent. Both entitled them to nationality and national, civil and political rights (*huquq midaniyya* and *huquq siyāsiya*).⁴⁴

The symbol of the Arab peasant continued to have a prominent role in the burgeoning Palestinian Arab political community as a link to the traditional past and a reminder of the threats posed by the Jewish national home policy of Britain. Local and populist (or otherwise non-notable) Arab nationalists challenged the British administration’s failure to protect what they explicitly called the citizenship rights of Arab cultivators and peasants. Leaders stressed the importance of what they depicted as ‘civil rights’ to land. For example, when the 1920 Land Transfer Ordinance amended the 1910 Ottoman law that had restricted land ownership to Ottoman national corporate entities, editorials decried the new threat posed to the civil rights of the peasants with regard to land ownership and agricultural tenancy on land acquired by foreign Jews.⁴⁵ The amendment meant that Jewish immigrants and Zionist entrepreneurs could purchase land in Palestine without holding provisional Palestinian nationality, or proving any family attachment to Palestine. The implication of the Land Transfer Ordinance was that the British no longer upheld the customary law that

⁴³ Ibid.

⁴⁴ Civil rights had however, been part of the terminology in government from the period of Young Turk rule from 1908. It was used seemingly without explanation in relation to electoral rights and the law of association. Eligibility for the franchise and to stand for election to the Ottoman Parliament, as well as to join a public association, was granted only to men who had not been deprived of their ‘civil rights.’

⁴⁵ Dora Glidewell Nadolski, “Ottoman and Secular Civil Law,” *International Journal of Middle East Studies* 8 (Oct. 1977): 531. Foreign individuals however, had been permitted to purchase Ottoman land since the 1860s. For more, see Anis F. Kassim, ed., *The Palestine Yearbook of International Law*, Vol. 1 (Cyprus: Al-Shaybani Society of International Law, 1984), 22.

favoured communal land ownership. As a result, peasants were evicted from the land they farmed when they could not produce titles of ownership.⁴⁶ In one particular case in which residents of Beisan faced eviction, the Arab lawyer W.F. Boustany pointed out to the government in 1922 that the residents were “bona fide citizens” whose “civil rights” must be maintained rather than disregarded in pursuit of mandate policy.⁴⁷ Palestinian peasants and villagers alike formed their own elected associations to protect their interests as they were increasingly drawn into the new political community. For example, the Nablus Village Association in 1920 took on the task of helping the farmer understand that he had the same rights as any other Palestinian through the use of pamphlets and village meetings.⁴⁸

Since its founding in late 1920, the Executive stressed civil rights in the new language of internationalism when rendering appeals against the Balfour Declaration and the Jewish national home to the League, Great Britain and the Palestine Administration. The Executive argued that British policy was incompatible with principles of international rights and the “natural rights” of the Palestinian people, and that it “violated the sanctity of civil laws.”⁴⁹ The Third Palestinian Arab Congress of 1920 stated its goal to achieve “international human rights, civil rights, historical and social rights” including representative government in Palestine.⁵⁰ Thus the Executive seized upon the growing awareness of not only a rhetoric of political nationality but it also illustrated this rhetoric with examples of national, political and civil rights that were applicable to both urban and rural Palestinians.

The national movement and the meaning of Palestinian nationality

Several months after the appointment of Herbert Samuel as High Commissioner in mid-1920, the Arab Executive elected the recently-deposed mayor of Jerusalem Musa Kazim al-Husayni as its president. Musa Kazim, who was then in his late sixties, came from the

⁴⁶ Hanna Nakkara, *Lawyer of the Land and the People* (Haifa: Al-Asawar Publishers, 1980), 67.

⁴⁷ *Min Awraq Akram Zu 'aytir*, May-July 1922, 243-251. For a detailed study, see Martin Bunton, *Colonial Land Policies in Palestine 1917-1936* (Oxford: University Press, 2007).

⁴⁸ “*Jam 'iyya al-qara*” [Village Associations], 11 Aug. 1920, *Mir'at al-Sharq*.

⁴⁹ Khariya Qasmiya, ed., *Min mudhakkirat 'Awni Abd al-Hadi* [From the Memoirs of 'Awni Abd al-Hadi] (Beirut, Institute for Palestine Studies, 2002), 139.

⁵⁰ “*Ila al-sha'b al-'arabi al-filastini al-karim*” [To the noble Palestinian Arab people], 31 Dec. 1920, *Mir'at al-Sharq*.

prominent al-Husayni family of Jerusalem. He opposed the British administration and his politics came to be respected by all sectors of Palestinian society. Until his death in 1934, Musa Kazim supported equal civil and political rights for all former Ottoman citizens and he was the first Executive leader to question the nationality legislation of 1925. This section traces how leaders like Musa Kazim discussed concepts such as nationality and citizenship prior to 1925. The populist leaders and the traditional politicians understood civil and political rights in the same way, based on the rights associated with Ottoman nationality as well as their elite education. Individual leaders and associations used these precedents to develop a language of rights which they then demanded the British administration offer to the native population of Palestine.

As discussed in the previous chapter, the British started to draft a nationality law in 1920, two years before the confirmation of the mandates, and after the Treaty of Sèvres set provisions for nationality in the former Ottoman lands. The Zionist Organisation and Chaim Weizmann consulted with colonial officials in London and Palestine on citizenship as early as 1919 and consequently influenced the drafts of the nationality law. Although the Palestinian Arabs were not granted the same opportunity, Musa Kazim used his position as Arab Executive president to question the British administrators on nationality issues. In a letter addressed to British Secretary of State Winston Churchill in 1921, he pointed out that before the war, the Jews of Palestine enjoyed all the privileges and rights of citizenship in the Ottoman Empire. Musa Kazim expressed the belief that “countries with their civil and other rights and privileges are the property of their inhabitants and constitute an heirloom of the nation.” In other words, he stressed that the native sons of Palestine (*abnā’ filastīn*) had ultimate control over their country but also their affiliation with an Arab *qawmiyya* (nationalism) conveyed that they be granted certain rights and duties.

Musa Kazim also questioned the status of the British Jews who served in the Palestine administration, such as High Commissioner Samuel. He asked Churchill whether they were Jewish or British nationals, arguing that “it is obvious they cannot be both at the same time.” Musa Kazim wondered if “Jew-ism” was in fact a nationality, and if so, he pondered the “English-ism” of men like Samuel whilst in Palestine. It was clear to him that “one –ism

must be sacrificed for the other, but which for which?”⁵¹ The idea that the Jews constituted their own nationality group in Palestine posed a clear problem to the Arab nationalists who viewed nationality along ethnic lines. This conflation of ethnicity and nationality confused Arab nationalists who could not understand how the British could confer the same Palestinian nationality on Jewish immigrants as they did on the Arabs.

Civil and political rights

The Balfour Declaration was clearly a milestone in defining debates on rights as it stated that ‘nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine’ as a result of the mandate’s national home policy. In terms of civil rights Musa Kazim argued that “they mean nothing more than equality and justice before the law and obviously no privilege is contained in this.” According to him, the civil rights of the Palestinians as Ottoman subjects included representation in a parliament, provincial government and native councils, as well as Arab employment in the highest judicial and civil servant positions, and all the civic freedoms associated with it.⁵²

Kazim’s statements are illustrative of a particular understanding of civil and political rights by some Arab national leaders very early in the British administration of Palestine. With the text of the Balfour Declaration in mind, he and his colleagues often accused the British of conflating civil rights with religious rights. Since 1919 the popular nationalists started to link nationality (*jinsiyya*) to various types of rights (*huquq*), as mentioned in the preceding sections. The development of this language is important because the frequent use of the term ‘rights’ was often placed alongside mentions of the national status of the Arabs in Palestine. The Arabic press too traced back these civil and political rights to the *Tanzimat* reforms, the Ottoman Nationality Law and the influence of Western European constitutions in the Arab provinces of the former empire. As Kazim stated to the Colonial Office, such rights were inalienable for all citizens and could not be granted or taken away by the mandate administration. He suggested that their mention in the Balfour Declaration should have been unnecessary because the nationalist leadership already understood these rights as

⁵¹ *Min Awrāq Akram Zu ‘aytir*, 65-71.

⁵² *Ibid.* These civil rights freedoms included those of speech and the press.

inherent. The national leaders made it clear that links of ethnicity (*qawmiyya*) bound Arabs across the Levant, and this ethnicity was the basis of national and inalienable rights in the Arab territories under mandate administrations.⁵³ Thus, ‘rights’ were clearly perceived in an ethno-national sense.

Arab local leaders and intellectuals in villages and urban areas contributed to this discussion, thus shaping a new ideology of rights. They wrote editorials or letters for newspapers and held meetings under the auspices of a number of civic associations. For example, an editorial in the Jerusalem newspaper *Mir’at al-Sharq* wondered “what [would be] left of our political or civil rights” if the Jews established a national home.⁵⁴ The rhetoric of political and civil rights resonated with the Arab public when linked to Zionism and the Balfour Declaration. In this period, the Palestinian Arab population came to understand civil rights as unrestricted access to land ownership, livelihood and the control of immigration and the economy of Palestine. Press reports and the MCA increasingly demanded to the government that every Arab in Palestine be granted civil rights to equal employment following the Zionist Organisation’s foundational policy of the conquest of labour (*kibosh avoda*).⁵⁵ By the early 1920s, a number of active local leaders (outside Jerusalem) staunchly expressed their opposition to the imposition of the mandate, focused their attention on the demand for the political right to representative government and argued that an elected parliament would allow the Arabs of Palestine control of their country. These nationalists, influenced by their memory of the Ottoman *Tanzimat* reforms, noted that a parliamentary system and bill of rights would ensure the rights of the nation’s minorities (*huquq aqaliyyāt*) as well as other political and civil rights for the entire population of Palestine.⁵⁶

⁵³ Ibid., 18.

⁵⁴ “Al- ‘adl!” [Justice!], 25 Feb. 1920, *Mir’at al-Sharq*.

⁵⁵ *Min Awraq Akram Zu ‘aytir*, 26 Nov. 1920, 41. Also see Anita Shapiro, “The Ideology and Practice of the Joint Jewish-Arab Labour Union in Palestine, 1920-1939,” *Journal of Contemporary History* 12 (Oct. 1977): 672.

⁵⁶ “*Surīyun nahnu um ‘arab?*” [Are we Syrians or Arab?], 1 June 1920, *Bayt Laham*, from Adnan A. Musallam, *Folded Pages from Local Palestinian History in the 20th Century: Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948* (Bethlehem: WIAM, 2002), 99-102.

Debating nationality

In 1921 the first Palestinian Arab Delegation (*wafd*) composed of Arab Executive Committee members, including Musa Kazim, traveled to London to meet with Colonial Secretary Winston Churchill and colonial officials. The delegation made known its opposition to the decision made by the Allies at the San Remo Conference to award mandates over the Arab provinces. Importantly it also raised the issue of the national status of the Jews in Palestine. This was the first time the leadership directly addressed Great Britain on issues of nationality.

The Palestinian Arabs were aware of the delegation's activities as regular reports were published in newspapers. In a conversation between members of the *wafd*, Churchill and Hubert Young of the Middle East Department in London, the delegation's secretary Shibli Jamal questioned Churchill over the plan to establish a national home for the Jews in Palestine. The meaning of 'national' in the Balfour Declaration concerned the delegation. As mentioned above, the Arabs understood nationality in terms of ethnicity. Jamal asked if what he called 'the Hebrews [*sic*]' became nationals of Palestine by virtue of the Balfour Declaration. At the time of the meeting the draft nationality order was already circulating among mandate administrators and Zionist leaders such as Weizmann. Churchill answered that the Jewish immigrants would become Palestinians. The delegation responded with worry about the unconditional nature of nationality and sought assurance that certain provisions and requirements would be necessary to acquire nationality or for naturalisation.⁵⁷ This exchange is telling. The delegation feared the loss of future sovereignty to immigrants on the basis of their ethnic nationality. In turn, immigrants would become political equals with the Arabs and thus threaten Arab control over an independent Palestine.

At the time of the delegation's visit, the Foreign and Colonial Offices and members of the League held ongoing debates over the appropriate body able to grant the nationality of inhabitants of an international mandate. Aware of these wider debates, Jamal questioned what authority would grant Palestinian nationality. Young surmised that the British as the mandatory would do so, but did not mention provisions for state succession or succession of

⁵⁷ *Min Awrāq Akram Zu'aytir*, 125.

nationality as detailed in the Treaty of Sèvres. The officials offered very little information on nationality despite the queries of the Palestinian delegation. In fact, the Palestinian Arabs heard about the draft nationality law for the first time in London. Colonial officials evaded the direct question of whether a legislative body in Palestine could have a say in the draft nationality law.⁵⁸ At no point did the British government offer to involve the Arab leadership in the official discussions of nationality regulations.

Shortly after this meeting the delegation sent a report to the president of the League of Nations Commission in Geneva. The report expressed regret that the British did not grant the delegation, representatives of the Palestinian Arabs, the opportunity to scrutinise the provisions to regulate nationality. The report lamented that the mandate would deprive the Palestinians of self-government and noted that the mandatory power did not have the authority to prepare a nationality law. Instead, the delegation argued that “this legislative capacity lies within the sphere of the national government set up by the people.”⁵⁹ After the delegation’s trip to London, the Arab members of the Advisory Council (which was nominated by High Commissioner Samuel) gained some knowledge of the draft nationality order. The first time that the mandate administration discussed the nationality law with Arab political leaders was during a council meeting convened in November 1921. After hearing an illustration of the constitution and nationality laws, council spokesman Turkan Bey declared to the British members of the council that it was obvious that the nationality law benefited the Zionist immigrants. He voiced the Arab opposition to the two-year residency period required before an individual could be naturalised as a citizen. He argued (not entirely accurately) that in every other country the residency requirement for naturalisation was at least five years. After consultation with the council’s other Arab members, Turkan suggested the swift enactment of the nationality law to help Palestinian Arabs who lived abroad and had lost Ottoman nationality.⁶⁰ He was the first to express concern for these stateless emigrants.

The press reports on the activities of the delegation reached a wide audience. They were instrumental in popularising a terminology of civil, political and national rights and

⁵⁸ Ibid.

⁵⁹ Ibid., 10 Sept. 1921, 146.

⁶⁰ ‘Advisory Council meeting minutes,’ 4 Nov. 1921, CO 733/6/184-185.

nationality.⁶¹ Editorials and articles put forward alternative interpretations of Palestinian nationality. The English section of the newspaper *Mir'at al-Sharq* stated in 1921 that the question of a “unity of citizenship between the countries of the Arabic world is one of paramount importance.” The editor asked if the mandates’ classification of the Arab world under different colonial administrations inherently clashed with such a “unity of citizenship.” In answering “[w]e think not,” he went on to stress that the mandates had “absolutely nothing to do with questions of nationality or citizenship” and should not attempt to deal “with [these] fundamental questions of race, nationality, or citizenship.” The ideology of a common citizenship in the Arab world was presented as a benefit for all Arabs and a necessity for the Palestinians.⁶² This ideology appeared in opposition to the Palestinian nationality provisions proposed by the British administration as the Palestinian Arabs formulated their own definition of nationality. Writers, alongside the Arab delegation to London, were quick to point out that the draft nationality provisions did not mirror those in place in the Ottoman provinces since 1869.

The rights and duties of the citizen and the state, and the evolution of citizenship practices

With the advent in 1920 of the civil administration, certain individuals who identified as part of the Palestinian national movement began to question the will of the British administration to solve the thorny issue of citizenship. After the delegation failed to gain any concessions from colonial officials in London, the more radical, professed nationalists advocated the complete abrogation of the mandate and unity with Syria. These activists included local political leaders as well as a number of Executive members. After the delegation returned to Palestine, the ideological clash between the subaltern and the dominant political movements deepened and began to fracture the rhetoric of national unity. James Gelvin’s work on the rise of mass politics in Syria between 1918 and 1920 again provides useful points of comparison. Social, economic and political changes brought about by the mandate system necessitated new local political structures which included the

⁶¹ *Min Awrāq Akram Zu ‘aytir*, 212.

⁶² “A Unity of Citizenship,” 27 Aug. 1921, *Mir'at al-Sharq*.

formerly excluded groups. For example, the middle-class stratum of educated Arabs (as opposed to the traditional, wealthy classes close to the Ottoman administration) formed political and social organisations open to all to address local concerns such as agricultural issues or the creation of more schools. Through a growth in civic organisations, popular committees and populist leaders set about “reconstituting [themselves] as ‘the nation,’ ” holding meetings and conferences open to Arabs from throughout the former Syrian provinces. The populist leaders spoke in a grandiose yet powerful and symbolic language.⁶³ In Palestine, these individuals and associations commanded greater grassroots influence than did the politicians within the Husayni and Nashashibi factions or the SMC in Jerusalem.

This section introduces the ideology of rights and duties articulated by populist leaders and organisations, through various approaches, in the years before the citizenship legislation came into being in 1925. It is interesting to note that a colonial paternalism as practiced by the French in Syria and Lebanon did not develop in Palestine. As Elizabeth Thompson has argued, the French mandate administration justified their control of Syria and Lebanon by their use of an ideology of social relief, not unlike a welfare state.⁶⁴ In the 1920s, the French significantly expanded benefits to their colonial citizens, supported by a hierarchy of citizenship based on class, religion and location. In Palestine, the dual system of administration limited the role of the British as paternal guardians.⁶⁵

Even so, the British constructed an image of democracy in their colonial territories and mandates. In a study on the development of citizenship in colonial Hong Kong, Agnes Shuk-Mei Ku criticises the British practice of “governance without democracy” through the façade of political rights given to Hong Kong colonial subjects. Similar arguments can be made for mandate Palestine. In this case Britain sought to give passive (non-political) rights to its subjects in order to legitimise its authority. In Palestine, the proposal for the non-direct election by religious community for members of a legislative council that would have no power to pass laws illustrates such a practice. The British used democracy “as a means to achieve political legitimacy and state goals,” rather than to foster civic participation and

⁶³ Gelvin, *Divided Loyalties*, 220.

⁶⁴ Thompson, *Colonial Citizens*, 76-77.

⁶⁵ Marcella Simoni, “A Dangerous Legacy: Welfare in British Palestine, 1930-1939,” *Jewish History* 13 (Fall 1999): 81-83.

state-building.⁶⁶ Although the stated purpose of the mandate system was to prepare inhabitants for self-rule, colonial officials in London were inclined to think that the Arabs were not ready for representative government. Furthermore, representative government posed a threat to the Jewish national home policy.

Still, notions of republican citizenship which created a symbiotic relationship between the population and the mandate are evident in some of the populist rhetoric of Arab rights and duties. For example, members of the Arab Executive in 1921 pressed for Arab communities to support or open their own national schools since the administration had failed in its ‘duty’ to expand the educational system. The aim of these schools was to teach young people “how to grow up good citizens of Palestine,” similar to the state schools established during the *Tanzimat* era that “[had] in their keeping, the molding of our young, and the training of our future citizens.”⁶⁷ In the early 1920s newspapers published editorials that expanded upon these duties, including the need for Arab nationals to demand political rights to representation. The smaller periodicals expressed criticism with both the mandate and the traditional leadership. Some editorials recounted that British officials claimed that the people were unfit for democracy.⁶⁸ In response, nationalists such as *Filastīn*’s editor, ‘Isa al-‘Isa, encouraged the Palestinian Arabs to make more radical demands against the government.⁶⁹ Such demands were termed “sacred” civic duties as some nationalists came to view civic activism at a grassroots level as the practical way for Arabs to reach independence.⁷⁰

The administration’s refusal to acknowledge the Arab Executive, Musa Kazim, or groups like the MCA as representative of the Palestinian Arabs triggered an increase in public displays of dissatisfaction in the early 1920s. The Executive and civil society leaders launched campaigns to demonstrate the people’s endorsement of the Executive as the official representative body of the Palestinian Arabs.⁷¹ Peaceful protests, letters, and the signing of

⁶⁶ Agnes Shuk-mei Ku, “Contradictions in the Development of Citizenship in Hong Kong: Governance without Democracy,” *Asian Survey* 49 (May/June 2009): 511.

⁶⁷ A.L. Tibawi, “Educational Policy in Mandatory Palestine,” *Die Welt des Islams* 4 (1955): 15-18, and *Min Awraq Akram Zu ‘aytir*, 101.

⁶⁸ “*Al-tamthīl fī filastīn*” [Representation in Palestine], 29 Nov. 1920, *Mir’at al-Sharq*.

⁶⁹ Kayyali, *Palestine*, 88-89.

⁷⁰ *Min Awraq Akram Zu ‘aytir*, 87.

⁷¹ Kayyali, *Palestine*, 89.

petitions became widespread markers of civic involvement. Organisations such as the MCA handed notes of protest to British colonial officials whenever they visited cities and towns in Palestine. These organisations also represented local interests and concerns and although they worked for national causes, they contributed to the fractured nature of the national movement. While the urban-based Jaffa MCA protested the police action taken against unarmed demonstrators or press censorship, nationalists in the rural Galilee demanded that the government protect the villages and peasants of Nazareth. At the same time, the MCA in 1921 sent a letter to the Colonial Office to report that all classes in “town, village, factory and farm” comprised the nation and had the same demands.⁷² The canvassing of the MCA and activists in rural areas was evident. For example, the Haycraft Commission which was sent to Palestine in 1921 to investigate disturbances between Arab and Jewish communities reported that the villagers of Tulkarm and elsewhere were “more politically minded than a small English country town.”⁷³ The use of civic activism became more evident in 1922 during the boycott of the elections for the legislative council, which featured widespread involvement by urban and rural Palestinians and marked an important step in the politicisation of the Arab citizens of Palestine.

After the mandate administration published the Electoral Order-in-Council in 1922, it became clear to the nationalist leadership that High Commissioner Samuel’s plans for a partially-elected legislative council would go ahead despite protests over its non-democratic nature. The leadership decided to focus on an Arab boycott of the elections. The practice of boycotting government-convened committees was not new but it grew in importance as a tactic of civil disobedience. One year earlier, Musa Kazim al-Husayni had convinced the Arab members of Samuel’s consultative committee in Jerusalem to boycott its meetings on the basis that the Arab Executive alone could discuss constitutional and other matters with the British government.⁷⁴ The Fifth Palestinian Arab Congress held in the summer of 1922 resolved to support the boycott of the Legislative Council elections. This decision received widespread endorsement by nationalist associations who touted the boycott as a civic duty. In a statement to the chief secretary in Palestine immediately after the congress, the Nablus

⁷² *Min Awrāq Akram Zu‘aytir*, 65.

⁷³ ‘Interim Report of the Haycraft Commission,’ 16 Aug. 1921, CO 733/5.

⁷⁴ Wasserstein, *The British in Palestine*, 115.

MCA argued that the 1922 Electoral Order was based on the terms of the mandate and therefore harmful to the nation's interests.⁷⁵ The legislative council itself was supposed to include, as explained in Chapter Two, twenty-two members: the high commissioner in addition to ten other officials along with twelve elected non-officials, of whom at least two had to be Christian and two Jewish. The high commissioners alone could regulate immigration, and the members could not pass any ordinance deemed inconsistent with the terms of the mandate.⁷⁶

The MCA's claims (published in the press) that the legislative council would threaten the civil and political rights of Arab Palestinians prompted a wide, general boycott. The boycott was a testament of the Arab leadership's displeasure over the lack of political rights and their ability to mobilise their communities. Palestinians were informed of the boycott not only by statements of the MCA and Arab Executive in the press but also by village *mukhtars* at large demonstrations and in mosques and churches. However, neither the Mufti nor the SMC supported the boycott—a stance that firmly separated these traditional religious leaders from the middle-class activists. In Jaffa and Jerusalem, the crowds that demonstrated in support of the boycott numbered in the thousands. The elections took place, but out of a planned 809 secondary electors, only 134 Arabs were actually elected—mainly by Jewish voters. Wasserstein refers to the attempt by the government to hold elections as “a fiasco, and . . . a humiliating setback for Samuel's policy.”⁷⁷ The British could not create a legislative council in 1922, and soon after the boycott, seven of ten nominated Arab members of the High Commissioner's Advisory Council withdrew their candidacy. After the success of the boycott, the popular leadership realised the necessity to involve rural and urban classes in civic protests and to expand the dialogue of civic rights and duties.

After 1922, the middle-class activists began to praise nonviolent tactics of disobedience against the mandate administration and referred to such acts as national duties. Non-cooperation in the early 1920s demonstrated the effective agency of popular leaders to urge fellow Palestinian Arabs to confront the mandate in order for the nation “to achieve its

⁷⁵ Al-Kayyali, *Wathā'iq*, 63.

⁷⁶ Wasserstein, *The British in Palestine*, 118.

⁷⁷ *Ibid.*, 121-124.

legitimate rights” in association with citizenship.⁷⁸ At the ever-growing public demonstrations, nationalist leaders and associations explicitly stated their intent to exercise what they termed as the civil rights of free speech and assembly. The MCA branches held meetings and encouraged the involvement of other groups to explain and publicise such tactics throughout Palestine. As early as 1921, activists touted strikes as an individual civic activism in working-class, urban areas. Upon the return of the Palestinian Arab delegation in 1922, national groups held the first two-day strike in support of an independent Palestine. Nationalist leader Omar Bittar wrote that all classes of people in Palestine went on strike to demand their ‘natural right’ (*al-haqq al-tabī‘ayyī*) of independence.⁷⁹

The deliberations of the Sixth Palestinian Arab Congress in 1923 included a plan to study the effectiveness of a boycott of land and property taxes. The congress also decided to encourage citizens not to associate or work with any Arab who accepted membership to British-managed councils.⁸⁰ It resolved to oppose a major concession proposed by the government to Zionist leader Pinhas Rutenberg and his electric company as well as any future concessions and monopolies.⁸¹ The congress delegates found that due to the split in the national movement the Executive could not enforce general boycotts of the administration because men such as the Mufti, members of the SMC and some others continued to work with the British. What boycotts and strikes *did* do in the early 1920s was to raise awareness of practices of civic duty. These activists depicted such duties as instrumental aspects of citizenship in order to force Great Britain to rescind the Balfour Declaration and give control of Palestine to the Arabs.⁸²

The Executive did manage to unite the Arab community in a show of non-cooperation on the occasion of Lord Balfour’s visit to Palestine in March 1925. The Executive declared a

⁷⁸ “*Al-ruh al-wataniyya*” [Spirit of Nationalism], 3 Mar. 1920, *Mir’at al-Sharq*.

⁷⁹ *Min Awrāq Akram Zu ‘aytir*, 299.

⁸⁰ Al-Kayyali, *Wathā’iq*, 73.

⁸¹ Barbara J. Smith, *The Roots of Separation in Palestine: British Economic Policy, 1920-1929* (Syracuse: Syracuse University Press, 1993), 118. The Rutenberg Plan gave the mineral rights of the Jordan River to the aforementioned entrepreneur to provide hydroelectricity to the district of Jaffa.

⁸² Various scholars of the national movement list the mid-1920s in Palestine as a period of relative calm—for example the works of A.W. Kayyali (*Palestine: A Modern History*) and Y. Porath (*The Emergence of the Palestinian-Arab National Movement 1918-1929*) take this view. However, the press from the period shows continued interest in the national movement’s demands. Further, during this time, new political parties formed as members of the Huayni and Nashashibi factions broke rank. None of these recognised parties took a particularly radical or original stance and infighting among them continued.

general strike throughout Palestine and emphasised that the strike would “instill this patriotism to the youngest of our Palestinian Arab citizens.”⁸³ At the same time and for the occasion of the visit the editor of *Sawt al-Sha‘b*, Bethlehem local politician ‘Isa Bandak addressed the nationality of the Jewish immigrants who settled in colonies such as Tel Aviv. He questioned whether they had ‘true’ Palestinian nationality—as other former Ottoman citizens—or if their nationality was simply ‘on paper’ as granted by the British.⁸⁴ Bandak’s editorial raises an interesting point, as he saw the immigrants as having little more than a British-granted status that did not require the exercise of civic loyalty to Palestine. As a result of their best efforts to draw attention to the notion of citizenship rights and duties Arab nationalists like Bandak and Musa Kazim were not offered a role in advising mandate legislation. The provisions of the 1925 Citizenship Order-in-Council certainly showed an absence of Palestinian Arab influence. The early reactions to the 1925 citizenship order are the subject of the final section of this chapter.

The immediate reactions to the 1925 Palestine Citizenship Order-in-Council

In mid-1925, H.E. Field Marshal Lord Plumer replaced Herbert Samuel as Palestine’s high commissioner. Arabic newspapers were quick to address the issue of nationality since changes to the citizenship order came after his term of office began. One open letter published in August 1925 in *Sawt al-Sha‘b* lamented that a number of Jewish immigrants “should never be allowed to become [Palestinian] nationals and citizens.” The letter pointed out that under a national parliament in Palestine, the Arabs would declare that Jewish citizens would enjoy equal political rights with the Arabs.⁸⁵ The focus on nationality legislation was a new one for the press: in the year before the British government ratified the 1925 Palestine Citizenship Order-in-Council, leaders within Palestine offered few comments on nationality legislation but instead focused on national rights.

When the changes to the citizenship order were announced in November 1925, bringing it in line with the Treaty of Lausanne, newspapers prominently featured articles on the

⁸³ “*Al-asad wa al-fa‘r*” [The lion and the mouse], 25 Mar. 1925, *Mir‘at al-Sharq*.

⁸⁴ “*Ila qurā’nā fi kul makān*” [To our readers everywhere], 25 Mar. 1925, *Sawt al-Sha‘b*.

⁸⁵ “*Risāla muftuha ila Lord Plumer*” [Open Letter to His Excellency Lord Plumer], 26 Aug. 1925, *Sawt al-Sha‘b*.

meaning of Palestinian nationality. The negative impact of these changes on Palestinian Arab emigrants brought the issue of citizenship and nationality to the front pages of newspapers. The changes, which gave emigrants less than nine months to return permanently to Palestine to opt for their nationality, caused an outcry first from several emigrant groups in Latin America. This is discussed in detail in the next chapter, but it is important to note that emigrants' letters concerning the impact of citizenship legislation were published in the Palestinian press. What follows concentrates on the immediate repercussion of the publication of the Citizenship Order-in-Council, enacted on 24 July and in force from 1 August 1925.

The order confirmed what leaders like Musa Kazim had earlier opposed: Jewish immigrants would receive Palestinian citizenship with few restrictions. These immigrants received the right to nationality after a short, two-year period of residence. The Arabic press seized on this point of contention and portrayed it as a glaring example of the unfairness of the British colonial policy of privileging a foreign group over the native population. Newspaper articles noted the ease with which immigrants could become full citizens and writers predicted this as the final blow to hope for the cancellation of the Jewish national home policy. Palestinian (provisional) nationality, according to one journalist, "can be obtained by every Jew who sets foot in Palestine and this is not an apparent assault on the highest of our civil rights?" Harking back to the 1921 delegation to London, articles concluded that the denial of the Palestinian voice in nationality legislation stood as another example that the British refused to take the rights of the Arabs into account.⁸⁶

In the summer of 1925, *Mir'at al-Sharq* published two articles that questioned the meaning of nationality in the context of the mandate and the Jewish national home policy. In the light of the high commissioner's announcement of the impending publication of the citizenship order, the paper argued that contradictions existed between the nationality legislation and the meaning of national in the Balfour Declaration and in accordance with the Jewish national home policy. The articles reflected the confusion among the Arab

⁸⁶ "Al-shaq al-thānī min wa'd Balfour: huquq al-watanīn al-midaniyya wa al-sīyāsiyya" [The second part of the Balfour Declaration: the national civil and political rights], 21 Dec. 1924, *Mir'at al-Sharq*.

nationalists and national bodies over the term ‘national’ (*qawmī*) in the Declaration.⁸⁷ As previously noted, the Arabs understood ‘national’ in ethnic terms and envisioned themselves as part of an ethnic group separate from immigrant Jews. The London delegation of 1921 expressed the same view in its meetings with the Colonial Office. The Declaration guaranteed that the Jewish national home would not harm the civil rights of non-Jewish communities. The Palestinian Arabs translated this to mean that the national rights of the Arabs and their nationality would be protected. Thus, the discourse was framed around a clash of interest, namely how the citizenship order could grant equal nationality for separate ethnicities.

Articles published in late 1925 pointed out that the Arabic term for nationality (*jinsiyya*) began to take on a more territorial meaning, more akin to *wantaniyya* (territorial nationalism). The territorial concept added to the confusion over its explanation in the press. This is clear in the following example. One writer questioned what nationality meant for Jewish communities in Eastern Europe, the birthplace of the majority of the immigrants. He claimed that thousands of Jewish people scattered over the world did not all have the same nationality in the sense of ethnic affiliation in their different countries. If these immigrant (mainly Orthodox) Jews were to be given a separate Palestinian nationality not on par with the Arabs but rather as members of a Jewish national home, then the Arab Palestinians would have an unequal status vis-à-vis the Jewish community. The article also discussed the term national and its translation into Western European languages as ‘subject’ (*ra’iyya*, from the term ‘flock’).⁸⁸ For the Arabs, the meaning of ‘subject’ was the same as ‘citizen’ in terms of being under the jurisdiction of a particular state. Herein was the difference between national and citizen for the Palestinian Arab writers. While nationality was nearly the same as ethnicity, citizenship denoted a status of being under the jurisdiction of a state or administration.

⁸⁷ “*Taqrīr al-mandub al-sāmī ‘ain filastīn*” [Decisions of the High Commissioner on Palestine], 19 July 1925, *Mir’at al-Sharq* and “*Al-watan al-qawmī al-sha‘b al-yahudī*” [National home of the Jewish people], 26 July 1925, *Mir’at al-Sharq*.

⁸⁸ “*Taqrīr al-mandub al-sāmī ‘ain filastīn*” [Decisions of the High Commissioner on Palestine], 19 July 1925, *Mir’at al-Sharq*. This conversation came as a response to Colonial Office discussions on whether a Jewish national home entitled all Jews to be nationals of that home even if they possessed citizenship of another country; see ‘Discussion of citizenship/nationality,’ 1925, CO 733/102/159-160.

The previous article also made an important point about the text of the Balfour Declaration. As the enforcement of the Declaration was not to alter the rights and status enjoyed by Jews in other countries, the status of immigrant Jews who became Palestinian nationals would not be affected. They would remain nationals of their country of origin *and* become nationals of Palestine. The writer asked “whether this text [Balfour Declaration] is inconsistent with the phrase ‘Jewish national homeland’ ” in terms of national status. Would nationals of Britain, France or America who were Jewish and settled in Palestine as members of the Jewish national home be forced to become Palestinians to the exclusion of their original nationality?⁸⁹ The query mirrored questions posed by British statesmen only two years’ prior, as discussed in Chapter Two. The Palestinian Arabs wondered whether all Jewish immigrants could hold more than one nationality. Such questions demonstrate that the notions of nationality and nation-state citizenship differed. Only at the end of July 1925 did a brief article clarify to readers that the existence of a Jewish national home in Palestine did not mean that ‘Jewish nationality’ would be imposed upon the inhabitants of Palestine.⁹⁰

With the publication of the Citizenship Order-in-Council in the Arabic press and the Palestine Gazette (the administration’s official periodical) in September 1925 the Palestinian Arabs became familiar with the order’s provisions. Newspapers published the full text of the order but some, such as Tulkarm’s *al-Ittihad al-‘Arabī*, relegated it to the last page. Every Arabic newspaper titled the legislation as the ‘Nationality Law’ (*al-qanun al-jinsiyya* or *al-haqq al-jinsiyya*) rather than as the Citizenship Order. In the official Arabic translation of the order in the Palestine Gazette, *jinsiyya* was the term used.⁹¹

Two months after the administration published the citizenship order, the editor of Bethlehem’s *Sawt al-Sha‘b*, ‘Isa Bandak, took on the task of explaining the dangers posed by the law. Bandak had established and edited the newspaper as a weekly since 1922 and until 1939. He was a popular politician in Bethlehem, where he founded the city’s Literary Club

⁸⁹ Ibid.

⁹⁰ “*Al-watan al-qawmī al-sha‘b al-yahudī*” [The national home of the Jewish people], 26 July 1925, *Mir‘at al-Sharq*.

⁹¹ In fact, the official translation of the order into Arabic also used ‘nationality law’ (*qānun al-jinsiyya al-filastīniyya*) rather than translating ‘citizenship order.’ The Arabic-language scientific and legal journal *al-Huquq* also used ‘nationality’ (*jinsiyya*) rather than citizenship (*muwātana*). More citations of the terminology used in the press are included throughout this chapter and the next. Mutaz Qafisheh’s work (*The International Law Foundations of Palestinian Nationality*) also notes the translation of nationality rather than citizenship.

and another pan-Arab periodical (*Bayt Laham*). The Literary Club and the press in Bethlehem under Bandak's supervision devoted much attention to the Palestinian diaspora since a large number of emigrants came from Bethlehem and its environs.⁹² Bandak's immediate reactions to the citizenship order, as apparent from the pages of *Sawt al-Sha'b*, were in fact the first ones to address the emigrants. In an article titled "The law prejudices the rights of the Arabs," he expressed anger at the harm done by the order to the interests of the nation since the legislation did not grant any rights for the Arabs on the basis of Palestinian nationality. First and foremost, he critiqued the reason for the law: Great Britain enacted it to facilitate Zionist immigration and meet the terms of the Balfour Declaration within the mandate. The critique fitted in well with the nationalist, anti-Zionist discourse and for good reason. Indeed, the British worked with the Zionist leaders to draft the favourable provisions of the order concerning the acquisition of nationality by Jewish immigrants.⁹³

Bandak compared the Palestinian order with citizenship legislation in the United States and found that immigrants to America had to meet several provisions, including five years of permanent residence, in order to be granted a certificate of legal residency. He also explained to the readers the residency laws throughout Europe and reported—as the Arab delegation alluded to in 1921—that all countries required no less than five years of residency before an immigrant could apply for citizenship. Bandak was the first editor to accuse the administration of unfairly placing no restrictions on whether Jewish immigrants could live full or part-time in Palestine in order to retain their nationality. The situation, Bandak surmised, created "a wide crater in the roof of Palestinian nationality" as it allowed any Jew in the world to acquire Palestinian citizenship rights. His main points all related back to the favouritism of Great Britain for the Zionist Organisation's aims.⁹⁴ Bandak's arguments echoed those of the Palestinian delegation but the publication of the 1925 order led to the re-emergence of vocal opposition to British legislation in Palestine. This opposition to

⁹² Adnan A. Musallam, "Palestinian Arab Press Developments under British Rule with a Case Study of Bethlehem's *Sawt al-Sha'b* 1922-1939," *Bethlehem University Journal* 5 (Aug. 1986), http://admusallam.bethlehem.edu/bethlehem/Sawt_Al-Shab.htm (accessed 20 Apr. 2012).

⁹³ "Qānun al-jinsiyya tahzāt huquq al-'arab" [The law prejudices the rights of the Arabs], 21 Oct. 1925, *Mir'at al-Sharq*.

⁹⁴ Ibid.

citizenship provisions was symptomatic of the wider anger against over the lack of consultation between the Arabs and the mandate administration.

A number of other reasons which triggered Arab opposition to the citizenship provisions can be grasped from editorials by Bandak and others. One reason is the claim that the order was detrimental to the country, which was not economically-sound, and that unemployed foreign arrivals to Palestine would not be obliged to contribute to the welfare of the country. Rather, their loyalties would be to the Jewish national home project. Furthermore, the illegality of the order—since a parliament of elected representatives did not create it—was another theme constantly stressed in 1925. Bandak concluded that the establishment of a Jewish national home supported by the nationality order would obstruct Arab national control over the country's resources, allow land to be requisitioned, and deplete Arab financial wealth by taking over businesses. His early efforts to draw attention to the order's dangers included written requests that High Commissioner Plumer form an elected representative body which would enact a new law.⁹⁵ These early reactions to the citizenship order are also important because of the readership of Arabic periodicals such as *Sawt al-Sha'b*. This readership included those most impacted by the citizenship order, families of the Palestinian Arab diaspora who remained in Palestine.

Conclusion

For the Arabs, the year 1925 ended on a confused note in relation to the nationality order. Although the order was published in Arabic in Palestinian periodicals and in the official gazette, the change made to put its timeframe for option for citizenship in line with the Treaty of Lausanne in November was not immediately noted by the press. In December, the mandate's Department of Immigration and Passports issued an official statement to the effect that due to difficulties, the department could not accept requests from Palestinians abroad for passports and certificates of nationality.⁹⁶ The publication of the provisions of the order that effectively denied citizenship to thousands of native born Palestinians who lived abroad galvanized the popular leaders. 'Isa Bandak and others poured their energy into lobbying the

⁹⁵Ibid.

⁹⁶ “*Bālgh rasmī*” [Official communication], 19 Dec. 1925, *al-Ittihad al-'Arabī*.

administration for the repeal of the order and the implementation of new legislation by a national assembly.

The previous and the current chapter have demonstrated that the concept of citizenship and the practices assumed to be connected to it diverged widely between the British colonial officials and the Palestinian nationalist leaders and associations. Members of the latter group clearly understood the divergence as early as 1921 when the Arab Executive delegation traveled to London and addressed the topic of nationality. The development of a political community in Palestine, due in large part to the beginning of mass political organisation at the end of the Ottoman Empire, the formation of a broader civil society and the spread of the press, was directly linked to the formation of a particular terminology that incorporated symbols and vocabularies of nationality and rights based on Ottoman nationality. This new political public, as this chapter argued, negotiated the meanings of nationality and citizenship in the early 1920s in response to the precedent of Ottoman nationality, the mandate's Jewish national home policy and mandate legislation.

The term *jinsiyya* (nationality) was used in writings and discussions by Arab nationalists during the time period under study in the current chapter and continued to be favoured over *muwātana* (citizenship). The reasons for this have been analysed above, and the publication of the 1925 Citizenship Order-in-Council in the Arabic press and Palestine's official gazette further standardised the use of the term nationality to refer to the legislation on citizenship. However, 'citizen' (*muwatin*) was used in petitions and letters signed by Arab communities and forwarded to the administration, Great Britain and the League of Nations. Editorials and printed requests to the Arab population by the Arab Executive and other national bodies, referred to the collective Palestinian Arab population in more rhetorical and nationalist language as *abna'* or *ahl Filastīn*, sons or people of Palestine, respectively.

At the same time, because the Arabs only had unofficial representation and delegations to Great Britain and to the Palestine Administration, nationalist leaders were given very little information on the draft nationality legislation. Thus, the reaction to the 1925 Palestine Citizenship Order-in-Council was one of confusion and uncertainty on the part of the educated Arab middle-class leadership. In this climate, rumours spread that the mandate administration deliberately made citizenship provisions favourable for Jewish immigrants to the detriment of the Arab natives. However, the Executive was limited in its opposition

tactics to the proposed nationality provisions. In the first place, colonial officials denied permission to the Arabs to scrutinise the law. In the interim period between 1921 and the order's publication in 1925, the Executive devoted very little attention to nationality legislation as the issue seemed less pressing. Secondly, the split in the national movement rendered it unable to offer a united front against legislation that affected nationality, particularly the creation of provisional Palestinian nationality that the immigrants received in 1922. The nationalists split over their attitude towards the British administration: some traditional leaders refused to work for the abrogation of the mandate, and others opposed the British completely. Yet the opponents of the mandate were unable to force the administration to recognise civil and political rights for the Arab population. Within this situation a number of nationalists, from Executive president Musa Kazim al-Husayni to Bethlehem's 'Isa Bandak, presented alternative definitions of civil rights and citizenship.

The development of civic activism and the discussion of rights and duties played a major role in this alternative definition of Palestinian citizenship. Although the activities of the Executive body had slowed down considerably by 1925, ordinary Palestinians continued to express their 'national rights' with tactics that were meant to draw the attention of the British. The successful boycott of the 1922 elections, public demonstrations and petitions were important means through which the population expressed a sense of civic activism and duty. That sense of activism and duty can also be attributed to a historical legacy of citizenship that went back to the late Ottoman Empire. A language of civil and political rights and duties to the Arab nation was developed during the *Tanzimat* and continued to influence the language of educated Palestinians. Yet under British control, while the understanding of citizenship came from the Ottoman context, new national leaders expanded the rhetoric and dialogue of national rights in opposition to the terms of the mandate and the Balfour Declaration. The discussion noted throughout the chapter on the links that the Arab nationalists made between nationality and nationalism within the Arab nation to the concept of political, civil and national rights influenced the Palestinian Arab leadership for the entirety of the mandate in light of citizenship questions.

In 1922, *Mir'at al-Sharq* published an editorial that posed the question of what would become of the former traditions of the country and whether the British wanted the

Palestinians “to forget the honor of their Arab nationality?”⁹⁷ That anxiety did not disappear by 1925, when the Citizenship Order-in-Council provided the mandate administration with the legal instrument to define Palestinian citizenship as different from Arab nationality. This differentiation had the most spectacular impact on Palestinian emigrants, particularly those who had maintained Ottoman nationality but were unable to return to Palestine immediately to claim their new citizenship. Their plight mobilised nationalists both in Palestine and in the diaspora. The ways in which these appeals separated the meaning of nationality from that of citizenship are the subject of the next chapter.

⁹⁷ “*Sīyāsa al-hukuma al-hādara*” [Current Government policy], 8 July 1922, *Mir’at al-Sharq*.

Chapter Four

The Diaspora and the Meaning of Palestinian Citizenship, 1925-1931

“[I]s it justice that allows the government to deprive the Arab natives of Palestine of the entitlement to their native nationality which they inherited from parents and grandparents while [the government makes] it easy for outsiders to obtain Palestinian nationality?”

28 July 1926, Sawt al-Sha‘b

“There is not a force in this world which can remove our rights [to citizenship] . . . for us, it is the blood in our veins and we have the right to nationality and naturalisation in the beloved homeland.”

Society for Palestinian Unity, Mexico, August 1927

Introduction

In 1927, the British Legation at La Paz in Bolivia rejected the cases of Palestinian Arab Sari Ismael and others who applied for Palestinian citizenship under Article 2 of the 1925 Citizenship Order-in-Council. The rejection was based on the legation’s assessment that they did not intend to return to Palestine because their lengthy absence (seven years in Ismael’s case) meant that connections with their native homeland were severed. In an attempt to prove his case, Ismael even produced a *laissez-passer* from the Military Governor of Jerusalem that proved he was in Palestine in 1920. The legation assumed that the applicants were former Ottoman citizens and held Turkish nationality by default given that they were not resident in Palestine. Without a Turkish representative to confirm or deny this, the British authorities in Bolivia could not grant visas to these Arabs to reach Palestine.¹ They remained in Bolivia stateless as a result of the provisions of the citizenship legislation in mandate Palestine.

¹ ‘British Legation, La Paz, 8 Apr. 1927,’ CO 733/142/45-46.

In the first half of the 1920s, the British administration of Palestine combined precedents of colonial citizenship with British legislation and international regulations to produce a set of provisions which effectively created Palestinian citizenship. As a response to legal realities on the ground Palestinian Arabs articulated different ideas of what it meant to be a citizen. Only after the enforcement of the 1925 Palestine Citizenship Order-in-Council did clearly-articulated notions of citizenship emerge out of the discursive field of ‘the nation.’ The primary factor that helped to clarify the meaning of nationality, citizenship and rights in the public arena was the situation of Palestinian Arab emigrants. The purpose of this chapter is to show how the question of the emigrants (*al-muhajarīn*) actively created a space for the discussion of citizenship that linked citizenship with the concept of nationality as the Arabs of the former Ottoman provinces understood it.² This chapter also sheds light on the new role taken by the Palestinian diaspora, or *mahjar*, after 1925 in the development of Palestinian civic identity. Despite this new civic identity and the subsequent increased grievances of emigrants who opposed the citizenship legislation, internal and external factors hindered the ability of the mandate administration to resolve these grievances.

Two months before the 1925 Palestine Citizenship Order-in-Council was published, a Foreign Office official noticed a “possibly incorrect part of Article 2” of the order. The article gave Ottoman subjects born in Palestine and resident abroad just two years to exercise the right to claim Palestinian citizenship once the order-in-council came into force in August 1925. The problem, as the official noted, was that Article 34 of the Lausanne Treaty conflicted with Article 2 of the citizenship order. Article 34 gave Ottoman nationals (who resided abroad) the right to take on the nationality of their successor state within two years after the treaty came into effect in August 1924. The Lausanne Treaty gave these former Ottomans until August 1926 to return and to Palestine and take on citizenship, while the Citizenship Order-in-Council gave the same individuals until August 1927 to do so. Former Ottoman natives living abroad who wished to acquire Palestinian nationality on the basis of their birth were required to return to Palestine six months prior to claiming their status and reside in the territory permanently. If they did not do so, they automatically received

² For a general discussion on the linkages between the diaspora and the homeland, and the creation of discourses of nationalist sentiment, the homeland and nation-building within the diaspora, see Helena Lindholm Schulz and Juliane Hammer, *The Palestinian Diaspora: Formation of identities and politics of homeland* (London: Routledge, 2003), 10-20.

Turkish nationality—although the means through which this took place were not elaborated upon—and were required to reside within the boundaries of the new Turkish republic. The Foreign Office ultimately took no policy decision on the conflicting time limits before the ratification of the citizenship order-in-council. It doubted the necessity for an amendment, believing it was “unlikely that there will be many applicants falling under Article 2 of the Order.”³ Article 2 actually caused many years of controversy, problems and constant protests by the Palestinian Arab *mahjar* and their supporters at home. The history of this controversy, from the beginning of the British administration to 1931, is the subject of the current chapter.

First, it must be recalled from Chapter Two that the 1925 Citizenship Order-in-Council was indeed modified by the high commissioner four months *after* its announcement in order to bring Article 2 in line with Article 34 of the Lausanne Treaty. The time period given to Ottoman nationals living abroad to opt for Palestinian nationality was shortened from two to one year. Furthermore, because these nationals were required to return to Palestine and reside there for six months before they could apply, and had to remain in Palestine as permanent residents, they had less than a year to put their affairs in order and return from abroad. Despite the implications of the amendment, the immediate reactions among the *mahjar* communities were quite limited since British consuls failed to publicise the change. Most of the Arab population in Palestine was also initially unaware of the consequences of the order since Arabs born and resident in Palestine were granted citizenship automatically. The earliest reactions to the order can be found in the Arabic press in 1925 when a small number of articles started to call attention to some of its provisions. To understand the role of the press, it is necessary to briefly introduce the spread of periodicals in the region and the links that the press fostered between the diaspora and the homeland.

Links between the diaspora and the homeland

The Arab diaspora maintained a connection to *Bilād al-Shām* (Greater Syria) through the press. In the years before 1914, the Syrian diaspora consisted of Arabs from the territories

³ ‘Citizenship Order-in-Council,’ June 1925, CO 733/104/201.

that later became Syria, Palestine, Lebanon and Transjordan. Those emigrants from Palestine who lived in the United States and Latin America received copies of periodicals published in Palestine and printed their own newspapers. Akram Khater writes that between 1892 and 1907, twenty-one Syrian Arab dailies, weeklies and monthlies appeared in the U.S. The Arabic press “flourished as a new medium for the [emigrant] community,” and a sizeable percentage of emigrants were exposed to at least one newspaper. The *mahjar* press published commentary on the political and social situation in the Levant, and was thus “important in shaping the way the community looked at itself.”⁴ Through discussions and editorials in newspapers, the diaspora shaped ideas of citizenship as related to Ottoman identity and nationality. At the same time, editors and journalists within Palestine who belonged to the educated middle-class nationalist stratum of society corresponded with relatives, colleagues and friends in the diaspora and encouraged the emigrants to write letters to newspapers. By 1919, these letters included stories about Palestinian communities abroad as well as commentaries on the mandate and Zionism.

The connection between these communities and nationalist leaders in Palestine assisted the diaspora in crafting its own definition of Palestinian citizenship. The present chapter draws on the argument made by Isin and noted in Chapter One that citizens are actively ‘made’ through certain practices and expressions of belonging that mark individuals as part of the political, social, civic and cultural make-up of a nation. Citizenship then is transformed from an abstract concept to an active and negotiated behaviour. This chapter analyses the ways in which natives who resided outside of the mandate territory were ‘made’ into Palestinian citizens in the years before and after the 1925 order-in-council through social, political, cultural and symbolic associations shared between the *mahjar* and the Arab population of Palestine. Before 1925 Palestinians retained their identification with their homeland not only through the Arabic press but also as their communities formed mutual aid societies and charities, elected leaders for community associations, and supported the national movement in Palestine.

⁴ Khater, *InventingHome*, 88-89.

The history of the Palestinian diaspora

The narrative of the Palestinian Arab diaspora is often lumped together with the general migration movements from the Levant that began in earnest in the last two decades of the nineteenth century.⁵ Arabs from the Ottoman province of Greater Syria and the Mutasarrifiyya of Mount Lebanon began to emigrate in large numbers in those decades. From 1860 to 1914, between 600,000 and one million, as estimates vary, Arabic-speaking Ottomans born in Greater Syria left for the Americas. Despite this large number, about one-third returned home and did not permanently settle abroad. According to Kemal Karpat, the Ottoman government often financed the return and re-settlement of emigrants and only those who acquired a foreign nationality lost their Ottoman nationality.⁶ The Americas attracted Arab migrants from southern Syria in the late eighteenth century and a large majority of these travelers came from the environs of Bethlehem and Jerusalem. Arabs who intended to go to Latin America usually left from the port of Beirut and arrived in Haiti before continuing to Cuba, Mexico, Honduras, El Salvador, Chile and other places. By the turn of the century, records show that Palestinian communities in the diaspora created clubs and associations for cultural exchange, mutual support and to govern their affairs.

Immigration to the Americas intensified at the turn of the twentieth century as the Ottoman Empire experienced instability, particularly due to continual warfare in its European provinces and bankruptcy. Many young Christian men left in 1914 due to new harsh Ottoman recruitment policies for the First World War and the financial opportunities offered by settlement in the American republics, as economics seemed to have played a great role in migration. Latin America was particularly attractive due to lenient immigration

⁵ Specialised studies include Gonzalez's *Dollar, Dove, and Eagle*; Marin-Guzman, *A Century of Palestinian Immigration into Central America*; Foroohar, "Palestinians in Central America;" and work by Adnan Musallam on Bethlehem's emigrants. Jacob Norris has written about Ottoman-era migration of Christian Palestinians to Latin America, the U.S. and Russia in the sale of holy land artifacts such as olive wood and mother-of-pearl carvings. See Jacob Norris, *Land of Progress: Palestine in the Age of Colonial Development* (Oxford: University Press, 2013).

⁶ See Civantos, *Between Argentines and Arabs*, 7. Civantos notes the problem of accurate records of immigrants due to illegal entries and departures, and non-standardised terms to record the immigrants' origins; Karpat, "The Ottoman Emigration to the America." Karpat's study is one of the most widely-cited, but it must be noted that Arabs immigrated to places other than the Americas during the Ottoman and post-war period, including Russia, the Philippines and throughout west Africa. It must be remembered that emigration took place between the 'global south' or 'third world,' and not exclusively from the third world to the 'first world.'

policies of states such as Honduras and Brazil.⁷ Emigrants from both urban and rural areas of Syria took up work in business and commerce. Some of them arrived to the Americas with enough capital to set up their own businesses.

Like the Ottoman Empire's provinces, the former colonial territories of Latin America had recently achieved independence and were often sites of both nationalist movements and conflict. Tensions between socialist reformers and military-based dictatorships turned violent in certain republics in the 1910s and 1920s. Some governments such as that of Haiti did not maintain relations with the Ottoman Empire and anti-Arab sentiment was common.⁸ The situation also meant that in Central and South America emigrants were more exposed to anti-colonial ideologies given the recent history of these countries. With the end of the First World War and the dissolution of the Ottoman Empire, the Arabs lost consular and diplomatic protection since their documentary identity as Ottoman nationals ceased to be internationally acceptable. The British were reluctant to offer diplomatic protection to Palestinian Arabs or other Syrians who resided abroad. It is in this international context and in the political system of newly-created nation states across the globe that the discussions and definitions of Palestinian nationality and citizenship can be situated.

The Palestinian Arab *mahjar* and civic identity, 1918-1925

From the onset of the British administration of Palestine, the Arab emigrants confronted many practical problems. Their loss of Ottoman nationality meant they did not have valid passports or claims to consular protection. They were also denied entry to Palestine, and could not take part in future elections although some of them had retained land and property there, and paid taxes to the government. It is in this situation that the emigrants of the *mahjar* appropriated the rhetoric of rights and duties of republican citizenship, embracing the concept that they had a duty to participate in political decision-making in Palestine. From the start of the British military occupation in 1918 these Arabs identified themselves as 'Palestinians' in letters of protest sent to the military government and to newspapers in

⁷ Gonzalez, *Dollar, Dove, and Eagle*, 25-28.

⁸ For more on the situation of Arabs in Haiti in the pre-war years, see Brenda Gayle Plummer, "Race, Nationality, and Trade in the Caribbean: The Syrians in Haiti, 1903-1934," *The International History Review* 3 (Oct. 1981): 520-521.

Palestine. This section explores when and how the emigrants acquired awareness as Palestinian citizens. It also shows how civil society organisations facilitated strong links between the diaspora and those Arabs in Palestine who identified themselves as nationalists. The civil society linkages formed within diaspora communities became the most important conduits for political and civic identity acculturation. This civic awareness is partly measured through an analysis of the changing rhetoric displayed by their demands to the British administration of Palestine, the League of Nations and the Foreign and Colonial offices from 1918 to 1925.

The growth of civic awareness in the diaspora

A clear theme in the earliest correspondence between the diaspora communities and individuals and nationalist organisations in Palestine such as the Muslim Christian Association (MCA) and the Arab Executive was the idea that the Palestinians formed part of a larger Arab nation. That Arab nation, as detailed in Chapter Three, was based on the awareness of a common ethnicity. This was evident to Palestinians who resided far away from their homeland. Since 1919, with the advent of national associations that advocated the abrogation of the Jewish national home policy, groups and individuals in Palestine began to refer to themselves as sons of Palestine (*abnā' filastīn*). Newspapers and the activities of benevolent associations allowed those emigrants who left in the nineteenth or early twentieth century to remain connected to events in Palestine. These émigré associations took their cue from earlier religious or mutual aid societies but developed a marked nationalist outlook. The diaspora had long included individuals who were conscious of identity politics and patriotism. Intellectuals such as journalists, editors and political activists as well as ordinary men and women formed their own national clubs in the diaspora.⁹ Once the alarming news of the terms of the war settlement and the perceived threat of the Jewish national home policy reached these communities, their organisations became increasingly political in nature.

⁹ Adel Beshara, "A Rebel Syrian: Gibran Khalil Gibran," in *The Origins of Syrian Nationhood: Histories pioneers and identity*, ed. Adel Beshara (London: Routledge, 2011), 144.

Throughout 1918, numerous clubs sent letters and signed petitions to the MCA in Palestine, Emir Faisal in Damascus, King George V, the military administration in Palestine, and the League of Nations to express their support for an independent Syrian nation and their opposition to the Balfour Declaration. Petition-writers usually identified themselves as part of ‘the Palestinian Colony’ of their host country. For example, in November 1918, the Palestinian community of San Salvador signed a protest addressed to King George V that stated its opposition to the Zionist ambitions in Palestine. Significantly, they signed the protest as ‘the Palestinians’ suggesting that in only a short period of time the community’s awareness changed from that of Syrian Arab to specifically Palestinian.

This shift in identity that was partly prompted by the British occupation of the territory that became the Palestine Mandate led diaspora communities to question their national allegiances. Alongside the assertion of their growing recognition of a political identity as a group, emigrants expressed new concerns for their status vis-à-vis Great Britain. In 1919 the signatories of a letter to Prime Minister Lloyd George asked if the Palestinian Arabs came under the diplomatic protection of Great Britain.¹⁰ The correspondence sent by Palestinian colonies urged the British to protect Arab ‘national rights.’ Meanwhile, the San Salvador community wrote to the American President Woodrow Wilson during the Paris Peace Conference asking for his help to protect the diaspora. The letters used the rhetoric popularised by the League of Nations and by President Wilson that publicised the role of the Allied powers as the protectors of the rights of the smaller nations.¹¹

Indeed, the same language of natural, national and civic rights was used by Arab nationalist leaders and associations based in Palestine. Their counterparts in the diaspora became more attuned to the idea of a Palestinian civic identity, shared with the inhabitants of the territory, through rhetorical expressions of political rights and duties as opposed to equating Arab nationality with Palestinian citizenship. By the early 1920s, the émigré organisations had started to voice the idea of national ‘duties’ as an important element in the definition of modern civic identity. These organisations acted not only as communal spaces that offered support and assistance to emigrants from the same parts of Palestine, but also supported Palestinians at home. For example, in 1925 a Palestinian based in the U.S. sent a

¹⁰ ‘San Salvador Palestine Colony to Lloyd George, 7 Mar. 1919,’ *Min Awrāq Akram Zu ‘aytir*, 10.

¹¹ ‘Protests by Palestinian residents in the Republic of San Salvador, 15 Mar. 1919,’ *Ibid.*, 9.

note to the Mufti of Jerusalem during the Syrian revolt and signed it as “a loyal citizen.” Framing his request as a Palestinian civic duty, he asked for ten victims of the violence in Damascus to be sent to live with his parents near Ramallah at his own expense.¹² A number of clubs in places like San Salvador and Monterrey sent money to help the poor and needy of Bethlehem and other Palestinian towns and villages. The emigrants discussed political duties as well and elected representatives in their societies. For instance, Palestinians in El Salto, Mexico publicised elections for their local society by stating that the society was committed to continue the defense of Palestinian rights from abroad.¹³ Furthermore, the Palestine Renaissance Society in New York appealed in 1923 for continued support of the *jihad* (struggle) against colonialism in Palestine. The use of the term ‘*jihad*’ mirrored the rhetoric used in Palestine by the MCA, Arab Executive and in newspaper articles, and it contributed to the horizontal acculturation of a specifically Palestinian civic identity.¹⁴

Prior to the publication of the Palestine Citizenship Order-in-Council in 1925, newspapers, national congresses and delegations to London did not pay particularly close attention to the status of the emigrants. The middle-class Arab nationalists initially viewed the diaspora as a branch of the national movement opposed to the Zionist policy of the British administration. In the years before the ratification of the Treaty of Lausanne in 1924, the mandate administration had not yet differentiated between residents abroad and permanent residents, and thus emigrants who kept Ottoman nationality faced no explicit threat to their international status. Rather, the Palestinian press published letters and commentary from the general public that described the nationalism of their brothers in the diaspora and pleaded for their return home to serve the nation. In 1920, one such letter concluded that since the administration claimed the country could accommodate a large number of new (Jewish) inhabitants, the emigrants should try to return home.¹⁵ Only once the Lausanne Treaty and the citizenship order provisions began to have a negative impact on the legal status of the emigrants did the nationalists in Palestine focus their attention on the Arab diaspora.

¹² “*Ārīhiyya ‘arabī muhājar*” [Goodwill of an Arab emigrant], 28 Nov. 1925, *al-Ittihad al-‘Arabī*.

¹³ “*Āmjama ‘iyyāt al-wataniyya fī al-mahjar*” [Nationalist societies in the diaspora], 12 Feb. 1927, *Sawt al-Sha‘b*.

¹⁴ Al-Kayyali, *Wathā‘iq*, 83.

¹⁵ “*Al-mahājra*” [The migrant], 30 June 1920, *Mir‘at al-Sharq*.

The emigrants and British policies

By the mid-1920s the emigrants' difficulties with regard to travel and identification became clear to their families in Palestine. Individuals who wished to return to Palestine or to travel outside their host country needed a passport or *laissez-passer* as verification of their identity. In order to receive temporary travel documents, they needed to prove that they were born in Palestine and had been Ottoman nationals. The inability of many to produce such documentation is evidenced in letters sent to newspapers in Palestine. The problem was mentioned as early as September 1920 when an editorial in Jerusalem's *Mir'at al-Sharq* criticised the hesitation of the immigration department of the civil administration to assist travelers or to approve their applications for travel documents. It also condemned the failure of the authorities to provide necessary facilities for Palestinians in transit.¹⁶

At that time, British consuls had little idea of how to treat Palestinians who lived abroad but retained Ottoman nationality and identity documents. By the latter half of 1922 the Colonial Office reported several cases that attested to the confusion of consuls. The District Officer in Bethlehem received a letter from a native of that town describing how a British consul refused his application for a passport in order to leave South America to return to Palestine. The author explained that he was forced to apply for a French passport as an Ottoman national born in Syria, and traveled to Palestine with it. Shortly after, a Palestinian in Chile wrote a letter to his mother and explained that he too was unable to leave Chile for Palestine on British travel documents and instead received a passport from the French consul. In a third case, the British consul in Mexico stated that he had no instructions to issue passports to Palestinians.¹⁷

Although Palestinian emigrants and travelers voiced their grievances to the mandate authorities and to newspapers they received little assistance as the international position of Palestine before 1922 remained ambiguous. After the dissolution of the Ottoman Empire in

¹⁶ “*Ādārah juzāt al-safar*” [The department of passports], 29 Sept. 1920, *Mir'at al-Sharq*. A temporary type of passport for Palestinians was used since 1920 under the mandate but these were not proper passports—Palestinian passports (as separate from British passports) were issued beginning in 1926. For more, see Qafisheh, *The International Foundations*, 147-149 and ‘Palestinian passports,’ 11 June 1926, CO 733/114/514-530.

¹⁷ ‘Travel facilities for Palestinian Arabs in South America,’ Aug.-Dec. 1922, CO 733/27/518-521.

1918, many emigrants expressed their desire to be under British protection. The question of diplomatic protection came to the fore in 1924 when revolutionary violence broke out in Honduras, a country then home to a large Palestinian community. A number of military-backed coups and uprisings took place against the government after the 1919 civil war. The country's second civil war that broke out in 1924 led to over 5,000 deaths and the destruction of millions of dollars' worth of property. The Palestinian community in La Ceiba was directly affected. Its members reported that all of their shops and homes were damaged or destroyed in "the guerilla insurgency of the country." The threat to the Palestinian Arabs combined with the assumption of the community as constituted of Palestinian citizens led inhabitants to appeal to British consular officials in Honduras. However, the community received no financial or political assistance from the consuls and found that Great Britain expressed no interest in providing diplomatic protection to the native Palestinians. Community members addressed the British government through letters sent to the press in Palestine, arguing that the "international and humanitarian duty of the English state [was] to defend the rights of the natives of Palestine who have no one to defend them."¹⁸ They wrote to the mandate administration and the League of Nations that the duty of the British government was to protect and assist individuals from the territories it administered. As a result, the Palestinians asked the League to put pressure on Great Britain to extend its protection to the Palestinians living abroad.

Back in Palestine, Bethlehem's newspaper *Sawt al-Sha'b* commenting on the events in Honduras, stated that Great Britain had a role in the protection of all Palestinian citizens.¹⁹ The Arabic press in Palestine identified the emigrants as British subjects, which further reinforced the way the emigrants viewed themselves as citizens of the mandate. It came as a surprise to Arab observers when Great Britain did not offer to support the Palestinians who demanded compensation from the Honduran government.²⁰ When a similar situation evolved in Brazil after the August 1924 uprisings, *Sawt al-Sha'b* stressed the British responsibility to protect Palestinian lives and property and to safeguard the rights of "the citizens" in the diaspora. The threats faced by emigrants in Latin America led to the

¹⁸ "'Arīd' [General news], 14 Apr. 1924, *Sawt al-Sha'b*."

¹⁹ Ibid.

²⁰ "'Thuwra Honduras'" [Honduras Revolution], 31 May 1924, *Sawt al-Sha'b*.

placement of discussions on the meaning of Palestinian nationality squarely on the front pages of newspapers, which stressed the citizenship of these emigrant Palestinian Arabs with increasing frequency.²¹

The problems the emigrants faced in terms of both consular protection and re-entry to Palestine remained unsolved by the end of 1924. Members of the diaspora, the press in Palestine, and national leaders juxtaposed the rights of Arab emigrants with those of their Jewish counterparts. Journalists and local leaders found it difficult to accept the denial by the mandate administration to allow emigrants to return to Palestine. Press reports explained to readers that elsewhere in the world individuals were not forbidden to return to their homelands simply because they temporarily resided elsewhere. One writer, arguing that the purpose of the newspaper is to enlighten and guide the people to their rights, instructed Palestinian emigrants to report to their nearest British consul to prove their Ottoman nationality in order to receive travel papers. This example demonstrates that the press did not only serve as a medium for the acculturation of national identity for the emigrants but it actively addressed and attempted to alleviate their problems with the administration. It also provided useful information not circulated by British consuls, such as that if a consul was not satisfied with the documents possessed by an emigrant, relatives in Palestine could request that the administration allow that emigrant to enter mandate territory.²²

In late 1924 before the final drafts of the nationality order became known to Palestinian leaders, some writers published articles detailing what they knew about the situation of the emigrants in terms of consular protection and documentary identity. A common theme in Jerusalem's newspapers was the contrast between the refusal by the mandate administration to recognise the nationality of the Arab emigrants as Palestinian and the facilities available for every Jewish immigrant to obtain provisional Palestinian nationality. One Arab writer asked if such provisions were "not an apparent assault on the highest of our rights."²³ Prior to the issue of the citizenship order, nationalist journalists and activists viewed the emigrants not as *former* Ottomans (the British classification of these individuals) but as Palestinian

²¹ "Kitāb wajuāb" [Response letter], 14 Aug. 1924, *Sawt al-Sha'b*.

²² "Filastīniyyun fī al-mahjar: kīf ya 'udun ila bāladhum bashula" [Palestinians in the diaspora: how they can return with ease], 14 Dec. 1924, *Mir'at al-Sharq*.

²³ "Al-shaq al-thānī min wa'd Balfour: huquq al-watanīn al-midaniyya wa al-sīyāsiyya" [The second part of the Balfour Declaration: the national civil and political rights], 24 Dec. 1924, *Mir'at al-Sharq*.

natives entitled to the same status as any other Arab born in Palestine. Yet the mandate administration in connection with the Honduras affair instructed British consuls in 1925 not to grant nationality certificates to non-permanent residents of Palestine.²⁴

The Foreign Office failed to apply this policy in a uniform manner as suggested by the case of Palestinian textile merchants normally resident in Port-au-Prince, Haiti. In the early summer of 1925 they requested certificates to enable them to travel as Palestinians to Great Britain and the U.S. for business purposes. Initially, the Foreign Office allowed for travel on the basis of their Ottoman nationality but warned that no further protection could be given by British consulates until the merchants could prove that they held Palestinian citizenship. One Palestinian merchant in Port-au-Prince expressed the feeling of the victimisation of Palestinians who worked abroad with no identity documents. He argued that the Jewish national home policy was “an attempt . . . to force [Arabs] to surrender their Palestinian citizenship,” adding that provisional certificates of nationality posed practical problems in that they did not guarantee diplomatic protection.²⁵ The British administration made clear its opposition to granting Palestinian provisional nationality to individuals deemed to want that status only in order to receive the protection of Great Britain.

The claims by Palestinians in Honduras remained unresolved by the end of 1925. The British Foreign Office stood by one particular office circular that stated Arabs could not claim British protection unless they had proof of Palestinian citizenship. Natives in consular districts could only obtain Palestinian citizenship under Article 2 or 4 of the Citizenship Order-in-Council. They had to prove their birth in Palestine, be over the age of eighteen and possess Turkish (meaning Ottoman) nationality on 1 August 1925 while resident abroad. As explained in the citizenship order, to claim their right of nationality these individuals were required to proceed to Palestine to comply with the residence provision. Yet, Palestinians living in Honduras and elsewhere could not easily travel to Palestine to claim their citizenship. To enter Palestine, emigrants had to possess emergency certificates in place of a visa approved by the Chief Secretary of the Permit Section of the Palestine Government. According to the government, any unapproved applicant who opted for citizenship and presented himself to the mandate immigration authorities “should not be treated as a

²⁴ ‘Protection of Palestinians in Honduras,’ 15 June 1925, CO 733/104/35-38.

²⁵ ‘Travel facilities for Palestinians in Hayti,’ 16 Apr. 1925, CO 733/103/353-356.

Palestinian citizen.”²⁶ Meanwhile in Great Britain, the Foreign Office decided that every applicant must demonstrate that it would be “reasonable and proper for him to be under British rather than Turkish protection.”²⁷ Such a subjective policy placed yet another obstacle before the emigrants.

The impact of British policies concerning the nationality of native Palestinians living outside of Palestine was as negative as it was unclear. Between 1918 and 1925, the confusion grew as to the proper international status of the emigrants, to whom these Arabs could turn to for consular assistance, and how to travel with invalid Ottoman documents. As British officials drafted nationality legislation for Palestine, the practical impact of their legislation upon the émigré communities was not thoroughly considered. Mandate officials were also somewhat oblivious of that fact that the members of diaspora communities believed themselves to be citizens of Palestine. In the years before 1925 in spite of the distance that separated the *mahjar* from the *mashriq*, the émigré communities quickly grasped the awareness of a specifically Palestinian civic identity. However, the citizenship legislation introduced in 1925 was in conflict with their definition of civic Palestinian nationality.

Nationality as citizenship: discourses and practices in the diaspora and at home, 1925-1931

Once the provisions of the 1925 Citizenship Order-in-Council became known, the denial of *jus sanguinis* citizenship to Arab emigrants became a fully-fledged national story in Palestine. In letters to friends, family, newspaper editors and the mandate administration, emigrants criticised the administration’s failure to grant them *ipso facto* citizenship. Importantly, in their arguments they depicted nationality as a right clearly connected to birth in Palestine and Arab ethnicity. In often strong language, some emigrants argued the citizenship order was tantamount to the removal of Arab ethnicity from Palestine, a notion that newspapers picked up fairly quickly. The following section analyses how Palestinian emigrants linked Ottoman nationality with Palestinian citizenship after 1925. The debates

²⁶ Foreign Office circular, ‘The acquisition of Palestinian citizenship,’ 21 Dec. 1925, ISA/M/223/38.

²⁷ Ibid.

over the situation of the emigrants then triggered a particular discussion and demand for what the emigrants and their supporters termed ‘the right to return.’ It is important to analyse the history of these discussions and debates alongside the activities with which the emigrants associated their quest for citizenship such as joining clubs and charities and demanding political representation through protest letters, petitions and delegations to British consulates.

The diaspora and connections with civil society in Palestine

By the middle of 1926 ‘Isa Bandak, the populist, anti-mandate editor of Bethlehem’s *Sawt al-Sha‘b*, wrote that no less than 20,000 Palestinian Arabs living or travelling abroad had no one to defend their interests. Since they did not have recognised nationality documents, these Arabs could not seek consular protection anywhere.²⁸ Bandak, like others such as Arab Executive president Musa Kazim al-Husayni, a number of middle-class nationalists, and diaspora associations, were baffled by the situation. They found it difficult to reconcile their idea of citizenship as based on nationality with the definition of Palestinian citizenship provided by the 1925 Order-in-Council. To these nationalist leaders and groups, it seemed natural that the thousands of emigrants had kept their Ottoman nationality and thus would receive Palestinian citizenship on the basis of that former nationality.

The pages of *Sawt al-Sha‘b* by early 1926 contained numerous explanations for the restrictions created by the citizenship order. The newspaper’s articles expressed the growing fear that the order constituted a ploy to increase Jewish immigration. With the expiration of the citizenship order’s retroactive two-year timeframe in August 1926, Bandak confronted the administration in his editorials over the limited measures taken to facilitate the naturalisation of Ottoman subjects absent from their homes in August 1924, and of those whose applications had been refused. He wondered if orders had been uniformly distributed to all British consuls and whether the orders were intended to deprive emigrants from “the right to return (*haqq al-‘awda*) to their country and enjoy [British] political and consular protection.” Bandak urged action: he implored the emigrants “to rush off to the [British]

²⁸ “*Al-muhajarīn wa al-jinsiyya*” [The Emigrants and nationality], 15 May 1926, *Sawt al-Sha‘b*.

consul to review the means for understanding nationality” and to write back to families detailing the obstacles they faced.²⁹ He stressed that emigrants should not lose their ‘right’ to citizenship (*haqq al-jinsiyya*) and reported that many emigrants failed to register as Ottoman nationals in British consulates. He urged them to notify consuls that they were Palestinian natives.³⁰ Thus, Bandak’s newspaper set in motion a discourse that blamed Great Britain for deliberate discrimination against the Arabs in favour of their support for the aims of the Zionist Organisation in Palestine.

Bandak’s efforts to bring attention to the citizenship order’s provisions made headway among Arab communities in Latin America. This is probably due to Bandak’s outspoken presence in Bethlehem, a town that had been a historical centre of migration and which retained a strong connection with émigré communities. New social organisations such as youth, sport and local patriotic clubs played a role as well in that members explained the situation of the emigrants to interested individuals. In the place of the weakened Arab Executive, local leaders and residents lobbied the mandate government to extend the August 1926 deadline set to apply for citizenship. Like Bandak, these lobbyists came primarily from the area around Bethlehem, Jerusalem and Ramallah, and they used their position as middle-class nationalists—newspaper editors, municipal council leaders, lawyers, and members of prominent families—to publicise the situation of the diaspora in meetings of local social, political and religious organisations. These local leaders closely scrutinised citizenship legislation in both Great Britain and in Palestine and they appealed to the rest of the population through manifestos and open letters.

Among the Arabic periodicals, it was *Sawt al-Sha‘b* that solicited the largest number of letters from Palestinians in the Republic of El Salvador, Honduras and Brazil throughout 1926. The Palestinian community in El Salvador had especially strong ties to Bethlehem. The author of one of these letters noted that emigrants from Bethlehem did not want to go through the process of naturalisation in other countries. Instead, they wanted their “rightful nationality” automatically confirmed. He added that the British consul refused to give citizenship documents to the children of Palestinian residents of El Salvador on the pretext

²⁹ Ibid.

³⁰ Ibid.

that they were natives of their country of birth—El Salvador.³¹ Another letter stressed that “[one] does not lose nationality” as the Ottoman nationality law provided for the transmission of nationality through descent.³² This letter is yet another example of the Arabs’ expectations that mandate citizenship legislation would be in line with familiar Ottoman precedents.

Other newspapers took the lead from Bandak and referred to his editorials on the citizenship order and printed letters from the diaspora. Articles, often on the front pages, urged citizens to hold meetings and study the citizenship law, its implications for emigrants, and to review the orders to consuls circulated by the Foreign Office in London. In mid-May 1926, the Bethlehem Nationalist Society planned to hold a meeting with the *‘ayan* (notables) and *mukhtars* (village leaders) of Jerusalem municipality in order to discuss the status and treatment of children born outside of Palestine.³³ Bandak and other local leaders then wrote open letters to High Commissioner Plumer which newspapers then published. This dialogue between the press, the emigrants and nationalists in Palestine reinforced ideas of ethno-nationality as it developed in relation to *jus sanguinis* rights to citizenship and in opposition to the colonial-style citizenship imposed by the mandate administration.

As the press and political and social organisations received letters from emigrants, a number of assumptions associated with provisions of the citizenship order came to the fore. The most common to emerge was, as noted previously, the British favouritism for Jewish immigration to Palestine. One journalist wrote that the Palestine Government realised the Jews were not applying in large numbers for Palestinian nationality because of their lack of confidence in the national homeland. He claimed that in response, “the English put in place a deliberately strange plan which is more evidence of favouritism toward the Jews and their interests.” As part of that strange plan, he continued, the administration allowed for immigrants to unofficially hold dual nationality.³⁴ The accusation of favouritism had a profound impact on Arab society, which had been inundated with anti-Zionist propaganda. The citizenship legislation was touted as hard proof of a future political takeover of the

³¹ “*Al-muhajarīn wa al-jinsiyya al-filastīn*” [The Emigrants and Palestinian nationality], 23 May 1926, *Sawt al-Sha‘b*. 23 May 1926, *Sawt al-Sha‘b*.

³² “*Sawt al-mahjar*” [Voice of the diaspora], 4 Sept. 1926, *Sawt al-Sha‘b*.

³³ “*Ikuwān al-muhajarīn*” [Immigrant brothers], 26 May 1926, *Sawt al-Sha‘b*.

³⁴ “*Al-yahud wa al-jinsiyya filastīniyya*” [The Jews and Palestinian nationality], 11 Aug. 1926, *Sawt al-Sha‘b*.

mandate by the Zionist leaders. The press also noted the irony of the policy that restricted any stateless former Ottoman national from Palestinian citizenship if he held another nationality, whereas Jewish immigrants could hold dual nationality.

Another theme stressed in light of the emigrants' situation was that of colonial 'injustice' embodied by the citizenship order. One writer asked whether justice meant that "the government [can] deprive the Arab natives of Palestine the entitlement to their native nationality . . . [of] parents and grandparents while [the government makes] it easy for outsiders to obtain Palestinian nationality?" The sensational and outraged tone of many letters sometimes warranted responses from officials in Palestine and Great Britain. *Sawt al-Sha'b* printed these replies as well. In one response, the Colonial Secretary expressed confidence that a large segment of the diaspora undoubtedly applied for nationality in the time allotted to do so. As the press pointed out, and as records demonstrate, the mandate did not publish estimates of the number of emigrants who returned to Palestine to claim citizenship.³⁵

The diaspora and the right to return

The public assertion that Ottoman nationality translated into Palestinian citizenship struck a chord with members of the Arab Executive as well as with local populist leaders like 'Isa Bandak. Musa Kazim Pasha al-Husayni, president of the Executive, first met Colonial Secretary Leopold Amery in the summer of 1926 to discuss the issues of consular protection and the status of Palestinians abroad. During the meeting, Musa Kazim pointedly told Amery that the public held the British responsible for having transformed Palestinian emigrants into "orphans from the government."³⁶ At the same time, Bandak and other local leaders in Bethlehem arranged a meeting with the secretary of the Executive, Jamal al-Husayni, to discuss the situation of the Palestinians during the Honduras crisis as they were

³⁵ "Al-muhājarun wa jinsīthum" [The emigrants and their nationality], 24 Nov. 1926, *Sawt al-Sha'b*.

³⁶ "Ila al-mandub al-sāmī: līs min yadāfa 'ain al-'arab fī al-mahjar" [To the high commissioner: Arabs in the diaspora are not defended], 21 July 1926, *Sawt al-Sha'b*.

threatened with anti-Arab sentiment and expulsion as a result of Honduran immigration legislation.³⁷

At the end of August 1926, Bandak joined Musa Kazim and others in another meeting with colonial officials in Jerusalem to discuss the obligations of the mandatory to the emigrants and to ask for an extension of the deadline for natives to claim citizenship. Secretary Amery refused to discuss changes to the order or increased assistance for the emigrants. Musa Kazim then drafted an open letter to the administration to ask that the timeframe of the citizenship order be extended one year and to stress that some emigrants were not informed of the order as many had never received notice of it. In addition, he pointed out that these individuals faced the difficult task of arranging to leave their countries of residence permanently in the short time-span envisaged by the legislation. The law itself, Musa Kazim added, was difficult to understand for even competent legal authorities.³⁸

The émigré communities in Latin America followed reports of the meetings on citizenship legislation between national leaders and colonial officials. They noted the lobbyist efforts on their behalf, as these efforts elicited important debates on the so-called right to return. In 1926, the United Palestinian Society in Honduras submitted a petition to the Executive asking that its members hold the government to their “duty to protect” the money and lives of the emigrants.³⁹ Several months later as debates continued over the refusal by immigration authorities in Palestine to allow natives to enter the territory without recognised citizenship, Jerusalem’s *al-Jamiyya al-‘Arabiyya* included an article that equated the denial of travel facilities to a negation of the Palestinians’ right to return to their original homeland.⁴⁰ By early 1927, the emigrants’ supporters in Palestine had appropriated the phrase.

In fact, as the mandate immigration authorities routinely denied visas and entry to returning emigrants, the ‘right to return’ became a loaded slogan. It brought to light the key argument in support of the emigrants’ rights to citizenship, namely that the order’s provisions should account for both *jus sanguinis* and *jus soli* nationality. The phrase

³⁷ “*Bishā’ n al-muhājarīn fi Honduras*” [Regarding the emigrants in Honduras], 28 July 1926, *Sawt al-Sha’b*. For more on anti-Arab sentiment, see also Civantos, *Between Argentines and Arabs*, 7-12.

³⁸ “*Tamdīd qānun al-jinsiyya*” [Extension of the law], 1 Sept. 1926, *Sawt al-Sha’b*.

³⁹ “*Sawt al-mahjar*” [Voice of the diaspora], 4 Sept. 1926, *Sawt al-Sha’b*.

⁴⁰ “*Al-intidāb hadhā ām āsta ‘bād?*” [Is this the mandate or slavery?], 18 Mar. 1927, *al-Jamiyya al-‘Arabiyya*.

triggered accusations by Palestinians at home and abroad that the mandate's immigration policy could only be carried out if jobs for Jewish immigrants were available.⁴¹ Conversations on the right to return emphasised a birth-right to not only nationality but of belonging to a particular nation.

As the country began to experience economic problems in the latter 1920s, local leaders appealed to the mandate administration using economic arguments in an attempt to convince officials of the financial benefits offered by the return of emigrants. These leaders tried to convince the mandate administration that Palestine could only achieve independence if the Arab community had the same economic opportunities as the Jewish immigrant community. Without allowing for the emigrants' right to return as citizens who had expertise in business and commerce, the leaders explained, Arab economic independence would be hampered. A group of local leaders in Bethlehem wrote to the high commissioner that the town's emigrants, who had long been a source of prosperity, faced not only the deprivation of their "civil, political and social rights through no fault of their own" but their lack of citizenship potentially meant a future of "urban decay" for Bethlehem and other towns in the country.⁴² Letters urged the government to be aware that "Arab emigrants in all corners of the globe" will protest to Great Britain and the League of Nations against the citizenship order-in-council on economic and political grounds.⁴³ Musa Kazim advocated action, telling Palestinians that each had the duty to "stand up in order to defend [the emigrants'] rights, which are our rights."⁴⁴ In this period, the slogan 'the right to nationality' became synonymous with the 'right to return.' Lawyers, writers and other leaders urged concerned citizens to begin grassroots, civil society-based initiatives such as organising delegations to mandate officials and beginning letter-writing campaigns to challenge the law.

In addition, the diaspora spurred a grassroots campaign against the order-in-council. 'Isa al-'Isa, the editor of Jaffa's *Filastīn*, in the summer of 1927 published a communiqué from Mexico's Society for Palestinian Unity. After protests sent to the mandate government and Great Britain by Mexico's Palestinian community went unanswered, the Society sent a

⁴¹ Ibid.

⁴² "Jinsiyya al-muhājarīn" [The nationality of the emigrants], 2 Feb. 1927, *Sawt al-Sha'b*.

⁴³ "Al-ghabin al-āhaqq bal-muhājarin al-'arab" [Continued injustice for the Arab emigrants], 12 Mar. 1927, *Sawt al-Sha'b*.

⁴⁴ "Hawl mu'tamar al-jinsiyya" [Concerning the Nationality Conference], 30 May 1927, *al-Jamiyya al-'Arabiyya*.

delegation to Mexico City to meet with the British ambassador and discuss citizenship issues. The delegation included members of other groups from Mexico.⁴⁵ D.V. Kelly, the British ambassador, promised to do all he possibly could but complained to the delegation that his government denied his request to print the notice of the amendment of the citizenship order issued in November 1925 because it was too expensive.⁴⁶ The Society for Palestinian Unity succeeded in attracting greater attention to the problems posed by the citizenship order. “Every one of us is willing to sacrifice ourselves to raise this injustice,” its members wrote, “and to receive our legitimate rights given to us by nature itself and approved by our birth . . . [it is] this nationality which the English are trying to remove from us to implement Zionism.”⁴⁷ Ambassador Kelly forwarded Palestinian grievances to the Foreign Office, and explained that the delegation represented three to four thousand Palestinians in Mexico.⁴⁸ Since the press and open letters continued to use the term ‘nationality’ (*jinsiyya*) to denote both nationality and citizenship, the Arabs referred to citizenship order-in-council as the ‘nationality law.’

The tone of the emigrants’ complaints became more furious. *Al-Jamiyya al-‘Arabiyya* published a letter from the Society for Palestinian Unity of Mexico which accused the British authorities of creating the law on citizenship in order to “lessen the Arab race and strengthen the Jewish race.” The society’s accusation was not only serious but it was effective. This claim of ethnic discrimination was bolstered by the example of the administration’s immigration policy. The letter of protest added that “there is not a force in this world which can remove our rights . . . for us, it is the blood in our veins and we have the right to nationality and naturalisation in the beloved homeland.” Its tone demonstrates the attitude vis-à-vis nationality which informed the views of Palestinian national leaders and activists, that of nationality as an ancestral right.⁴⁹ It was indeed powerful rhetoric: sensational, political, and easily understood by large segments of the population.

⁴⁵ “*Al-mujtam ‘a min al-waheda al-filastīniyya*” [Society for Palestinian Unity], 5 July 1927, *Filastīn*. The other groups included Tampico’s Sons of Palestine Society and the Society for the Unity of Palestine and East Jordan.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ “*Sawt min Mexico*” [Voice from Mexico], 11 Aug. 1927, *al-Jamiyya al-‘Arabiyya*.

The tone of the petitions, however, varied. Others demonstrate the willingness of some members of the diaspora to negotiate with Jewish land brokers if denied the opportunity to return to Palestine. For instance, in the summer of 1927, the Permanent Mandates Commission received a petition from Palestinian Arabs in Honduras signed by men who owned land in Palestine. The signatories, all Palestinian by birth, protested collectively “as a result of the High Commissioner’s refusal to recognise us as citizens of Palestine.” Yet as they owned thousands of acres in their homeland they asked to be informed of Jewish bankers and financiers who were willing to buy land from Palestinians who lived abroad. In the subsequent sentences, the signatories requested they be told of their citizenship status, when they would receive permission to return to their “beloved homeland,” and “to which flag we owe our allegiance.”⁵⁰ From these statements it is clear that two years after the issue of the citizenship order-in-council, emigrant communities remained unsure of their nationality and their status in relation to Great Britain

Finally, the actions of Palestinians in the Americas inspired protests by the diaspora in other areas such as in Egypt. In early 1928, twenty Palestinian students at Cairo’s al-Azhar University wrote to High Commissioner Plumer to explain that the situation of Palestinians in Egypt resembled that of those in Latin America. Many students had been unable to give up their studies and return to reside permanently in Palestine at the time of the citizenship order. They could not renew their passports or receive new passports to return to Palestine. The students asked the high commissioner if they should change their nationality “so that the Jews replace us in our homeland?”⁵¹ The students, like the Arab emigrants in Latin America, argued that the citizenship order discriminated against them on the basis of their Arab nationality.

By the end of the 1920s the lack of a concrete response from British officials over problems posed by the citizenship order did little to dispel the claims by the emigrants and their supporters that the mandate laws favoured Jewish immigrants. The emigrant question, and the lack of a resolution, helped to not only ‘make’ citizens, but to refine the meaning of

⁵⁰ ‘Petition by Palestinian Arabs in Honduras, 4 June 1927,’ ISA/M/223/38. These individuals also asked what right any British officer had to change their nationality for them since they were “Palestinians, born, bred and reared, and no power of earth can sever our claims and rights as Palestinians.”

⁵¹ “*Risāla muftuha ila mandub sāma*” [Open letter to the High Commissioner], 6 Feb. 1928, *al-Jamiyya al-‘Arabiyya*.

the right to citizenship in the Palestinian Arab context. The obvious precedent looked back upon by the Palestinian Arabs was that of Ottoman nationality and the *jus sanguinis* and *jus soli* means of its acquisition. In the mid-1920s, this particular rhetorical language aided the emigrants' sense of identification as Palestinians, as suggested by their writings to family and supporters at home. The links between civil society in Palestine and the diaspora served to galvanize the nationalists into action. Meetings continued between emigrants and British consular officials and between national leaders and colonial officials inside Palestine, while telegrams and letters of protest to the British administration and appeals to political and economic concerns increased. By 1927, administrators in Palestine and in London had little choice but to address the citizenship order's restrictions.

The Committee for the Defense of Arab Emigrant Rights to Palestinian Citizenship

The work of 'Isa Bandak, the primary lobbyist for the emigrants, was not only confined to writing editorials and presenting grievances to colonial officials. Bandak's other contribution to resolve the emigrant situation was the formation of an association of citizens in Bethlehem which aimed to educate Palestinian Arabs about the citizenship order. The first mention of the Committee for the Defense of Arab Emigrant Rights to Palestinian Nationality, (*al-lajna li-ladifā' 'an huquq al-muhājarīn al-'arab ala al-jinsiyya al-filasṭīniyya*) or the DAER, appears in *Sawt al-Sha'b* just after the formation of the committee in 1927. The committee's role in shaping concepts of nationality and citizenship is the focus of this section. Although complete records of the DAER committee are not available, its activities can be detailed through reports in the Arabic press and by the Arab Executive. The DAER committee was instrumental for three reasons. First, DAER emerged as the central organisation through which the opinions, protests and demands of the emigrants could be voiced. As embodied in this role, the committee aimed to become the leading representative of the Palestinians on nationality issues and a mediator between the emigrants and both the London and Palestine administrations. It lobbied for changes to the citizenship legislation to benefit all native-born Palestinians. Second, the DAER committee made a point to address the British public in its appeals, using a grassroots approach to lobbyist efforts. Finally, aside from appealing to Great Britain, the committee crafted internationalist rhetoric on the

right to nationality and the larger problems posed by the mandate administration's legislation in Palestine.

The DAER committee members referred to their organisation as the 'expert' on Palestinian nationality legislation. The secretary, Khalil 'Isa Muqas, explained the duty of the committee as to provide the necessary facilities and guidance on the subject of nationality.⁵² Although the committee billed itself as the voice of the emigrants, its leaders initially did not represent a wide variety of Palestinians as they were elected by the inhabitants of Bethlehem, Beit Jala and Beit Sahour. Soon after its formation however, the committee proposed to hold a conference of Palestinian intellectuals who would discuss the seriousness of the emigrant question and lobby the government in a representative capacity. The DAER committee recruited its members in municipalities from which large numbers of emigrants originally came. The membership seems to have been mostly representative of the nationalist middle-class and included local political and religious leaders, writers and lawyers.⁵³ The committee relied on reports of émigré associations in order to compile its figures of the total numbers of Palestinians living abroad. Since none of DAER's listed members held an official position in the mandate administration or Department of Immigration, these figures do not match up with the British totals of emigrants or even the totals printed in Arab newspapers. Despite the discrepancies, the figures that it reported were large enough to make an impression upon the Palestinian Arabs. By mid-1927, a statement by DAER claimed to represent the figure of 50,000 Palestinian natives who were denied their nationality.⁵⁴

After its formation, the committee first lobbied High Commissioner Plumer and other officials in the mandate administration. Claiming to speak for all emigrant Arabs, its leaders stated aims and demands in a memorandum sent to the high commissioner in early 1928. The document was not anti-British: it condemned citizenship legislation, but hinted that the

⁵² "Ila al-ma'amlāt: al-jinsiyya al-filasīniyya" [To workers: Palestinian nationality], 29 Oct. 1928, *Sawt al-Haqq*.

⁵³ "Nadā' lilsha'b al-'arabī-al-fīlastīnī mukhalis: qānun al-jinsiyya tahīzāt huquq al-muhājarīn" [Appeal to the loyal Palestinian People: the Nationality Law prejudices the rights of the emigrants], 26 May 1927, *Mir'at al-Sharq*.

⁵⁴ *Appeal to the noble British people from the Committee for the Defense of Arab Emigrant Rights to Palestinian Nationality* (Jerusalem: Al-Quds Printing House, Feb. 1928), reprinted in Musallam, *Folded Pages.*, 201-210.

committee believed the British did not intend to deprive the majority of emigrants from “their natural civil rights.” The lobbyists stressed the economic component of the emigrant situation as they reminded Plumer that most emigrants owned immovable property and real estate in Palestine which was subject to taxation.⁵⁵ Although the committee started out with cautious appeals to the economic necessity of granting citizenship to the emigrants in its first memorandum, the representative nature of the organisation and the political and social connections of its leadership (men such as Bandak and ‘Isa al-‘Isa) could not be fully ignored by the Colonial Office.

The response by the Colonial Office to DAER’s claims was not an encouraging one. Colonial Secretary Amery stated his belief that the Palestinian communities in South America had no connection with Palestine and no intention to return to settle. On these grounds he thought that the principles to decide on nationality applications were “quite fair and equitable.”⁵⁶ Other colonial officials responded to the committee differently and in contrast to Amery some took note of the economic aspect of the demands. One official wrote to Under-Secretary Ormsby-Gore that the committee’s memorandum brought up very important questions that affected the nationality of those Arabs abroad who had “very considerable material interests in Palestine.” He suggested that a general grant of citizenship would not merely be an act of fairness in order to solve the problem of Palestinian Arab statelessness, but the favourable extension of citizenship meant “considerable advantage to British interests.” These responses show the differences of opinion within the British government over the impact of DAER activities. In fact, the Colonial Office admitted that Arab sentiment had been stirred by the committee to protest over what was an arbitrary denial of rights.⁵⁷

The government of Palestine did not stay silent on the debate, especially in light of Arab accusations against the mandate administration. In February 1928, the committee accused the mandate of obstructing what it referred to as the right to enjoy the nationality by descent. That right had been removed by the mandatory, DAER claimed, in order to facilitate Jewish

⁵⁵ ‘Memorandum submitted to the High Commissioner for Palestine by the Committee for the Defense of Arab Emigrants Rights to Palestinian Nationality,’ Sept. 1927, CO 733/142/47-48.

⁵⁶ Memo, S.S. for the Colonies to Ormsby Gore, 29 July 1927 and Memo, Symes to Amery, 21 June 1927, CO 733/142/53-63.

⁵⁷ Ibid.

immigration. It produced a document stating that approximately 9,000 Palestinian emigrants, out of a total 30,000 in the Americas and Europe, requested citizenship by the end of 1927.⁵⁸ The small number of applicants offered the proof, according to the committee, that the blame for the emigrants' situation was to be placed squarely on the British support for a Jewish national home in Palestine. Yet prior to the accusation, Sir Steward Symes, the government's Chief Secretary, voiced his satisfaction in the summer of 1927 "that fairly regular connection is maintained between the individuals of 'colonies' . . . in the Americas and their country of origin." In contrast to the Foreign Office stance, Symes recommended that the Palestine Administration reconsider applications for citizenship made by Palestinian Arabs from abroad. Although many of these applicants intended to continue to live outside Palestine, his recommendation indicates the willingness of the mandate administration to acknowledge the emigrant issue. Symes asked for a Foreign Office enquiry into Palestinian diaspora communities, especially those in Chile and Mexico, to discover whether it would be possible to grant British financial and diplomatic protection.⁵⁹ Indeed, the DAER committee by early 1928 succeeded in shifting the discourse on the emigrant situation in official government circles.

In early 1928, the DAER preparatory committee printed a forty-page entreaty titled "Appeal to the Noble British People" which was widely publicised in the Arab press. With this, the committee attempted to address the public in Great Britain rather than the government. The significance of this document was that it was evidence of the grassroots civic activism that informed the activities of DAER. None of the noted Arab political leaders in Palestine—the Mufti, the various political factions, or the Arab Executive—contributed to it. The appeal catered to the emotions of people of Great Britain and called upon them to pressure the Parliament to consider the demands of the Palestinian Arab emigrants.⁶⁰ In forty-pages, the committee endeavored to offer its definition of Palestinian nationality. It asked that nationality be granted through *jus sanguinis* and *jus soli* provisions.

⁵⁸ *Appeal to the noble British people from the Committee for the Defense of Arab Emigrant Rights to Palestinian Nationality*, in Musallam, *Folded Pages*, 201-210.

⁵⁹ Memo, S.S. for the Colonies to Ormsby Gore, 29 July 1927 and Memo, Symes to Amery, 21 June 1927, CO 733/142/53-63.

⁶⁰ "Al-difā' 'ain al-jinsiyya al-muhājarīn" [The defense of the Emigrants' nationality], 9 Feb. 1928, *al-Jamiyya al-'Arabiyya*.

It also advocated a general extension of citizenship to all Palestinian natives based on Great Britain's own citizenship legislation.⁶¹

The committee sought to incorporate internationalist rhetoric of nationality in its appeals. Importantly, it outlined an understanding of the place of nationality in the international system. It noted that nationality laws connected an individual with his nation of origin and that certain nationality principles were recognised by every "modern and civilised" nation. The committee envisioned an international right to nationality which mandated that individuals had diplomatic protection from their nation's government; thus, the alienation of emigrants from their nationality could not be internationally-sanctioned. Ideas of nationality as linked to citizenship were expressed not only by Palestinian Arabs but they were part of a larger debate on the place of citizenship in the context of the post-1918 dominance of the nation-state. The DAER appeal to the British people evoked the text of Article 34 of the Treaty of Lausanne to demonstrate the need to conform mandate legislation to international regulations.⁶² The basic arguments in the brochure summed up the previous two years' worth of émigré discussions, debates, and grievances on Palestinian nationality.

It is unclear how many emigrants appealed to the defense committee for specific queries. Even so, it can be surmised that families near Bethlehem and Jerusalem knew of its *raison d'être* and its agency in connection with local nationalist associations. Certainly the literate Arab population with family in the diaspora read its frequent reports published in the newspapers. A certain anti-Zionist rhetoric can be drawn out of these reports and appeals; however, this rhetoric is not at all new. Rather, it helped DAER to link the mandate's support for a Jewish national home in Palestine with the denial of the Arab emigrants' rights to citizenship and to return to their homeland.

⁶¹ *Appeal to the noble British people*, in *Folded Pages*. The appeal elaborated that many emigrants who extended their stay outside of Palestine in the years just after the outbreak of World War I did not receive official notice of the fall of the Ottoman government. It noted that upon the outbreak of the war, the German consulates took charge to defend all individuals who held Ottoman nationality. Despite German protection, many Arabs of Greater Syria resorted to dependence on Britain and France, the allies of the Arabs in the war. That allied sentiment posed a problem: only those Ottoman merchants and traders abroad who recorded their names with the German consuls during the war were identified as Ottoman nationals after the end of the war, as the British and French consuls did not record the names of Arabs who identified with the Ottoman Empire.

⁶² *Ibid.* The article stated that the children born to natives from all countries separated from the Ottoman Empire were to be recognised as nationals of their parents' country of origin.

Consuls, emigrants and the British Government: miscommunication and divergent practices

The work of the emigrants and their lobbyists, as detailed in the preceding section, meant that the wider Palestinian Arab population could more easily understand the reasons for opposition to the 1925 citizenship legislation. However, the conflict of opinion within the Foreign Office over the treatment of Arabs who lived outside of mandate territory hindered any immediate resolution of the Arabs' grievances. In October 1927, the British Foreign Office sent to its consul in San Salvador a draft copy of instructions regarding an amendment to the Palestine Immigration Ordinance. The document explained that ordinary British emergency certificates for travel to the mandate territory could be issued only to individuals who possessed Palestinian nationality. The draft instructions also contained a clause stating that if applicants for travel visas to Palestine were unable to obtain a Turkish passport or Turkish travel documents from their state of residence, they could apply for an emergency certificate valid for three months that allowed holders to undertake a single journey to Palestine in order to naturalise.⁶³ The draft contradicted Foreign Office policy detailed in earlier circulars that allowed for emergency travel certificates to be given to stateless Palestinian Arabs. This portrait of conflicting correspondence and governmental circulars demonstrates the general confusion and miscommunication between the British consulates and the Foreign Office.

Foreign Secretary Austen Chamberlain continued to hold the Foreign Office line that it was not desirable to issue travel certificates to "former Turkish nationals" to visit Palestine if those individuals had not acquired Palestinian nationality. In fact, he maintained that non-citizen Palestinian Arabs who arrived at Palestinian ports with single-journey visas were liable to be "[suspected of] an attempt to evade the law and the Immigration authorities are . . . justified, in refusing permission to land." Emigrants, born in Palestine but without Palestinian citizenship by 1927, were treated as suspect by the immigration authorities upon arrival to Palestine.⁶⁴ However, Jewish immigrants to Palestine were granted permission by the same immigration authorities to settle and take provisional nationality, on the advice of

⁶³ Memo, Colonial Office to HM Consul, San Salvador, 28 Oct. 1927, CO 733/142/12-19.

⁶⁴ Memo, the British Legation, Mexico to Austen Chamberlain, 10 Aug. 1927, CO 733/142/22.

the Zionist Organisation. British consuls, however, did not interpret the instructions consistently in all cases. Palestinian natives throughout Latin America, for instance, experienced different treatments by British consuls. The mandate administration had the option to refuse entry of emigrants on arbitrary grounds, such as the doubt that emigrants would remain in Palestine as permanent residents and instead use their citizenship to claim British protection.⁶⁵

According to British Secretary Chamberlain, consular officers could not issue any travel documents endorsed by Great Britain except for Arab individuals to return to reside permanently in Palestine, since such individuals abroad were neither British subjects nor British-protected persons. As for those Arabs whose applications for citizenship had been rejected, some consuls believed they acquired Turkish nationality by default. Yet the emigrants did not hold Turkish passports nor pledge allegiance to Turkey. The default acquisition of Turkish nationality had no basis in international law. Therefore, it is difficult to explain how Great Britain could assign Turkish citizenship to individuals without their consent and without the agreement of Turkey, simply on the basis that these individuals' Palestinian citizenship applications had been rejected.

The Palestine Administration and the British government in London attempted in 1927 to address the growing number of grievances by Palestinian Arabs against the citizenship legislation. In the first place, the Colonial Office insisted the British government could not extend the order-in-council's stated timeframe (within which natives could claim nationality) without the consent of the Turkish government. Evidence of British correspondence with the Turkish government on this issue does not exist in the archives. In fact, the Colonial Office advised against contact with Turkey believing that it would be reluctant to become involved.⁶⁶ Meanwhile, within the mandate administration, High Commissioner Plumer wrote in mid-1927 that Palestinian natives must show "genuine desire to resume their connection with Palestine" to travel to the territory to naturalise. This did not guarantee that their naturalisation would be approved.⁶⁷ Plumer's statement side-stepped the issue at the

⁶⁵ 'Central Palestine Society to Secretary of State for the Colonies,' 17 June 1927, ISA/M/223/38.

⁶⁶ 'Citizenship applications,' 1927, CO 733/142/2-4.

⁶⁷ Ibid.

heart of the Palestinian grievances: namely, that the Arabs found naturalisation to be unacceptable as a negation of their right to nationality.

Palestine's attorney-general, Norman Bentwich, addressed the emigrant question as well. He stated an intent to reconsider applications from people "who by birth, race and sentiment are genuinely attached to Palestine" despite their likelihood to be resident abroad for an indefinite period. However, the Foreign Office disagreed and stated that it had little doubt such people sought only British protection to make claims against their states of residence. These Palestinians were "a nuisance to Consuls and no credit to the Empire" and the office continued to instruct consuls not to treat Palestinian natives as citizens or even potential citizens. One official claimed the question of citizenship "should be decided on the merits" of Palestinians abroad. If they were unable to return in the time allotted, they "are not and never have been Palestinian, [and] they were and remain Ottoman subjects."⁶⁸ The office failed to explain the existence of Ottoman subjects in the absence of an Ottoman Empire.

The Foreign and Colonial Offices discussed complaints together, including those addressed to the League of Nations. One such letter from the Sociedad Fraternidad Palestina of San Salvador, written in September 1927, spoke on behalf of over a thousand Palestinian natives employed in trade who professed that they had "no subversive aims" and accepted the international mandate assigned to Palestine. But, it continued, the natives were bound to Palestine "by the strongest moral, social and political ties . . . like every human being who has . . . a feeling of attachment to his native land." The Society felt the mandatory power seemed determined to destroy the "fundamental rights" to nationality by preventing natives from returning to their own country while it allowed foreign elements to enter.⁶⁹ After viewing other strongly-worded complaints, Ormsby-Gore suggested reconsideration of claims to citizenship made in due time by individuals who returned to Palestine at some point after they left the territory prior to 1920. These claims had initially been rejected by the administration. His suggestion meant that any Palestinian by birth and resident abroad with Turkish nationality "will be freely granted permission to visit or settle in Palestine with his family" but would need to naturalise to become an official citizen. Ormsby-Gore wrote

⁶⁸ Ibid.

⁶⁹ Memo, Foreign Office to Colonial Office, 20 Oct. 1927, CO 733/142/19-24.

that the extent communities in the diaspora took advantage of the concession once put into place would be regarded as the measure of their genuine attachment to their homeland.⁷⁰

In early 1929, the DAER committee reminded the colonial secretary that the false belief that emigrants severed their connections with their homeland “paralysed to an unimaginable degree” an estimated 30,000 natives who had no recognised nationality.⁷¹ One ray of hope for emigrants came in April 1929 with the news that a native of Ramleh (in central Palestine) filed a lawsuit against the Palestine’s high commissioner and director of immigration after authorities refused him citizenship upon return to Palestine. The legal proceedings had a favourable outcome for the complainant, who aimed for the recognition of his citizenship. The High Court of Justice in Palestine also required the government to pay the expenses of the lawsuit.⁷² Despite the outcome of such a challenge to the citizenship order, members of the diaspora who had no intention to yet return faced increasingly hostile host governments. The El Salvador Palestinian Unity Committee wrote a letter in 1929 detailing the expulsion of Arabs from El Salvador as a “painful catastrophe [*nakba*]” and broadcast an appeal to Palestinians at home to help. ‘Isa Bandak wrote a lengthy memo to Plumer’s replacement, High Commissioner John Chancellor to urge the Palestine government to repel the “unjust aggression” in El Salvador against the country’s 2,000 Palestinian residents.⁷³ Other countries also refused to readmit any resident without nationality who had left the country’s borders.⁷⁴ For the Palestinian Arabs and other stateless individuals the possession of official nationality documents was crucial to any type of livelihood by the latter 1920s.

This paralysis noted by DAER was as much economic as it was political. The committee continued to lobby High Commissioner Chancellor, with evidence the emigrants kept their relations with Palestine through ownership of property and land and payment of taxes.⁷⁵ On the point of the financial situation of a number of emigrants, the mandate administration maintained an interesting position. Although it denied return and *ipso facto* citizenship to

⁷⁰ Memo, Colonial Secretary Ormsby Gore to High Commissioner, 9 Dec. 1927, CO 733/142/10.

⁷¹ “*Rad ‘ala wazīr alā-sta ‘māriyya*” [Reply to the Colonial Minister], 29 Mar. 1929, *Sawt al-Sha ‘b*.

⁷² “*Al-da ‘ua ‘ala mudīr al-muhājra*” [The lawsuit on the Director of Immigration], 10 Apr. 1929, *Sawt al-Sha ‘b*.

⁷³ “*Risāla min El Salvador*” [Letter from El Salvador], 15 May 1929; “*Muhājarun El Salvador*” [El Salvador emigrants], 5 June 1929, *Sawt al-Sha ‘b*.

⁷⁴ Memo, Foreign Office to Colonial Office, 28 July 1927, CO 733/142/34-37.

⁷⁵ “*Rad ‘ala wazīr alā-sta ‘māriyya*” [Reply to the Colonial Minister], 29 Mar. 1929, *Sawt al-Sha ‘b*.

emigrants from all social classes, the administration continued to collect the tax revenues on the immovable property and land owned by these individuals. By 1929, the tide of Jewish immigration to Palestine had again risen, while bankruptcy threatened the administration. Angry protest letters asked that Palestinian returnees be treated like the Jews and allowed to enter Palestine with equal citizenship rights.⁷⁶ Yet, even appeals to the economic benefits of a blanket grant of citizenship to all natives living abroad fell on deaf ears. Complicating matters, the Wailing Wall riots of 1929 forced the administration to focus on the perceived religious strife rather than economic tensions between the Jewish and Arab communities in Palestine. Although commissions of inquiry in the aftermath focused on Jewish immigration, they did not recognise demands of the Palestinian emigrants.

Conclusion

Despite the controversy over the changes to the 1925 Citizenship Order-in-Council, the British government ratified an amended order in July 1931. The amendment had a very limited effect and did not reflect the demands of the Palestinian emigrants and their lobbyists. Rather, it was aimed at Palestinians resident abroad between 1924 and 1925 only, and provided them with ‘treaty nationality’ *ipso facto*. Meanwhile, the Home Office debated the inclusion of a clause in the amended order stating that periodic visits made to Palestine by natives were not enough to signify maintenance of a ‘substantial connection’ with the country. The issue of substantial connections between the diaspora and the mandate territory continued to be a point of conflict. In early 1933, *Sawt al-Sha‘b* reported that a very large number of Palestinian natives went to Turkish consuls to take Turkish citizenship in order to have consular protection and to travel to Palestine on a recognised passport.⁷⁷ It is important to note that from 1927 to 1937, the stated number of Palestinians registered as resident abroad rose by ten thousand persons, up to 40,000.⁷⁸

⁷⁶ “*Al-filastīniyyun al-‘āi’dun ila al-watan*” [The return of the Palestinians to the homeland], 15 Feb. 1930, *Sawt al-Sha‘b*.

⁷⁷ “*Lajna al-difā‘ taqābil al-mandub al-sāma*” [Committee for the Defense meeting with the High Commissioner], 18 Feb. 1933, *Sawt al-Sha‘b*.

⁷⁸ ‘Palestine Royal Commission Report: Nationality Law and Acquisition of Palestinian Citizenship,’ May-June 1937, CO 733/347/4.

The Palestinian Arabs crafted their own—often multiple—meanings of citizenship in the 1920s in response to the situation in Palestine on-the-ground after the implementation of mandate legislation. As the chapter has shown, these meanings were expressed most prominently by the emigrants once they returned to Palestine and once their hope to acquire citizenship came under threat. They defined rights and protections associated with citizenship in letters sent home and reprinted by individuals in Palestine who knew of their situation. These emigrants always connected their arguments in support of citizenship with their understanding of Palestine as an Arab nation (*al-umma al-‘arabiyya*) creating a link between Ottoman nationality and Palestinian citizenship rights.

The reactions in Palestine to the situation of the emigrants can be used to chart the changing terminology of nationality and citizenship as well as the changing expressions of citizenship. Until the issue of the citizenship order the use of the term *jinsiyya* in the sense of citizenship was reinforced by a number of factors. The first was the Ottoman legislative precedent which termed the population of the Arab provinces as Ottoman nationals. The middle-class Arab nationalists focused upon the language used in the Ottoman law as they became increasingly alarmed by rumours and reports of the new Palestine citizenship order. Another factor was that citizenship was translated as *jinsiyya* in the Arabic publication of the Citizenship Order-in-Council in the mandate’s official gazette, in the order-in-council itself and in the press reports written shortly after its provisions were made known.

The Palestinian Arab *mahjar* also factored in as a driving force for the changing discourse of nationality and citizenship after 1925. Discussions of citizenship and contentions over it were activated by the emigrants’ situation as affected by mandate legislation. The outcry over the denial of the ‘right of return’ and *ipso facto* citizenship for native Palestinians who resided outside of Palestine shaped the vocabulary and language associated with citizenship and the rights to that citizenship. The main impact of mandate legislation upon this changing terminology was that nationality and citizenship began to be perceived as separate statuses as the emigrants argued that their Ottoman Arab nationality entitled them to Palestinian citizenship. In conclusion, the Palestinian Arab emigrant featured prominently in Arab demands to the mandate administration after the mid-1920s. The situation of the diaspora was constantly re-assessed in the Arabic press and by lobbyists such as ‘Isa Bandak.

The arguments developed by the emigrants and DAER lobbyists in the mid to late-1920s greatly impacted the Arab population's general conceptualisation of their nationality and identity as Palestinian. In the absence of a right to return to Palestine as citizens, the emigrants nonetheless practiced citizenship through the formation of émigré civil societies, elections for national leaders and aid for Palestinians at home. This in turn forced the British mandate authorities and the government in London to reconsider its citizenship legislation as a response to the anger over the order's perceived injustices. However, this reconsideration was a long time coming, as officials in London and Jerusalem were not in agreement over the proper resolution for Arab natives who resided abroad and wished to return to Palestine as citizens. The Jewish national home policy continued to guide the administration in legislation, including legislation which impacted only the Arab population.

In the following chapter, the effect of Jewish immigration on the legislation of citizenship in Palestine will be further explored alongside Arab reactions. The advocacy of the DAER committee did not stop. Rather, the late 1920s and early 1930s witnessed a rise in the tactics of the populist leaders to protest against British policy. Arab nationalists urged their fellow Palestinians toward greater civic activism as citizens in the name of their counterparts in the diaspora.

Chapter Five
**Institutionalising Citizenship: Creating Distinctions between Arab and Jewish
Palestinian Citizens, 1926-1934**

“[The Palestine Citizenship Order-in-Council] termed as an ‘Instruction’ is just the sort of enterprise from the mind of Bentwich who loves the loose generalities of International Law.”

Sir J. Risley, Colonial Office memo, May 1929

Introduction

In 1930 the Colonial Office was presented with the “borderline case” of a Jewish Palestinian citizen who faced the revocation of naturalisation due to his residence outside Palestine. Certificates of naturalisation could be annulled if their holders were absent from Palestine for three years, especially as the Colonial and Foreign Offices emphasised that “Palestinian citizenship [carried] with it the right to British protection in foreign countries.” As to the case at hand, officials focused on the accusation that the individual retained his Palestinian citizenship simply to enjoy British protection while resident abroad. In the end, Colonial Office Under-Secretary John Shuckerberg decided that “it would be better, at this juncture, not to risk a further squabble with the Jewish Agency” over the revocation of citizenship.¹ The individual remained a Palestine citizen despite his residence outside of the territory. The incident was not unusual: it represents one way in which various administrators involved in the mandate bureaucracy applied the provisions of Palestinian citizenship differently for Jews and for Arabs.

While dealing with the issue of Palestinian Arab emigrants the administrations in Jerusalem and London grappled with other specifics of the citizenship legislation, most notably the status of Jewish immigrants and their naturalisation as Palestinian citizens. By the early 1930s, different departments of the mandatory administration and the Colonial Office in London had established procedures to deal with the implementation of legislation,

¹ ‘Naturalisation certificates and Palestinian citizenship, revocation of,’ 5 Dec. 1930, CO 733/179/2/4.

and to arbitrate over applications for both naturalisation and citizenship. The British controlled the application of citizenship in order to effectively uphold the terms of the mandate and the obligations to the Jewish national home policy. In other words, the control of citizenship provisions became a bureaucratic technique to enforce mandate policy—a policy that paid particular attention to Jewish immigration and naturalisation. In reality, the division of control over legislation only served to reflect the muddled nature of citizenship and nationality within the increasingly-unstable British Empire. In return, conflict due to disagreements between governmental departments caused certain provisions to be applied unevenly.

The present chapter analyses the ways Palestinian citizenship became bureaucratized after the 1925 Citizenship Order-in-Council and through the early 1930s. The analysis takes into account the aforementioned messy reality of shaping political belonging and citizenship legislation in Palestine. The division of control between Whitehall and the Palestine Administration fits into the overall de-centralised nature of the formation of mandate legislation. As part of citizenship legislation, the differences between high commissioners in their policies toward Jewish immigration, including fears of subversives, communists and Bolsheviks, resulted in constant changes to policies for revocation and grants of citizenship to Jews and Arabs. At the same time, because officials in Jerusalem and London feared conflict with the Jewish Agency and Zionist Organisation, citizenship regulations ultimately favoured Jewish immigrants.

The chapter also focuses on the creation of a ‘politics of distinction’ between Arab and Jewish Palestinians in the application of citizenship even prior to 1925, and then traces the impact of those distinctions on subsequent legislation. The creation of inequalities between Jewish and Arab citizens went against the common liberal definition of citizenship that obscured differences between classes and ethnicities.² These distinctions created by the citizenship legislation were very much a part of the wider colonial experience and colonial perceptions of the ‘character’ of whites, natives and settlers. As Ann Laura Stoler has aptly shown, this categorisation by colonial administrators was a method of control based on

² Nira Yuval-Davis, “Women, Citizenship and Difference,” *Feminist Review* 57 (Autumn 1997): 8.

privileging the identities of certain inhabitants as that of ‘citizens.’³ Thus, in matters of naturalisation, immigrants and natives were treated separately. Along with the 1925 Citizenship Order-in-Council, the 1922 Electoral Order-in-Council and the text of the mandate underlined a differential treatment of the two communities implying that the application of citizenship would be discriminatory.

Many of the same difficulties that mandate officials faced drafting the Palestine citizenship order such as differences of opinion between the Foreign, Colonial and Home Offices on the one hand, and the Palestine Government on the other, resurfaced in the interpretation of legislation between 1925 and 1931. This interpretation and the actions taken by officials in Palestine were not done in a vacuum. The current chapter’s analysis of the bureaucratisation of citizenship in Palestine can be studied in light of the wider concept of citizenship in the British Empire. The case study of mandate Palestine demonstrates the different tiers of colonial statuses in British territories. The tiers represented those inhabitants restricted from travel, or those with the privilege to enter the United Kingdom and its overseas possessions. Palestine is also a remarkable case study on the internationalisation of the citizenship question in the 1920s and 1930s. The Jewish national home policy meant that potential citizens arrived to Palestine from a range of countries and colonies and frequently traveled back and forth between them. The chapter, and the example that opened it, demonstrate how the British mandate administration grappled with this internationalisation of Palestinian citizenship. During the interwar period, many states experienced confusion over boundaries, the sovereignty of territorial possessions, the classification of nationals, and legal provisions affecting increased immigration and travel. All of these factors played an important role in the interpretation of Palestinian citizenship and the issue of further legislation that regulated it.

³ Stoler, *Carnal Knowledge and Imperial Power*, 27; 43. The same can be applied to the judicial system in Palestine. See Assaf Likhovski, “In Our Image: Colonial Discourse and the Anglicization of the Law in Mandatory Palestine,” *Israel Law Review* 29 (Summer 1995): 297-301.

The politics of distinction: Palestinian Jewish and Arab citizenships

Distinctive practices in the application of Palestinian citizenship provisions for Jewish and Arab inhabitants had already emerged before the issue of the 1925 Palestine Citizenship Order-in-Council. They can certainly be traced back to the method by which Jewish immigrants to Palestine acquired provisional nationality in accordance with the 1922 Legislative Council Election Order. Prior to the 1922 order, mandate officials were aware they would need to implement Article 7 of the Palestine Mandate, which required Great Britain to issue a law for the acquisition of Palestinian nationality for the immigrants. The article, which failed to mention the Arab population, foreshadowed the future separation of citizenship and naturalisation processes in Palestine. The distinctions can perhaps be traced further back, to the British colonial experience of creating legislation to delineate the statuses of the native, the European and the settler in other imperial possessions. Administrators in territories of the British Empire, similar to Dutch, French and other colonial officials, included a number of assumptions about ‘the native’ in colonial legislation that marked national status prior to the outbreak of the First World War.

Drawing on the work of Stoler, historians can view colonial discourses on citizenship and nationality during the interwar period as sites of production of European power as well as reflections of new developments of nation-state nationality and citizenship in the imperial metropole. In Palestine, these discourses included the added element of the Jewish national home policy. The immigration regulations in support of the Zionists’ national home plan were constructed with a particular type of Jewish immigrant in mind: self-sufficient, prosperous, entrepreneurial and white. According to British thinking at the time, colonial subjects could not become British unless they were white; the Jewish immigrants to Palestine however, were borderline cases. Administrators in Great Britain considered the Jews in England as an inclusive ‘nation within a nation,’ and these feelings posed a clear contradiction with the post-war support for the Zionist programme in Palestine.⁴ Colonial officials based the national home policy on a racial hierarchy between Jews and Arabs, and

⁴ Ann Dummett and Andrew Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law* (London: Weidenfeld and Nicolson, 1990), 98-100.

looked toward the Jewish immigrants as the civilising influence in Palestine.⁵ This influence could only come from immigrants of a certain character. The markers of character and the nativist ideologies often behind them “permeated debates over immigration restrictions and, often, the restrictive laws themselves.”⁶ Character did not derive from abstract or universal values, argues Stoler, but rather “at its heart was a conception of being European that emphasised a bearing, a standard of living, a set of cultural competencies and practices to which members of the European community were to subscribe.”⁷ Early colonial discourses linked race, culture and national identity, with culture determining the codification of racial distinctions and national identity.

By the turn of the twentieth century, colonial law in the West and East Indies accounted for ‘colonial mixing,’ a process which called into question imperial criteria for citizenship and nationality. As a result, the Dutch and French in the Indies, Indochina and North Africa began to recognise that *jus soli* and *jus sanguinis* could not determine national identity in the new colonial nation.⁸ Two decades later, the British in Palestine adopted the same ideology and rendered birthplace and descent to no longer be the only determinants for the acquisition of nationality by inhabitants of colonies. Mandate Palestine fit into the wider colonial context of legislation based upon ideologies of colonial control. As Martin Bunton has shown, from citizenship to land laws, the wider colonial project such as that in Nigeria, Iraq, Cyprus and Tanganyika informed administrators in Palestine. Consistency however, was elusive in Palestine due to the multiplicity of actors who served in the administration or constructed its body of legislation.⁹ Bunton adds that because lines blurred between the administrative and judicial functions of the government, officials enforced laws selectively and thus created “a unique legal regime” in Palestine.¹⁰ The 1925 citizenship order and the amendments discussed in the current chapter present a case in point as to how a number of administrators manipulated British and colonial regulations to codify distinctions between ethnic groups in the mandate’s nationality provisions.

⁵ Norris, *Land of Progress*, 84-85.

⁶ Patrick Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009), 7.

⁷ Stoler, *Carnal Knowledge and Imperial Power*, 27.

⁸ *Ibid.*, 97-99.

⁹ Bunton, “Inventing the Status Quo,” 35.

¹⁰ *Ibid.*, 42.

As suggested in Chapter Two the 1922 Legislative Council Election Order defined the Palestinian citizenry for the purpose of enfranchisement for elections to a proposed legislative council. The legislative council failed to materialise in 1922 and the order's provisions for Palestinian nationality were superseded by the 1925 Citizenship Order-in-Council. For the first time, the 1922 order codified a distinction between two types of citizens in Palestine: former Ottoman nationals of Palestine and non-Ottoman habitual residents of Palestine were citizens provided they made a declaration to this effect within two months from the ratification of a future citizenship law. Jewish immigrants in the latter group received provisional certificates of nationality upon arrival to Palestine on the basis they would eventually make their declarations of citizenship. Yet provisions for their enfranchisement did not include a residency requirement. Habitual residence in Palestine remained undefined and essentially any Jewish arrivals to Palestine were considered citizens for electoral purposes. The order did not stipulate that these immigrants had to give up their nationalities and passports. This omission benefited only immigrants, since the Ottoman administration had prohibited the possession of dual nationality.

The 1925 citizenship order codified the different ways in which Arabs and Jews were to acquire Palestinian citizenship. It also provided for naturalisation, requiring all applicants to prove they resided in Palestine for a period of two years. In order for native but non-resident Ottoman nationals to claim Palestinian citizenship, Article 2 required their permanent return to Palestine and a residency period of six months prior to 1 August 1926, the deadline given to natives to claim their citizenship. Most of the provisions of the order were written with Jewish immigrants in mind, such as those for naturalisation and its revocation as well as marriage and divorce. Since provisional Jewish citizens came from a variety of backgrounds, administrative and legal advisors placed emphasis on the need to accommodate for the entire Jewish community in Palestine. The political context of these distinctions constantly shifted alongside changes in the mandate's bureaucracy and in the political situation within the territory.

In reference to the introduction story in the beginning of the current chapter, the citizenship order did not provide clear procedures for the revocation of naturalisation apart from an article that gave the mandate's high commissioners power to refuse or annul

citizenship due to false representation, disloyalty to the government and residence abroad.¹¹ Even so, colonial officials hotly debated that power and their disagreements stalled any proposed clarifications of the process. In large part, the governments in both Jerusalem and London feared the conflict that the removal of Palestinian citizenship could potentially create with members of the Jewish Agency and Zionist leaders. British officials feared accusations of renegeing on mandate policy. Once again, the Arab inhabitants did not feature in the numerous debates on the subject. Fearful of conflict, the Palestine Administration maintained a lenient immigration and naturalisation policy through the latter part of the 1920s. The policy also owed to the individual attitudes of the high commissioners to Zionism.

After the August 1929 Wailing Wall riots and amidst Arab demands to suspend immigration to Palestine, the British government and Colonial Secretary Lord Passfield sent to Palestine the Shaw Commission headed by Walter Shaw, a British judge, and composed of four members of Parliament to investigate the causes of the riots. Sir John Chancellor, the high commissioner at the time (successor to Herbert Plumer), was notably less enthusiastic than his predecessors about the Zionist Organisation and the commission reflected his attitude. It recommended suspension of Jewish land purchases and the imposition of a quota on Jewish immigration. These recommendations were then examined by John Hope-Simpson, whose report to Britain stated that the capacity for absorption of more immigrants had been reached in Palestine and that further immigration would severely impact the *fellahin* through the further dispossession of their land. Finally, the Passfield White Paper of October 1930 included the reports of both Shaw and Hope-Simpson and endorsed proposed self-government in Palestine. Unfortunately for the Arabs, in February 1931 British Prime Minister Ramsey MacDonald wrote a letter to Chaim Weizmann in which MacDonald retracted the recommendations of the 1930 White Paper. He reaffirmed the Balfour Declaration as the guide to British policy in Palestine. Consequently, the mandate administration made no drastic changes to immigration or naturalisation policies.¹²

¹¹ 'Palestine Citizenship Order-in-Council,' 30 January 1925, CO 733/88/383-398.

¹² For more, see Pinhas Ofer, "The Commission on the Palestine Disturbances of August 1929: Appointment, Terms of Reference, Procedure and Report," *Middle Eastern Studies* 19 (Jan. 1983):104-118 and Martin Kolinsky, *Law, order and riots in mandatory Palestine, 1928-1935* (Basingstoke: Macmillian, 1993).

After 1929, the tense political situation, along with the MacDonald letter, suggests that Great Britain had rightly been fearful that numerous revocations of Palestinian citizenship held by Jews could lead to disagreement with Zionist and Jewish Agency leaders. The Zionist Organisation and its representative to Great Britain, the Jewish Agency, significantly influenced the application, or non-application, of citizenship requirements and practices for Jewish immigrants. Zionist involvement in citizenship legislation dated back to 1919 when Chaim Weizmann's suggestions on proposals were sent to the Colonial Office in the form of 'official observations.'¹³ Over a decade later in correspondence between the Colonial Office and the Palestine Government in 1933, officials noted the influence of the Zionist Organisation on immigration and citizenship and stated that it had become "difficult for the Palestine Government to treat one set of Palestinian citizens differently from the rest and to subject them to immigration restrictions which at present apply solely to persons who are not Palestinian citizens."¹⁴ The immigrants to whom the memo referred were those who arrived to Palestine but were not yet naturalised as citizens.

Also in the early 1930s the Palestine Government noted the introduction in the British Parliament of a bill to extend Palestinian citizenship to all Jews whom were without nationality. The Member of Parliament who submitted the bill did so without considering the practical problems its approval would pose. The mandatory government reacted by declaring that the MP in question did not realise "the obvious": that if the estimated 200,000 Jews around the globe who had lost their nationality thus acquired Palestinian citizenship, they could automatically enter Palestine by right. The government added that if this was not what the bill intended and if the bill "was to confer upon a certain class of aliens Palestinian citizenship in a way which did not carry with it the rights to be enjoyed in Palestine . . . attached to that status, they would nevertheless appear to have a claim to be treated as British-protected persons outside Palestine." The Arab press criticised the proposal and mentioned that neither the mandate text nor the League of Nations charter contained any provision to allow for the bill's proposals. The Colonial Office wrote to High Commissioner Wauchope that if the bill meant anything "presumably it seems that the whole of German

¹³ 'Future Constitution of Palestine Zionist Proposals with Secretary of State's Amendments,' 27 Feb. 1919, FO 608/98/8.

¹⁴ 'Citizenship—Proposed Nationality of Jews,' 1933, CO 733/247/8/3.

Jewry should be granted Palestinian citizenship!’¹⁵ The bill did not advance but it did popularise the idea in official circles that Palestinian citizenship could simply be given to Jews as a ‘natural’ right, crucially without any consideration for the Arab Palestinians.

Still, the bill further demonstrates that Jewish citizens were to be accorded separate treatment from their Arab counterparts in Palestine on the basis of the culture and the socio-economic situation of the former group. The bill also demonstrates the different approaches of Whitehall and the mandate administration as to how citizenship was granted in Palestine. Just before the proposal of an extension of citizenship to a large number of European Jews, Colonial Office Secretary William Ormsby-Gore expressed the view that it was the quality of Jews who immigrated to Palestine that mattered. Officials in both the Palestine and London administrations perceived the immigrants as not only potential citizens but as a civilising influence.¹⁶

Internationalising citizenship in the Palestinian context: enforcing passports and visas

The interwar period witnessed changes to immigration and travel regulations throughout the world. The increased need for documentary identity meant that governments had to classify inhabitants as nationals, subjects or citizens, and offer them identification papers. The following section places Palestinian documentary identity into the international context of the late 1920s and early 1930s. The Palestine Mandate was remarkable in the internationalisation of citizenship, meaning that it brought together numerous ethno-national groups living throughout the world as Palestinian citizens. This placed it in a unique position in the wider British Empire. Although only briefly mentioned here, Palestine also presents an excellent case study on transnational migrations of both Jews and Arabs in the early twentieth century across numerous—and new—borders. The Jewish national home policy allowed for the acquisition of citizenship by Jews that came from a wide range of countries and colonies. This characteristic range of ethno-nationalities held by Palestine’s Jewish population did not compare to any other single colonial population in the British Empire.

¹⁵ Ibid., 28 July 1933, CO 733/247/8/8-10.

¹⁶ Norris, *Land of Progress*, 37.

This meant that Jewish residents, as opposed to their Arab counterparts, were given different treatment in their applications for Palestinian passports and visas.

The mandate administration further internationalised immigration, citizenship and naturalisation regulations due to the influence of previous colonial experience. However, by the late 1920s mandate officials and numerous other actors involved in crafting these regulations had not standardised the provisions which were to regulate the application for, or the issuing of, passports. The need for documentary identity was especially important to the immigration authorities in Palestine, as this section details. The 1920 Aliens Restriction Order—one of the amendments to the 1914 and 1919 British Nationality and Status of Aliens Acts upon which the Palestinian nationality and immigration legislation was modeled—required anyone who entered or left the United Kingdom to have a passport with a photo. With this act, the passport “became the backbone of the system of documentary substantiation of identity used to register and keep watch over the movements of aliens in the United Kingdom.”¹⁷ Yet the failure to apply passport and visa provisions evenly affected Palestine’s immigrants and emigrants.

Less than a year after the issue of the 1925 Citizenship Order-in-Council, the British Colonial Office noted that both Jewish and Arab Palestinian citizens “may be placed in an awkward position if they want to travel” to or from Palestine and proposed to issue emergency travel documents to individuals without passports. As discussed in Chapter Two, Palestinian passports were largely unavailable at the time of the Citizenship Order-in-Council. Although temporary passports were initially printed in 1920, only mandate officials used them and they did not resemble the Palestinian passport issued from 1924 onwards. The regular printing of passports did not begin until 1926.¹⁸ Instead, emergency certificates were used for one-way travel for provisional citizens and some residents of Palestine, but were susceptible to abuse since those in possession of them could reside outside of Palestine. Despite not fulfilling the residency obligation required for Palestinian citizenship, holders could be treated, even in their countries of birth, as Palestinian citizens under British protection. The absence of passports was also made up by the *laissez-passer*, which was

¹⁷ Torpey, *The Invention of the Passport*, 116. See also Ettinger, *Imaginary Lines*, 15-16, for more on the North American case.

¹⁸ Qafisheh, *The International Law Foundations*, 146.

treated like an emergency certificate. After 1926, a Palestine passport looked similar to its British counterpart: it was brown with the words ‘British Passport’ on the cover above the seal of the Palestine Government. ‘Palestine’ was written under the seal.¹⁹

By the time of the issue of the citizenship order, the passport translated into documentary proof of nationality, citizenship, and diplomatic protection. A tightening of immigration regulations featured prominently alongside increased passport controls around the globe.²⁰ Statelessness was measured by the lack of a passport. In Europe and the United States governments had monopolised the passport and other documentary controls on movement and borders since the late eighteenth century. As the nation-state in the early twentieth century became a more intense network of institutions, passport and immigration controls aided the institutionalisation of nationality and citizenship.²¹ Populations became dependent on their national governments to legislate their identities and nationalities in reference to territorial borders. A passport proved not only national belonging but according to Torpey, it was also part of “a profusion of bureaucratic techniques for administering the boundaries of a nation.” Its growing importance after the First World War forced the League of Nations to pay attention to the plight of individuals who did not hold a passport or identity documents, including Arabs and other ethnic groups of former empires. In the light of the Russian refugee crisis, the League’s High Commissioner for Refugees, Fridtjof Nansen, instituted the Nansen Passport after 1922. Governments could accept the Nansen Passport as proof of identity without the need to grant citizenship rights to its bearer.²²

With the widespread use of passports came the increased need for efficient travel facilities for emigrants, immigrants and travelers from and to Palestine. The responsibility for this initially fell to the British Foreign and Home Offices which were in charge of consular and diplomatic facilities, and immigration and passport controls, respectively. Before the standard issue of Palestinian passports, Jewish and Arab inhabitants could indeed travel and prove their identity but as the previous chapter has demonstrated, British consuls abroad and mandate immigration authorities did not always follow standard procedures. Prior to 1925,

¹⁹ ‘Palestine passports,’ 11 June 1926, CO 733/114/514-515. Inside, a note requested that the holder pass freely and be given protection in the name of His Majesty’s Government.

²⁰ Ettinger, *Imaginary Lines*, 6.

²¹ Torpey, *The Invention of the Passport*, 4-12.

²² *Ibid.*, 122-127. Governments were however not obliged to admit bearers of Nansen Passports into their territories.

the category of 'provisional' Palestinian citizenship confused consuls who were unsure of its international acceptance and whether both Arabs and Jews could declare it as their national identity. Mandate officials and consuls generally granted *laissez-passer* to Palestinian Arabs on the basis of their Ottoman passport. Jewish immigrants received certificates of provisional Palestinian nationality to travel. However, the Arabs faced a disadvantage if they carried Ottoman identity documents. They could be refused *laissez-passer* by British consuls since the Ottoman Empire no longer existed. Furthermore, many former Ottoman subjects were still seen as enemies prior to the 1924 Treaty of Lausanne between the new Turkish Republic and the Allies. Jewish residents with provisional certificates of Palestinian nationality did not face the same problems. Jews who had been Ottoman subjects faced similar problems as to the Arab Ottomans if they were not in the service of the mandate government.

Once the provisions of the citizenship order became clear at the end of 1925, the Colonial Office requested that certain procedures be clarified, including the standard treatment given by British foreign consuls to applicants for travel to Palestine. Disagreements between the Colonial and Foreign Offices over how to treat native Palestinians who lived abroad hindered any type of joint resolution. The history of this bureaucratisation of immigration and nationality documentation must take into account an analysis of the differences of opinion between government departments. For example, the high commissioner in 1927 felt that a more inclusive permission to settle in Palestine could be offered to individuals born in Palestine but without citizenship, against the opinion of the Foreign Office.

Despite Plumer's opinion, Foreign Office consular instructions remained silent on his recommendations. Palestinian natives who applied to travel to Palestine could not always obtain a Turkish passport or travel documents. Emigrants who resided in countries without a Turkish consulate found it impossible to do so before and after 1925.²³ Their naturalisation as Turkish citizens, however, was grounds for refusal of Palestinian citizenship since the mandate prohibited Arabs from holding dual nationality.

Another problem that plagued attempts to enforce passports and travel documents was the expiration of provisional certificates of Palestinian nationality. This affected both Arab

²³ Memo, Government Office in Jerusalem to Colonial Office, 18 Sept. 1927, CO 733/142/8/16-17.

natives who lived abroad and Jewish immigrants who were granted provisional nationality but had left Palestine. Certificates given to Jewish immigrants between 1920 and 1925 as proof of provisional nationality had been issued on the understanding that these immigrants would acquire Palestinian citizenship. As many Jews continued to use provisional certificates rather than claim citizenship, the Palestine government was forced in late 1925 to extend the validity of the provisional certificates to the end of 1926. The Colonial Office decided to stop endorsing *laissez-passeurs* after March 1927 in another attempt to force Jewish immigrants to apply for a passport to prove their citizenship. Those who could not prove that they were Palestinian citizens under the residency provisions of the citizenship order would be unable to travel on British-issued documents.²⁴

Once the Palestine passport came into regular circulation in 1926, High Commissioner Plumer noted that it did not entitle bearers the right to enter the United Kingdom or any British protectorate, dominion, colony or mandate.²⁵ In October 1925, the Secretary of State for Home Affairs confirmed that Palestinian passports offered no privilege for travel throughout the Empire or exemption from immigration and visa regulations.²⁶ It must be remembered that Great Britain did not treat Palestinian citizens as British imperial subjects. Yet in practice a mandatory government was not in the legal position of providing travel and consular facilities to its own citizens. Palestinian consular officers or embassies did not exist. The duty of protection should have instead fallen upon the government which held the mandate—Great Britain.

The passport was linked directly to Palestinian citizenship. Naturalised citizens—Jews and other non-Ottoman nationals and those Arabs who chose to naturalise—absent from Palestine for three years prior to applying for passport renewal would be required to state the reason for the absence to the Controller of Permits in Jerusalem.²⁷ A five-year validity of Palestine passports was first proposed by the administration but the Colonial Office suggested two-years. As such, officials argued, naturalised citizens could not evade the

²⁴ ‘Palestine Passports,’ 11 June 1926, CO 733/114/517.

²⁵ ‘Period of validity of Palestine Passports,’ 16 Nov. 1926, CO 733/118/142.

²⁶ Home Office memo, ‘Palestine Passports,’ Oct. 1926, CO 733/121/482-487.

²⁷ ‘Draft instructions to consuls,’ June 1926, CO 733/114/530.

residency obligation for more than two years without renewing their passports.²⁸ If they attempted to do so, their citizenship status could be called into question when the passport was due for renewal. In November 1926, High Commissioner Plumer authorised the Chief Immigration Officer to limit to two years the validity of Palestinian passports held by naturalised citizens in order to prevent “a considerable number” of such people from obtaining a passport and then settling abroad while they still came under British protection. Plumer referred to the practice of Jewish individuals who acquired citizenship and left Palestine as “the exploitation of Palestinian nationality.”²⁹ It can be deduced that debates on passport renewals primarily focused on Jewish citizens since these naturalised individuals could freely travel in and out of Palestine, whereas Arab emigrants were frequently denied entry to Palestine in the first place. Indeed, the archives show that the mandate’s immigration officers mainly processed passport applications and renewals for Jewish residents.

As neither the 1925 citizenship order nor the mandate’s immigration legislation provided a definitive standard procedure for the mandate authorities and British consuls to enforce passport and visa controls, the disputes between officials of the Colonial Office and the Palestine Administration exacerbated the disagreement over what procedures to actually apply for inhabitants of the mandate. Although a variety of governmental bodies attempted to coordinate procedure, the need for each body to control a certain stage of that procedure created divergences of opinion not only in Palestine and Whitehall, but in regions where British consulates dealt with Palestinian Arabs and Jews. The institutional control of Palestinian citizenship came to be linked closely with British nationality legislation. Moreover, procedures focused on facilitating the Jewish national home policy and thus attention very often shifted to the Jewish immigrants.

²⁸ Art. 4 of the 1925 Citizenship Order-in-Council referred to individuals over eighteen years of age who made a declaration to become a Palestinian citizen within two years of the order if he was born in Palestine as an Ottoman, was resident for at least six months prior to the date of declaration and had not acquired a foreign nationality; Art. 5 referred to individuals who made a declaration of intent to opt for citizenship in accordance with Art. 2 of the 1922 Legislative Council Election Order and had a provisional certificate of Palestinian nationality, had been resident of Palestine and declared his desire to become a citizen according to Art. 4; Art. 7 referred to individuals naturalised as Palestinian citizens and thus who met the qualifications for naturalisation.

²⁹ ‘Period of validity of Palestine passports,’ 16 Nov. 1926, CO 733/118/142.

Bureaucratising Palestinian nationality: naturalisation, revocation and amending citizenship

Following Arab complaints and a multiplicity of positions on the regulations for the acquisition of Palestinian citizenship by emigrant Arab natives, as well as the increased perception of the dangers of Palestine's highly internationalised citizenship, the mandate administration was forced to bow to pressure to consider an amendment of the citizenship order in the latter 1920s. The reform of naturalisation standards became one of the main points of contention over the proposed amendment. Due to the mandate's immigration policy, naturalisation was a key way individuals received Palestinian citizenship after 1925. The process normally applied to Jewish immigrants, although a small number of native-born Palestinian Arabs turned to the option of naturalisation if their claims to citizenship were refused. Since immigrants had in the first instance to go through the naturalisation process, the administration and the British government constantly sought to ensure its provisions were efficiently applied. In large part, this meant institutionalising the different procedures of naturalisation. In other words, these procedures filtered through various bureaucratic departments in Palestine and Great Britain, becoming set practice with formal rules and differentiations based on an individual's nationality at the time he or she entered Palestine. The distinctions between Arabs and Jews which emerged from the institutionalisation of naturalisation are crucial to an understanding of how each group experienced the loss of citizenship, denial of naturalisation, and dual nationality.

The current section further explores the removal of citizenship. Drawing on British colonial perceptions of Eastern European Jews as deviant, disloyal and political agitators, this section analyses how the mandate administration and Colonial Office determined who was fit to receive citizenship. As noted above, the hierarchy of citizenship and subjecthood applied in Palestine was far from novel. Rather, it was standard practice in European colonies. Similarly, during the interwar period in the US, such a hierarchy based on 'ethnic' or national origin was codified into immigration law to produce the new category of the 'illegal alien.'³⁰

³⁰ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: University Press, 2005), 4.

Palestinian naturalisation, while following British legislation, was conditional on other factors, such as gender, marital status, deportation, and the laws of other states. Since encouragement for Jewish immigration to Palestine was a cornerstone of mandate policy, the British officials focused mainly on how these conditions affected the Jewish residents. The Palestine Administration first instituted naturalisation in 1925 in accordance with the provisions of the citizenship order. On the basis of the 1922 electoral order, Jewish habitual residents with provisional certificates of nationality would not need to naturalise, but new arrivals (including Arabs who were unable to claim citizenship) needed to do so. As explained in Chapter Two, the stated qualifications for naturalisation were simple: Jewish immigrants needed to have knowledge of Hebrew, English or Arabic, a good ‘character,’ and residence in Palestine for two out of three years prior to their naturalisation. In addition, applicants paid minimal fees and gave an oath of loyalty to the government.³¹ The straightforward nature of the procedure suggests that debate over it was initially limited. In fact, the question of *British* naturalisation for Arab, Jewish, and other civil servants in the Palestinian government was the first priority for the administration. In early 1926 discussions between the Colonial Office and the Palestine Government drew attention to questions of naturalisation procedure, highlighting the questionable status of the Palestine Mandate as part of the British colonial empire. The Colonial Office regarded naturalisation, whether to British or Palestinian citizenship, as a practice to be carried out entirely as provided for in United Kingdom legislation.³² The debate further demonstrated the unique situation of the mandate—as *not* a traditional colony—and Great Britain’s obligations toward the Zionist Organisation.

Before the issue of the 1925 citizenship order, the Colonial Office questioned the plan to grant British naturalisation to future Palestinian citizens employed in the mandate government. The practice was widespread in British colonies. The basic criteria of who could be a ‘European’ fluctuated in different colonial contexts in the early twentieth century,³³ but in Palestine colonial officials worried about loyalty to Great Britain. In certain cases, they considered the Palestinians to be akin to imperial subjects. However, in other

³¹ ‘Palestine Citizenship Order-in-Council,’ 30 January 1925, CO 733/88/383-398.

³² Colonial Office memo, ‘Administration Policy,’ 27 Feb. 1926, CO 733/112/86-87.

³³ Stoler, *Carnal Knowledge and Imperial Power*, 39.

cases as one official explained, it would be “inexpedient” to view Palestinians as subjects of the empire because the British government “[has] brought into being the ‘Palestinian Citizen.’ If we proceed to convert him into a British subject by naturalisation, we shall expose ourselves to criticism.” Palestine was considered a protected state with a local nationality rather than a British protectorate—the inhabitants of the latter being subjects. Still, subjecthood was often classified along blurred lines dependent upon the British territory in which inhabitants resided.³⁴ It became mandate practice to allow non-British or non-Palestinian civil servants in Palestine to choose the citizenship of either Great Britain or Palestine, pending the authorisation of the high commissioner.³⁵ However, any alien to Palestine who obtained (British) imperial naturalisation inside Palestine (such as a civil servant) was to be recognised as a British subject everywhere, including within Palestine.³⁶ The option for civil servants of Palestine to naturalise as British subjects seemed an attractive one, but in practice Palestinian citizens had British protection outside of Palestine just as British subjects did.

Naturalisation, as stated above, was essential for the proposed Jewish national home. Only once Jewish immigrants became Palestinian citizens could they be enfranchised, added to communal voting registers and if male, pass their citizenship to wives and offspring. The pace of immigration to Palestine slowed down after 1925. Since a significant number of immigrants did not actually naturalise as citizens for reasons explained in subsequent chapters, the administration began to reflect on its naturalisation policies.³⁷ In 1929 Palestine’s attorney-general, Norman Bentwich, explained the need to make naturalisation as appealing as possible for Jewish immigrants. He initially claimed that fees to naturalise hindered the policy meant to “to encourage settlers to adopt Palestinian citizenship.”³⁸ Eligibility criteria, as mentioned in Chapter Two, were taken from the United Kingdom’s naturalisation legislation and therefore the Palestine and British administrations spent a great

³⁴ For a discussion of these confusing and often overlapping statuses of inhabitants of a variety of British possessions in the nineteenth and early twentieth century, see Dummett and Nicol, *Subjects, Citizens, Aliens and Others*, 114-116.

³⁵ Colonial Office memo, ‘Administration Policy,’ 27 Feb. 1926, CO 733/112/86-87.

³⁶ ‘British naturalisation of persons resident in Palestine,’ April 1928, CO 733/167/5/1.

³⁷ One reason included the identification by many of Palestine’s Jews with the *Yishuv* as their ‘state’ and the guarantor of rights, duties and welfare.

³⁸ Government offices memo, ‘Rise in fees for naturalisation,’ 28 Nov. 1929, CO 733/171/14/12.

deal of energy debating how to conform the procedure in Palestine with the existing legislation and its periodic amendments in Great Britain.

Obtaining naturalised citizenship

In the first instance, the Palestine Administration attempted to ensure that naturalisation procedures for married women and minor children conformed to British legislation. Specifically, the citizenship and nationality status of women and children required clarification in the case of marriage and divorce. The 1925 order deemed married women to be naturalised to the Palestinian citizenship of their husbands in line with British legislation. Officials took marriages very seriously: proof of legitimate marriages between Jewish Palestinian citizens and foreigners was required and obtaining such proof often presented an obstacle to naturalisation of immigrants.

A second important issue the administration sought to standardize—and one that affected Arabs and Jews differently—was the citizenship of minors. As late as the mid-1930s, two sets of rules were enforced. The Colonial Office had been especially clear that children born to native Arab parents who resided outside Palestine and did not have citizenship were not to be considered Palestinian. Both the Colonial and Home Offices agreed that Palestinian citizens who lived abroad could not register the birth of their children at British consulates. The policy meant that British consulates, especially in Latin America, did not have exact records on the number of Palestinians by descent who resided in their districts. In stark contrast, Jewish immigrants to Palestine could add their minor children to their naturalisation certificates even if the children had not been born inside mandate territory.³⁹

Instances of dual nationality plagued both Jewish immigrants and the Palestine Government, complicating efforts at regulation. It must be recalled that dual nationality was acceptable *only* for Jewish immigrants in Palestine. Arabs born in Palestine who lived abroad could not return to their homeland as citizens if they acquired any new nationality, including that of Turkey. This official stance against dual nationality was not unusual in emerging nation states. On the one hand it undermined the link between an individual and

³⁹ 'Issue of birth of Palestinian children abroad,' 17 Dec. 1925, CO 733/121/716.

the sovereign state, whilst on the other it multiplied claims to protections and rights.⁴⁰ Dependent on the regulations of the country from which Jewish immigrants came, an application to naturalise in Palestine could lead to the revocation of the original nationality of immigrants. In these cases, immigrants were stripped of their former nationality and rendered stateless even if they were refused naturalisation in Palestine. Such immigrants faced a similar situation to that of Palestinian Arab emigrants who could not claim Palestinian citizenship: they became stateless, without consular protection and without a valid passport. This was most often the case for the Jewish immigrants from states in Eastern Europe which refused to accept dual nationality of natives. It is perhaps for this reason that by the end of the 1920s, many of the early immigrants to Palestine retained their provisional nationality certificates and were reluctant to opt for citizenship.

The Palestine and British governments devoted significant amounts of energy to attempts to rectify the problems posed by dual nationality, particularly the deportation of naturalised citizens from Palestine. The mandate administration had the power to deport anyone refused Palestinian citizenship, disloyal to the administration, or who carried citizenship whilst resident abroad. Once a naturalised Jewish citizen was deported by immigration authorities in Palestine, Great Britain and the Palestine Government were under no obligation to offer that former citizen diplomatic protection. Colonial officials such as Gerard Clauson proposed to ask foreign countries not to strip deported or non-naturalised Jewish immigrants of their original nationality in order to avoid instances of statelessness. Even so, by 1930 some European governments forced their Jewish emigrants to renounce their nationality before they left for Palestine.⁴¹ Colonial Secretary Leopold Amery advised Assistant Under-Secretary for the Colonies, John Shuckburgh, that the Jewish immigrants without Palestinian citizenship were liable to be deported for not complying with the provisions of the citizenship and immigration legislation. It is noteworthy that the colonial secretary also tried

⁴⁰ Irene Bloemraad, "Who Claims Dual Citizenship? The Limits of Postnationalism, the Possibilities of Transnationalism, and the Persistence of Traditional Citizenship," *International Migration Review* 38 (Summer 2004): 390-392.

⁴¹ 'Palestinian naturalisation,' 25 Aug. 1926, CO 733/116.

to induce some foreign governments to accept their former nationals who had been deported from Palestine.⁴²

Despite the efforts by officials to create non-restrictive regulations for naturalisation, by the end of the 1920s Jewish immigrants avoided that process in large numbers. Instead, they chose instead to remain in Palestine without citizenship and thus without pledging loyalty to the mandate government. Meanwhile, as described in Chapter Four, many Palestinian Arab emigrants refused to naturalise on the basis that as natives of Palestine, they should not be required to do so. While the high commissioners had a duty to uphold the nationality legislation, the Palestine Administration was also required to be up-to-date on nationality and naturalisation legislation in the United Kingdom, on the precedents set by British administrations elsewhere, and on international standards of nationality. All of these factors influenced the development of a bureaucratic apparatus dealing with citizenship regulations in Palestine as well as any proposed amendments. Such amendments are the subject of the next section, and the culmination of legislative changes came about with the amended citizenship order in 1931.

Amending citizenship and treaty nationality

By the end of the 1920s, the remonstrations of the Palestinian Arabs against the citizenship order's failure to address adequately the status of emigrants, as explained in the previous chapter, drew the attention of the high commissioner. Due to the active protest campaign led by the Committee for the Defense of Arab Emigrant Rights to Palestinian Nationality (DAER) beginning in 1927, the British took a greater interest in applications for citizenship by Palestinian natives who resided outside of Palestine. Yet the opinions varied over how closely connected these individuals were to Palestine, hindering a unanimous resolution.

The Colonial Office was forced to reconsider rejections as a result of the large numbers of petitions received from Palestinian communities in South and Central America between 1925

⁴² Ibid. It should be recalled that for native Arab emigrants, the Foreign Office instructed consuls to treat them as Turkish nationals. By the mid-1920s, many faced deportation from Latin America since they were without nationality papers—colonial officials did not step in to help as a matter of practice, as was done with stateless Jews.

and 1930. In 1927 Colonial Secretary Amery seemed inclined to support extension of citizenship to emigrants who maintained a connection with their native land.⁴³ However, the Foreign and Home Offices continued to instruct British consular officials not to accept applications from individuals whom they deemed to want citizenship for the purpose of obtaining British protection. High Commissioner Plumer advised colonial officials that individuals must show a “genuine desire to resume their connection with Palestine” to be given consent to travel to Palestine in order to naturalise. On the advice of Plumer, the Foreign Office categorically rejected thousands of applicants for citizenship through the latter 1920s, in spite of their possession of Ottoman identity documents.⁴⁴

Colonial officials in Britain began to seriously discuss an amendment to the Citizenship Order-in-Council in 1929 in light of the serious violence and rioting that summer between Arabs and Jews and because of the unresolved issues that affected the acquisition and revocation of citizenship for both groups. In the fall of 1927, the Colonial Office’s opinion shifted in favour of a general reconsideration (as proposed by Attorney-General Norman Bentwich) of citizenship applications by emigrants who had been unable to claim Palestinian citizenship by August 1926. However, the Office carried out these reviews subjectively. The Colonial Office Legal Advisor, J.S. Risley, supported changing certain provisions of the legislation and wrote in a memo that the order-in-council termed as an “instruction” was “just the sort of enterprise” from the mind of Attorney-General Bentwich who “loves the loose generalities of International Law.”⁴⁵ These loose generalities such as the meaning of nationality and citizenship in the international context were not the only stumbling blocks to amending the order. The synthesis of colonial and imperial legislation and the internationalised nature of citizenship in Palestine not only made the mandate legislation unique but also weakened its international standing and recognition. Bentwich too complicated matters due to his lack of experience in colonial administration and English law.⁴⁶ Additionally, statements by the Colonial Office suggest a general feeling that that

⁴³ ‘Reconsideration of applications from persons resident abroad,’ 1927, CO 733/142/18.

⁴⁴ Ibid.

⁴⁵ ‘Citizenship Order-in-Council,’ 1925, 16 May 1929, CO 733/171/14/1-5

⁴⁶ Buntton, “Inventing the Status Quo,” 49-51. Bentwich was depicted in contemporary sources as “the blind leading the blind” in legislation.

because some emigrants had not expressed interest in returning to Palestine, the majority of individuals in the diaspora had the same attitude.

By December 1927, then-Secretary of State for the Colonies, William Ormsby-Gore, discussed the Palestine Government's proposal to reconsider those rejected claims for citizenship which were made in time by emigrants who were legally Ottoman subjects and left Palestine before, during or after 1920 (and had since returned and resided for at least six months). Ormsby-Gore suggested that any Palestinian by birth who resided abroad with the newly-created Turkish nationality would be "freely granted permission to visit or settle in Palestine with his family." This suggestion did not take into account stateless Palestinians who did not possess Turkish nationality papers but still held Ottoman identity documents. According to Ormsby-Gore, the extent to which Palestinian communities abroad took advantage of this concession would be regarded as the measurement of the genuine attachment of the entire community to Palestine. These emigrants should find it easy, he continued, to fulfill the conditions to be naturalised "if their principle interests be in Palestine."⁴⁷ Yet, the key issue for determining the emigrants' eligibility for citizenship was the period of time they resided outside Palestine.

A single amendment to Article 1 of the order came under consideration by 1929. The basis of Article 1 was that former Ottoman subjects habitually resident in Palestine on 6 August 1924 were entitled by the Treaty of Lausanne to Palestinian citizenship. If they were absent on 1 August 1925 and returned to Palestine before August 1926 (and resided for six months prior to that date) without opting for Turkish or another nationality under Article 1, they were theoretically entitled to claim Palestinian citizenship without the need to indicate Palestine as their permanent home (*ipso facto*).⁴⁸ Risley suggested the addition to Article 1 of an amended clause that allowed for 'treaty nationality.' This meant that former Ottoman subjects who were habitually resident in Palestine on the date the Treaty of Lausanne went into force (6 August 1924) but left before 1 August 1925 and returned anytime after without another nationality would be entitled to make a declaration of the retention of Palestinian

⁴⁷ 'Reconsideration of applications from persons resident abroad,' 9 Dec. 1927, CO 733/142/18.

⁴⁸ 'Citizenship Order-in-Council,' 1925, 16 May 1929, CO 733/171/14.

citizenship. The Foreign Office felt such a provision was unnecessary and suggested that the rest of the order should be amended instead of Article 1.⁴⁹

However, provisions for treaty nationality would have not affected the vast majority of emigrants who left Palestine before August 1924. Within the Palestine Administration, High Commissioner Plumer recognised (in opposition to the Foreign Office's stance) the need to make some concessions. He asked the Colonial Office to agree to a consideration of applications for Palestinian citizenship by Ottoman subjects who resided in Palestine until October 1924—several months after the Treaty of Lausanne came into effect—and then left, returning by 1927 to Palestine.⁵⁰ This was only the minimum concession that the emigrants and their lobbyists had campaigned for. The DAER committee in fact asked that all emigrants, regardless of when they left Palestine and of the Lausanne treaty, be given citizenship upon request or upon their return to Palestine. The subjective review of applications by the administration and the Foreign Office did little to ease the hardships of emigrants not entitled to citizenship or entry to Palestine.

An entirely different idea came from Norman Bentwich. Rather than an amendment to provide treaty nationality, he suggested to resort to the courts. A court's job would be to determine the habitual residency of Palestinian applicants for citizenship. Of course, the practice of obtaining court decisions on applications for citizenship from Palestinians abroad would be logistically difficult and time-consuming. Bentwich proposed other ideas, including one that would allow for any person who left Palestine between 1924 and 1925 and returned within five years to be regarded as a habitual resident according to the citizenship order's Article 1.⁵¹ The implementation of this idea would have entitled these individuals to citizenship and it also offered the longest extension period for natives to choose citizenship as yet suggested by a mandate official.

According to Bentwich, his latter plan allowed returning emigrants to “be treated as Palestinians as of right and not by naturalisation [which] is a great moment to those involved.” His proposal acknowledged and reflected the argument of the emigrants against naturalisation and supported their demand for citizenship by right of nationality (*haqq al-*

⁴⁹ Ibid.

⁵⁰ Memo, High Commissioner to Colonial Office, ‘Palestine Citizenship Order-in-Council,’ 26 Apr. 1929, CO 733/171/14.

⁵¹ Ibid.

jinsiyya). Bentwich argued this would bring the Treaty of Lausanne's provisions and the order-in-council into closer conformity as the treaty gave Ottoman subjects habitually resident in territories detached from the Empire after the war the *ipso facto* nationality of the state those territories were transferred to, on the conditions of local laws within them.⁵² The Foreign Office countered that the period for option for emigrants be changed to four years rather than five.⁵³

In a subsequent memo from the Foreign Office to the Colonial Office, the Foreign Secretary wrote in 1929 that the entire citizenship order-in-council should be amended. In other words, he felt that inserting new amendments to articles would not be sufficient. The following year the Colonial Office came to the same conclusion.⁵⁴ Although both offices agreed that the British Government should ratify an entirely new order, other governmental departments as well as the mandate administration were asked to contribute to drafting an entirely new, amended order. Almost immediately after this agreement, the Foreign and Home Offices expressed differences of opinion over the draft's new and re-worked provisions.⁵⁵

One of the initial disagreements concerned the distribution of power between the Palestine Administration and Whitehall in situations of granting or revoking the naturalisation or citizenship of Palestinian Arabs and Jews.⁵⁶ In particular, one provision of the amended order draft gave high commissioners the power to revoke the citizenship from Palestinian natives who resided abroad but returned to Palestine to take citizenship after 1924, as well as from Jews who arrived to Palestine between 1918 and 1925.⁵⁷ Debates such as these stalled the ratification of the completed amended order-in-council.

In July 1931, the British government ratified the newly-written order, titled as the 1931 Palestine (Amendment) Citizenship Order-in-Council. It incorporated the provision for

⁵² Ibid.

⁵³ Foreign Office memo, 'Citizenship Order-in-Council,' 18 July 1929, CO 733/171/14/30.

⁵⁴ Memo, Foreign Office to Colonial Office, undated [1929] CO 733/171/14/34.

⁵⁵ Memo, Home Office to Colonial Office, 'Observations on suggested amendments,' 12 Aug. 1930, CO 733/185/7/26.

⁵⁶ Memo, High Commissioner Chancellor to Colonial Office, 'Palestine Citizenship Order-in-Council, [undated] 1930, CO 733/185/7/32. Such a power to give or take away citizenship should, according to High Commissioner John Chancellor, be "reasonably restricted." Colonial Secretary Lord Passfield, who replaced Amery in 1930, agreed. See Passfield to High Commissioner, 18 Jan. 1930, CO 733/185/7/34.

⁵⁷ Memo, Foreign Office to Colonial Office, 'Palestine Citizenship Order-in-Council,' 5 Apr. 1930, CO 733/185/7/29.

treaty nationality and gave four years from the date of issue to allow native-born Palestinians to claim citizenship. Ottoman subjects who were habitually resident in Palestine before 1 August 1925 received *ipso facto* Palestinian citizenship unless they had acquired another nationality prior to the amendment. Yet, the Home Office reaffirmed that native-born Palestinians resident abroad must maintain a substantial connection to Palestine to qualify for *ipso facto* treaty nationality—“periodic visits” to the territory were not enough.⁵⁸ As to the power struggle between London and Jerusalem, the order gave high commissioners the explicit power to revoke or annul a certificate of naturalisation for any reason deemed legitimate.⁵⁹ In sum, the amended citizenship order did not radically alter the original order nor allow for a significant number of Palestinian Arab emigrants to return to Palestine as citizens. In fact, only those Arabs who left in the year between the ratification of the Lausanne Treaty and the issue of the 1925 citizenship order qualified to return as such.

The amended order came after the reports by the Shaw and Hope-Simpson commissions recommended changes to immigration legislation in order to prevent outbreaks of violence, and after the MacDonald letter. Colonial administrators also drafted the amended order during a time of changes with the departure of both High Commissioner Chancellor and the attorney-general. The latter was a significant change. Norman Bentwich, who had become the resident expert on nationality legislation, was replaced by Harry Trusted in 1931.⁶⁰ The secretary, under-secretary and other staff positions in the Colonial Office were also reshuffled. These administrative changes, plus new developments in the internal political situation in Palestine hampered any general agreement between all departments involved.

The amended order, subversive citizens, and the international context

After the issue of the 1931 Palestine (Amendment) Citizenship Order-in-Council, it became clear that the administration in Palestine applied provisions of citizenship legislation unevenly. Some examples of this, prior to 1931, have already been noted in the first section

⁵⁸ ‘Citizenship (Amendment) Order 1931,’ Home Office, 23 July 1931, CO 733/203/13/23.

⁵⁹ ‘Citizenship Order-in-Council,’ 1930, CO 733/185/7/10.

⁶⁰ Bentwich’s subsequent appointment was that of lecturer in international law at the Hebrew University in Jerusalem. See Norman and Helen Bentwich, *Mandate Memories, 1918-1948* (London: Hogarth Press, 1965).

of the chapter. In light of the amended order, these distinctions deserve further investigation. They did not all privilege Jewish immigrants, however. In the interwar period, the Colonial Office and mandate administration increasingly feared that Jews were subversive, disloyal and international conspirators. Such fears within the wider context of Bolshevik and communist anxieties were also prevalent in Palestine not only among Arabs but also those colonial officials who did not fully support the Zionist project.

The removal of Jewish Palestinian citizenship

By virtue of the 1931 amended citizenship order, as mentioned above, the high commissioners had the power to grant or revoke any person's citizenship. Jews who resided outside of Palestine in contravention of the residency clause faced the possibility of having their citizenship revoked or annulled. Additionally, in the late 1920s, the mandate authorities began to recommend the revocation of naturalisation certificates held by so-called 'undesirables.'⁶¹ The high commissioners who served after 1925 were concerned that the removal of Palestinian citizenship rendered some of the Jewish immigrants from Eastern Europe stateless and unable to be easily deported. The following sub-section briefly analyses the problems associated with the removal of Palestinian citizenship before and just after the 1931 amendment.

Throughout the 1920s, immigration authorities in the British Empire and elsewhere tightened controls on the acceptance of Eastern European immigrants, fearing the spread of Bolshevik propaganda. Prior to the First World War, Great Britain had set up special immigration controls for suspected subversive aliens who might incite political violence.⁶² By the interwar period, the international range of Palestine's potential Jewish citizens elicited similar fears among officials in both the Colonial Office and mandate administration. As discussed above, the British supported a particular type of Jewish immigrant to Palestine, one who was European, prosperous, self-sufficient and pro-British. By the late 1920s, officials such as Chancellor expressed anxiety over Eastern European and Russian Jews who

⁶¹ Again, the US presented similar cases and terminology at the time. See Ettinger, *Imaginary Lines*, 16-17. The term 'undesirable,' used in reference to aliens, came out of Great Britain's 1905 Aliens Act. It was used more frequently after the First World War within the United Kingdom; see Dummett and Nicol, *Subjects, Citizens, Aliens and Others*, 112.

⁶² Dummett and Nicol, *Subjects, Citizens, Aliens and Others*, 93-94.

immigrated to Palestine. They anticipated that the socialist and internationalist affiliations of these immigrants would cause a lack of patriotism. In particular, Chancellor expressed the view that these immigrants would not be loyal to Great Britain.⁶³ Before 1931, the Foreign Office thought that high commissioners were responsible for creating a stateless class of people that included unsavory political agitators and others although they only annulled the citizenship of a small number of Jewish immigrants. Still, the Foreign Office faced the repercussions of these annulments when it attempted to negotiate with other countries to allow their natives to return. Most deportations of Palestine's naturalised citizens did not affect only the deportee. With the removal of the citizenship of an adult male came the revocation of the same status of his wife and children. Although revocations and deportations did in fact happen, administrators often tried to avoid them since they reflected poorly on the facilitation of Jewish immigration.

Attorney-General Harry Trusted, Bentwich's replacement, clearly wished to minimize conflict with the Zionist Organisation when he decided in 1934 that three years' residence abroad for a naturalised Palestinian Jew was "not enough [cause] to revoke Palestinian citizenship." He referred to the case of a Jewish immigrant who was given a certificate of naturalisation in 1929 despite his apparent residence in Morocco since 1927. When the individual applied to renew his Palestinian passport in 1934, mandate officials questioned whether he had lost his connection to Palestine due to his six-year residence abroad. The individual in question gave evidence in favour of retaining citizenship. He claimed that he refused French citizenship in Morocco, owned immovable property in Palestine, and that Palestine was his home country. The administration decided to renew his passport for three years on the condition that he returned to Palestine to reside permanently before it expired. Trusted, like his predecessor, did not give the same leeway to Arab Palestinians born in Palestine and resident abroad: he did not advocate for changes to the citizenship order's provisions on this issue nor did he respond to demands from the emigrants for citizenship.⁶⁴

The Arabs in Palestine, meanwhile, took notice of this favouritism which allowed for Jews to keep their Palestine passports even if they lived outside of the country. In 1928 the press reported on a new article to the immigration law of the Palestine government meant to

⁶³ Norris, *Land of Progress*, 38-39.

⁶⁴ 'Nationality: Revocation of Certificates of Naturalisation,' 20 Aug. 1934, ISA/M/710/14.

punish, with three months imprisonment and a fine of 100 lira, any immigrant who lied about their birth date or name in their passport. In response, an Arab journalist ironically questioned how the government intended to punish the immigrant “who carries three passports in his pocket for at least three different nationalities.”⁶⁵

Even after the issue of the 1931 amended citizenship order, members of the Palestine Administration, the Colonial, Foreign and other offices continued to question its provisions as well as immigration regulations. For example, in opposition to the opinion by H.F. Downie, the head of the Middle East Department, High Commissioner Chancellor and the Colonial Office did not entirely support the regulation that when a man’s citizenship was revoked, his wife and children lost theirs as well.⁶⁶ At the crux of the disagreements was, yet again, the idea that revocation of citizenship held by Jews reflected poorly on the mandate’s efforts to facilitate a Jewish national home. Still, other colonial administrators believed that certain immigrants had the potential to subvert and behave in a disloyal manner to both the Palestine Administration and Great Britain. Not only were Jewish male immigrants suspect, but in the early 1930s the status of Jewish female immigrants became one of the most contentious in the light of international politics.

Undesirable citizens

One proposed, but unaccepted, amendment to the 1925 citizenship order concerned certain ‘undesirable’ women who sought a Palestinian passport and citizenship. This category included prostitutes, criminals, and political offenders who married Palestinian citizens in order to obtain citizenship and British protection. In accordance with the citizenship order’s Article 13, alien women who became Palestinian citizens by marriage would not cease to be Palestinians if they divorced their husbands. These women had legal citizenship, but the administration also targeted for deportation those Jewish women who resided illegally in Palestine without citizenship of their own or that of their husband. Colonial officials lobbied before 1931 for the insertion of an amendment in the citizenship order to the effect that an alien woman could not acquire citizenship as a consequence of

⁶⁵ “*Mudhakara ‘ala huwl qānun al-hijra*” [Note on immigration law], 9 Jan. 1928, *al-Jamiyya al-‘Arabiyya*.

⁶⁶ ‘Citizenship Order-in-Council Amendment Order,’ 30 May 1932, CO 733/220/12/2-3.

marriage or if faced with a deportation order as an ‘undesirable’ or otherwise labeled as a ‘bad character.’⁶⁷ The detailed and lengthy discussions of these particular cases in the archives are perhaps indicative of their frequency by the early 1930s.

The debate over how to grant Palestinian naturalisation to certain Jews contributed to what was actually an Empire-wide debate over the status of married women and the retention of their original nationality. In 1932, the Home Office (with the support of the Foreign Office) stated that it had no objection in principle to preventing certain Jewish immigrants from receiving Palestinian citizenship upon marriage, but noted international standards. Those standards specifically included the progressive 1930 Hague Convention principles which, although unsigned by both the Palestine Government and Great Britain, maintained that a woman retained her original nationality upon marriage. In that case, she would not be stateless in the event of a deportation.⁶⁸ In the 1920s, suspect women were usually not stripped of their citizenship or deported.

The opinion of the high commissioners also played a role in defining undesirable citizens. High Commissioner Arthur Wauchope, appointed in 1931, argued that the practice to allow undesirable women to acquire citizenship was inconsistent with British nationality laws. He summarised his opinion thus: divorced women stayed in Palestine “free to continue their objectionable activities . . . with all the privileges of indefeasible Palestinian nationality.” At the same time, officials in Britain suggested that the British nationality law be changed to allow for separate naturalisation of husband and wife. This change at the imperial centre would have been complicated and expensive to implement in Palestine, not least because it threatened the success of the Jewish national home policy.⁶⁹ Thus, Wauchope suggested that future legislation must give Jewish wives the opportunity of separate naturalisation from their husbands “on very easy terms,” in light of facilitating the national home policy of the mandate.⁷⁰

This debate again situates the Palestine Mandate in a unique position in the wider British Empire. The proposal for separate naturalisation was in reference only to *Jewish*

⁶⁷ ‘Citizenship Order-in-Council Amendment Order,’ 30 May 1932, CO 733/220/12.

⁶⁸ Ibid.

⁶⁹ Memo, High Commissioner to Secretary of State for the Colonies, ‘Citizenship Amendment Order,’ 18 June 1932, CO 733/220/12.

⁷⁰ Ibid., 9 May 1932.

immigrants—not Arabs or any other group. Once again, debates over the separate naturalisation for Jews emphasised the distinct bureaucratic measures envisaged with regards to citizenship where the Jewish community was involved. In support of the proposal for separate naturalisation for women, one colonial official wrote that unless the high commissioner and Foreign Office saw “strong *practical* [emphasis in original] objections to this (as opposed to objections based merely on principle and on the analogy of British practice), . . . the special circumstances arising in Palestine should prevail.”⁷¹ The debate over separate naturalisation in Palestine extended to the Dominions Office of the British government in whose interest it was to ensure that nationality legislation was as uniform as possible throughout the Empire.⁷²

The Dominions Office, which had considerable influence over wider imperial policy, held the opposite opinion on female naturalisation. Its comments reflect how by 1933 Palestine came to be perceived in matters of nationality. To the Colonial Office, Assistant Secretary of the Dominions Office C.W. Dixon replied the following:

It would be rather a pity if so fundamental a change from existing British practice was made in a territory under Mandate of His Majesty, as it might be quoted by some of the Dominions as an argument in favour of the view that the law of nationality as regards married women in relation to nationality of the Dominion concerned need not be the same as that in relation to British nationality. It is not likely that any Dominion would wish to copy Palestine . . . as the Dominions which attach most importance to the idea of separate Dominion nationality are those which are strongest on maintaining uniformity of nationality between husband and wife. . . . Our answer would, I suppose, have to be that already suggested to FO, and HO, viz. *that Palestine citizenship is not 'nationality.'* [emphasis added]

In suggesting that Palestinian citizenship was not British nationality, Dixon maintained that nationality legislation in the Dominions would not necessarily effect how Palestinian individuals acquired citizenship. He added that if the matter of independent naturalisation for wives was one of “first-class importance,” the possible embarrassment in the Dominions

⁷¹ ‘Citizenship Order in Palestine,’ 1933, CO 733/238/14/3-4. Wauchope even noted that the Palestine government would receive increased revenue from the naturalisation fees for Jewish women: Memo, High Commissioner to Foreign Office, ‘Citizenship Order-in-Council,’ June 1933, CO 733/238/14/39.

⁷² *Ibid.*, 31 Aug. 1933.

over policy contradictions should not be sufficient grounds to refuse Wauchope's suggested proposal.⁷³

The Palestine Administration in 1933 consulted with Whitehall and asked the British government to opt for separate naturalisations. This course of action raised issues of policy in Whitehall and in other colonies such as India. Great Britain could not consider the proposal because it diverted from Empire-wide policy, and the administration had not shown that the situation in Palestine necessitated that a departure from uniformity was justifiable. Defeated when the scheme of separate naturalizations was not implemented, the Colonial Office cautioned that conditions of immigration in Palestine "rendered abuses of nationality laws more than ordinarily dangerous" in light of the political activities of certain male and female Jewish immigrants.⁷⁴

The language of nationality and citizenship resurged in light of changes to the 1925 order. In the early 1920s, Great Britain had argued that Palestinian citizenship was not a sovereign, internationally-recognised nationality in accordance with British nationality law. Furthermore, the Law Officers of the Empire had previously stated that Palestine was not a foreign state. Since Article 7 of the mandate gave the Palestine Administration the responsibility to enact a nationality law, officials suggested in the early 1930s that it would be difficult "to contend that the obligation imposed by that Article has not been discharged by the making of the Palestine Citizenship Order of 1925." Still the Foreign Office argued that Palestinian citizenship was not the same as Palestinian nationality, and that it did "not think it ought to be so . . . [officials] do not regard Palestinian citizenship as 'nationality.'" In other words, it was possible to claim that Palestinian nationality did not exist since the *Palestine Administration* had not yet enacted a nationality law. Nationality then did not exist in Palestine in a political or ethnic sense. Rather the *British government* had passed a citizenship order-in-council. Thus the Palestine Administration could possibly be charged with *not* carrying out Article 7 of the mandate.⁷⁵ The lack of a nationality law meant that

⁷³ Memo, Dominions Office to Colonial Office, 'Palestine Citizenship Order-in-Council,' 31 Aug. 1933, CO 733/238/14/5-6.

⁷⁴ Memo, Colonial Office to Dominions Office, 'Palestine Citizenship Order-in-Council,' Dec. 1933, CO 733/238/14/11-13.

⁷⁵ 'National Status of female British subjects who marry Palestinian citizens,' Aug. 1934, CO 733/268/18/3.

citizenship could be imposed and manipulated from the centre, making the inhabitants of Palestine colonial citizens.

Similar to the discussion of independent naturalisation of women, the British government was reluctant to set precedents of nationality legislation in Palestine even in light of the increased threat of political agitation in Europe and in other British territories. The British government connected threats of political agitation with the Arab community as well, particularly after Colonial Secretary Passfield recognised the struggle of the Arabs to attain rights as a ‘separate race’ in Palestine. Against the constant Jewish immigration, 30,000 Palestinian Arab emigrants remained without citizenship. The Passfield Letter linked the political inferiority and the lack of political rights of the Palestinian Arab citizenry with increased political agitation against British policy and the Zionist movement.⁷⁶ For example, Lord Islington, in a speech to Parliament in mid-1934, stated “though fulfilling the duties of citizenship, [the Arabs] are totally without its rights.”⁷⁷ As political agitation increased in the 1930s in Palestine, so too did references to the apolitical nature of Palestinian citizenship.

By three years after the issue of the amended citizenship order, it was evident that the amendment had not, in fact, clarified the intricacies of Palestinian citizenship and nor did it satisfy the Zionist Organisation. Dominions Office member K.O. Roberts-Wray stated that it was an “indisputable fact” that the legislation, including provisions on the revocation of naturalisation and the annulment of citizenship, was never intended to deny any Palestinian Jew of his citizenship. Roberts-Wray saw no reason for Palestine to be “guided *strictly*” by the United Kingdom nationality laws and practices in matters of nationality and de-naturalisation, both of which did not always favour the Jewish national home establishment. Despite increased threats to Great Britain from so-called communist propaganda in overseas territories, Roberts-Wray expressed alarm at proposals to allow the Palestine Government to de-naturalise those Palestinian Jewish citizens who were believed to have left Palestine and travelled for the purpose of obtaining communist propaganda. He emphasized that individuals who became Jewish citizens by virtue of certificates of nationality granted before

⁷⁶ *Palestine Statement of Policy by His Majesty's Government, presented by the Secretary of State of the Colonies to Parliament*. Cmd. Paper 3692. London: HM Stationary Office, Oct. 1931 [Passfield White Paper].

⁷⁷ ‘Extract from the Official Report of the Arabs in Palestine,’ 27 June 1934, CO 733/251/4/33.

1925 could not be de-naturalised in any circumstance.⁷⁸ In fact implementing such a provision to (as the Foreign Office claimed) allow the Palestine Government to “keep these dangerous elements outside Palestine,” would risk confrontation with Zionist leaders.⁷⁹

Palestinian Jewish citizens who were linked to political agitation such as communist activities and propaganda were increasingly perceived as a very real threat after 1933, but debates continued over whether, and how, to revoke citizenship from this new class of politically undesirable persons. Some colonial officials suggested withholding travel facilities so that ‘indoctrinated’ people could not leave Palestine.⁸⁰ A memo from the Dominions Office to Sir John Maffey, the Under-secretary of State for the Colonies in 1934, offered support for the proposal to deprive Palestinian citizenship from any Arab or Jew who went to the Soviet Union for what was referred to as a course in communist propaganda. The idea was a new one and at that time, not applied elsewhere in British territories. However, many of those accused as subversives had citizenship by virtue of their prior Ottoman nationality or habitual residence in Palestine. The high commissioners continued to be reluctant to remove citizenship from such individuals.⁸¹

Conclusion

The mandate policy to facilitate the Jewish national home in Palestine and encourage settler-colonialism through citizenship guided nationality legislation, its changes and its application in the years after the issue of the 1925 citizenship order. In many cases, the application of citizenship and the naturalisation of Jewish immigrants conflicted with Empire-wide nationality laws, and the Palestine Administration and British government offices did their best to amend the laws to fit in with mandate policy. At the same time, different approaches to standard procedure served Britain’s power and authority in Palestine: disagreements meant that complaints by the Arabs over contraventions of policy had little basis, since standard policy was usually lacking. Meanwhile the institutionalisation of citizenship reflected the differences between citizenship for Jewish immigrants and

⁷⁸ ‘Citizenship Order-in-Council,’ June 1934, CO 733/257/9/4-6.

⁷⁹ Memo, Colonial Office to Chief Secretary, ‘Citizenship Order-in-Council,’ June 1934, CO 733/257/9/60.

⁸⁰ Ibid.

⁸¹ ‘Citizenship Order-in-Council,’ 25 Sept. 1934, CO 733/257/7.

citizenship for former Ottoman subjects. These differences were also reflected in documentary identity procedures applied to Arabs and Jews.

The experiences of colonial officials who served elsewhere in British colonies prior to their service in Palestine influenced certain nationality, naturalisation and immigration regulations that were implemented in the mandated territory. The work of Ann Stoler, used throughout this chapter, has demonstrated that social and cultural practices signified that an individual was modern or European and thus was ready to become a citizen. Indeed, this ideology was reflected in the language used by colonial officials in reference to the population of Palestine. For example, Palestinian Arabs and Palestinian Jews were viewed as separate 'races' in the colonial vocabulary of national identity. Out of this discourse came the treatment of Jewish Palestinian citizens as more akin to British subjects in matters of immigration and documentary identity. By the mid-1930s, Palestinian nationality and Palestinian citizenship indicated separate legal statuses. The need to adhere to mandate policy to facilitate a Jewish national home while at the same time preventing immigrants of a certain unsavory character from acquiring citizenship convinced the British and Palestine administrations of the importance of colonial-style nationality legislation.

As the chapter demonstrates, the 1931 amended citizenship order came at a time of scrutiny of policy in Palestine by the British government, but neither the requests for restrictions on Jewish immigration nor other requests for greater protections of Arab rights were incorporated into citizenship legislation. The changes, as explained above, created debate in Whitehall over the best proposed legislative policy. It is interesting to note that by the early 1930s due to changes in the international political situation, citizenship legislation was tweaked to allow the high commissioners to de-nationalise anyone suspected of having wayward political beliefs. In reality, Great Britain ran the Palestine Mandate as a colony and as such, officials expected mandate citizens to be loyal to Great Britain. Consequently, the centre of the Empire ultimately approved or rejected nationality and citizenship proposals, and took into consideration the imperial and the European contexts during the decades after the end of the First World War.

In addition, the nature of citizenship legislation as decentralised and constructed amidst competing agendas and opinions, as the chapter stresses, clearly hindered a smooth passage of amendments and changes to the legislation itself. The hindrance can be attributed to the

actions of different governmental departments, official and unofficial advisers who all played a role in approving or challenging changes to mandate legislation. In sum by 1931, the changes to the order of 1925 did not grant greater civic, political or social rights such as the direct franchise, inclusive education or parliamentary representation for Arab citizens. However, these changes did make the process of citizenship acquisition easier for Jewish immigrants provided they were not 'undesirables' such as communists, Bolsheviks, prostitutes, individuals perceived to be disloyal to Great Britain or political agitators.

The following two chapters devote specific attention to the changes in the Arabs' understanding and application of citizenship and rights during the 1930s. By the middle of the decade, the British administration classified and treated the Arabs as an undifferentiated mass of unruly colonial subjects or as citizens dependent upon how volatile the political relationship between the administration and the majority Arab population became, especially after 1935. The mandate administration and the government in London continued to serve as the sole arbitrators of the definition and the conditions of Palestinian citizenship. In the decade after the publication of the 1931 amended order, colonial officials made further changes to nationality legislation in order to remove undesirable national elements, both Jewish and Arab, from Palestine.

Chapter Six

From Peasants into Citizens: Expressions of Citizenship and the Mobilisation of Palestinian Arab Discourses of Rights, 1926-1935

“...and when the children ask why no shops are open or salesmen are in the streets, the mother will answer that the Palestinian Arabs are striking to show the amount of dissatisfaction with the government and the Zionist policy . . . [this strike] will be civilised dissent.”

(Editorial: “Strike tomorrow!”, 22 Aug. 1931, Mir’at al-Sharq)

Introduction

In August 1931 a number of Palestinian Arab populist groups convened a congress in the city of Nablus that subsequently called a general strike throughout the mandate territory to oppose British policy that allowed Jewish settlements to be armed. The main nationalist body in Palestine, the Arab Executive Committee, ultimately issued the official call to strike on 23 August 1931 but the strike and demonstrations would not have attracted the attention that they did without the growth of Palestinian civil society. Populist leaders, grassroots forums and civic associations—often the subaltern political current through the 1920s—converged to play a major role in the political community of Palestine in the years after the issue of the 1925 Citizenship Order-in-Council. In the decade after the order-in-council, new ideas of citizenship emerged out of the context of both civil society and popular politics. At the centre of these new ideas and vocabularies of Palestinian Arab citizenship was the Arabic press. The growth and popularity of the press allowed it to communicate legal developments and link these developments to the changing notions and the political mobilisation of Palestinian Arab citizenship.¹ In other words, by the early 1930s, the Arab press succeeded in disseminating a new language and new discourses of citizenship rights and duties in the

¹ For more on this argument and modern examples, see William Safran, “Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community,” *International Political Science Review* 18 (July 1997): 313-314.

political, legal and social spheres in an easily-understood fashion to a larger portion of the Arab population.

Chapter Four has discussed the history of the Palestinian Arab diaspora and its supporters within the mandate territory during the 1920s in order to demonstrate the ways in which a specifically Palestinian meaning of nationality and citizenship emerged, and how that meaning was used to contest the Citizenship Order-in-Council of 1925. The chapter has also analysed the role played by civil society in the diaspora through associations, clubs, elected representatives and print culture in cities and towns in the Americas and highlighted their links with the anti-Zionist, Arab nationalist movement at home. The current chapter links up with Chapter Three where focus was placed on the growth of specific Palestinian Arab discourses and expressions of citizenship belonging, civic identity and rights in the years before 1925. This chapter depicts how the growth of popular politics allowed for the contestation of citizenship legislation and its favourable provisions for Jewish immigrants. Within the context of popular mobilisation and the agency of the press, it evaluates how citizens defined and re-defined themselves in light of legal changes made by the mandate administration and as influenced by a new terminology of citizenship, civil rights and civic duties that gained currency in the years between 1926 and 1935.

Crucially, this chapter traces the process through which the young middle-class Arab leadership integrated the rhetoric of rights and duties into a repertoire of public action. This rhetoric emphasised the role of the subaltern citizens, such as the Arab workers, students and peasants, in laying claim to rights of political representation, employment and welfare.² The rhetorical language and vocabulary used by this cross-section of society further explains a number of distinctions between the British and Arab notions of Palestinian citizenship after 1925. Through civil society linkages, new political parties, and the medium of the press the new nationalists ‘taught the peasants their rights.’ The chapter is based on a close reading of

² The field of Subaltern Studies has been immensely influential in studies of post-colonialism, but the members of the Subaltern Studies School mostly focused on the colonial, post-colonial and national histories of India. The concept of the subaltern citizen during the late nineteenth and early twentieth centuries in the Levant has yet to be truly explored. For more on subaltern citizens, see Gyanendra Pandey, “The Subaltern as Subaltern Citizen,” *Economic and Political Weekly* 41 (Nov. 2006): 4735-4741. Additionally, very few studies specifically focus on the ‘subaltern’ citizen in the Middle East have been written, and most deal with the era after the mandate system ended. For example, see John Chalcraft, *The Invisible Cage: Syrian Migrant Workers in Lebanon* (Stanford: University Press, 2009) and Stephanie Cronin, ed., *Subalterns and Social Protest: A History From Below in the Middle East and North Africa* (London: Routledge, 2008).

Arabic periodicals, nationalist documents, conference proceedings, records of civic associations and documents produced by the Palestine *Istiqlal* (Independence) Party.

In order to trace the developing and changing terminology expressed by the new citizenry during the late 1920s and early 1930s, the chapter is organised following the changes within the national movement that fostered the development of broader discourses of citizenship. The middle-class nationalist leadership was guided by pan-Arab and anti-mandate ideologies and attitudes. Many members of this community were urban nationalists. Some of these remained part of the Arab Executive as they shaped a new framework of populist (*sha 'bī*) politics that idealised all Palestinian Arabs as citizens, including previously non-political groups, under the banner of 'the nation.' The chapter begins with an analysis of the changing notions of citizenship after the issue of the 1925 Citizenship Order-in-Council as promoted by mandate legislation such as municipal election laws, land legislation and cultivators ordinances. This legislation was not meant to offer political rights to the Palestinian Arab citizens but instead it reinforced the apolitical nature of citizenship. The reaction to mandate legislation influenced the changing language and expression of citizenship in the context of popular politics. The *Istiqlal* Party, which popularised Palestinian citizenship as inseparable from national identity, helped to spur this new approach. The profile of the Palestinian Arab citizen that emerged from this language was one which encompassed peasants, women, students and workers.

Studies on Tsarist Russia offer different, albeit perhaps useful, comparisons with the Palestine Mandate. Similar to Russia in the nineteenth century, the print culture in the Arab provinces of the Ottoman Empire became one of the most important elements to facilitate the emergence of civil society. By the turn of the twentieth century, other elements at work in Russia formed the structure of civil society such as universities, city councils, urbanisation, and thousands of voluntary associations whose many projects formed networks, diffused "public knowledge" and created a sense of participation.³ In Palestine, it was the spread of nationalist ideology (partially in reaction to mandate legislation) to villages and urban areas that fostered a sense of civic identity. Yet, many populist leaders came from middle-class, educated backgrounds rather than from the working class. As they disseminated the idea that

³ Joseph Bradley, "Subjects into Citizens: Societies, Civil Society, and Autocracy in Tsarist Russia," *The American Historical Review* 107 (Oct. 2002):1106-1119.

all Palestinian Arabs were entitled to citizenship rights, they became responsible for shaping the identities of peasants and workers as subaltern citizens.

The more inclusive redefinitions of Palestinian citizenship and civil and political rights after 1925 allowed for the subaltern citizens to become “empowered by identity politics.” The empowerment of civic identity politics happens, according to Margaret Somers, when individuals feel that a sense of who they are has been violated, especially in terms of their perceived natural rights. In order to assert claims to political and civil rights the ‘politics of citizenship discourse’ is mobilised to justify rights through membership in a historically constructed national community. Citizenship rights take on significance becoming not a ‘thing’ but a practice.⁴ In Palestine, the realm of popular politics and its emphasis on Palestinian Arab and pan-Arab identities provided the space in which the Arab community could assert its active opposition to the mandate and Zionism as a key part of citizenship’s rights and duties.

The legislation—or lack of certain legislation—passed by the mandate increasingly affected working class and rural Arabs more so than it affected the Jewish community by the mid to late-1920s. The Jewish population of Palestine was, in large part, segregated from the Arab community as the *yishuv* became more like a state-within-a-state, providing schools, employment and other economic opportunities to the Jewish immigrants. The mandate administration ensured that its legislation did not contradict the Jewish national home policy and it allowed the Jewish community of Palestine to exist as largely autonomous. The impact of this policy was most clearly understood by the Arabs in the form of the growing Jewish settlements and the mandate legislation that stimulated Jewish immigration. It would be the Arabic press, national and local societies, unions, public conferences and demonstrations that made certain particular details of mandate legislation known throughout Arab society.

⁴ Margaret R. Somers, “Rights, Relationality, and Membership: Rethinking the Making and Meaning of Citizenship,” *Law and Social Inquiry* 19 (Winter 1994): 65, 78-79.

The press and mandate legislation

As explained in Chapter Two the 1925 Palestine Citizenship Order-in-Council initially had little impact on Arabs who resided permanently in Palestine since they received Palestinian citizenship *ipso facto*. Citizenship took on significance as a status once national leaders and newspapers publicised reports on the situation of the thousands of Palestinians in the diaspora who were unable to claim that status. In light of the plight of the Arab emigrants (*muhājarīn*) and the facilitation of Jewish immigration to Palestine by the mandate administration, national and local leaders began to draw attention to legislation that negatively impacted all Palestinian Arab nationals. These leaders defined Palestinian citizenship as a natural right granted by birth or descent from Palestinian parents. To this end associations and Arab Executive members by 1927 presented a number of demands to the Palestine Administration and the British government for the recognition of *jus sanguinis* and *jus soli* in citizenship legislation as well as explicit political rights for Arab citizens. The legal framework of citizenship and immigration regulations, in addition to legislation which regulated aspects of political and social life, triggered claims to political and civil rights. The Arabic press published not only the text of mandate legislation but also commentaries, thus shaping the broader understanding of citizenship and its language by the Arab community.

The role of the press in Palestine, as in other mandates and colonies in the interwar period, was a crucial one which has been noted in previous chapters. Newspapers' front pages often reported the 'world news.' In the period under discussion, Syria, Iraq, as well as the colonial situation in India were topics of analysis and discussion. More generally, the linkages of global civil society and what Emma Hunter calls the "globalization of political concepts" captured the attention of colonised peoples between Latin America, the Middle East, Africa and the Soviet Union by the early 1930s.⁵ In Palestine, the Arabic press reported the publication of the citizenship order in the fall of 1925, but many newspapers focused on other events, particularly the uprising in Syria's Jabal Druze against the French between 1925 and 1926. News about the anti-colonial revolt in Syria, growing factionalism

⁵ Hunter, " 'Our common humanity,' " 296.

in the Arab Executive Committee and the conflict between the faction headed by Mufti Hajj Amin al-Husayni (the *Majlisiyun*) and that of the leaders of the opposition in Jerusalem (the *Mu'āridun*) monopolised the news.

Yet in Palestine, the rhetoric and vocabulary of rights became manifest alongside that of nationality and citizenship after 1926. Rachel Sieder's work on Guatemala in the 1930s provides an interesting comparison with the ways citizenship rights were perceived by non-dominant political groups. Sieder has shown in the context of interwar Latin America that governments tried to create a certain type of subject or citizen through legislation. These same laws which gave or removed political rights "also provide a medium through which the would-be subjects or citizens can resist and accommodate to their conditions of subordination."⁶ Since British legislation in Palestine was aimed at two communities, different ideological constructions about rights, obligations and citizenship were created and filtered between pan-Arab, national and local arenas. The Arabs frequently challenged the legalities of mandate policies and civil society leaders (as in the Guatemalan case) actively encouraged "claims of citizenship, entitlement and ideas of justice" by the Palestinians *as citizens* and as part of a historical trajectory based on their prior experience as Ottoman nationals. The figure of the pre-war Ottoman Arab national, embodied with a number of political and civil rights, was used by writers as a rallying point to mobilise individuals to demand the mandate administration offer similar rights associated with citizenship. This history became "embedded in popular and elite practices which shape[ed] prospects for citizenship" in local and national contexts. In Palestine as elsewhere, the development of citizenship depended on interactions between different understandings of 'rights,' 'obligations,' and 'justice,' "constituted by different individuals and groups within particular frameworks."⁷

After the visit of Lord Balfour to Palestine in 1925, newspapers referred to the rights, duties and practices of Arab citizens with more frequency. However, it was the administration's plan to hold municipal elections in 1926 that galvanized the press to delving into the links between mandate legislation and the changing nature of the civil and political

⁶ Rachel Sieder, " 'Paz, progreso, justicia y honradez': law and citizenship in Alta Verapaz during the regime of Jorge Ubico," *Bulletin of Latin American Research* 19 (July 2000): 284-285.

⁷ *Ibid.*, 292.

rights of citizenship. Concepts such as rights, justice and legitimacy—heavily used in the press and written statements—were understood in large part through historical experiences of the rule of law in Palestine from the Ottoman administration. Editors appealed to the reinstatement of a representative parliament, of laws delineating the rights of all citizens vis-à-vis the government and of a written constitution. Others noted the Ottoman 1869 Education Law and its stark contrast with mandatory legislation on education.⁸ Ottoman legislation was quite often portrayed as positive when compared with colonial legislation in Palestine. By 1926, newspapers took on the task to inform their readers of the citizenship order's provisions and general mandate legislation that favoured Jewish immigrants. The anti-mandate periodicals did not always report in precise detail the large amount of legislation issued in Palestine⁹ but writers pointedly focused on regulations that privileged the Jewish community. In doing so, a particular discourse became commonplace: legislation which negatively affected the livelihoods and political aspirations of the Arabs was conceived of as a negation of the rights of all Palestinian Arab citizens.

The Palestine Mandate charter contained the assurance that the mandatory would fulfill certain duties such as the protection of civil and religious rights for all inhabitants and the development of self-governing institutions. As explained in Chapter Two the mandate charter granted rights on the basis of religious community, rather than directly to the individual citizen. The first citizenship right granted to both Jewish and Arab Palestinians, the franchise, came into effect with the 1925 Citizenship Order-in-Council. Prior to 1925, the 1922 Legislative Election Order-in-Council gave the franchise to all residents of Palestine provided they were former Ottoman subjects or Jewish immigrants who pledged to take on citizenship once legislation was passed to that effect. Although citizenship became a requirement for the franchise and to stand for office, by 1926 the mandate administration failed to implement High Commissioner Samuel's proposals for the devolution of local and municipal government functions to the citizens themselves. By contrast Samuel's successor, Herbert Plumer, felt that the Arabs had too little sense of civic responsibility to have the right

⁸ “*Al-tamthīl fī filastīn*” [Representation in Palestine], 29 Nov. 1920, *Mir'at al-Sharq*. The Ottoman Education Law required that an elementary school be opened in every community and that a secondary school be opened in every large town of the Empire.

⁹ Laura Robson, *Colonialism and Christianity in Mandate Palestine* (Austin: University of Texas Press, 2011), 54.

to vote.¹⁰ Even so, in 1926, his administration supported the formation of municipal and local councils (which existed in the Ottoman Empire) to regulate communal affairs as a step toward self-government.¹¹ The 1926 Municipal Franchise Ordinance ensured proportional representation on municipal councils in accordance with the number of votes from each religious community.¹² Palestinians could vote only for other members of their own religious community. Thus, no sense of a unified Palestinian citizenship factored into the municipal elections because of the separation of citizens along religious lines.

The Arabic newspapers immediately took issue with the municipal property tax qualification required of all voters for the municipal council elections. Only individuals who paid a fee on immovable property, or paid a standard fee if they did not own immovable property in the twelve months prior to the elections could vote. Voters also had to be occupants of recognised premises worth a certain amount of money within the municipal area. Candidates for council positions had to have paid 100 piasters in taxes.¹³ The ordinance, according to one journalist in late 1926, was “contrary to the spirit of true democracy” since its most striking feature was that it did not enable “all classes of people the right” to vote. Specifically, he argued that certain classes of Arabs were treated “as if they are enemies and not natives of this country” since the poorer urban Arabs did not meet the financial qualifications for enfranchisement.

The press viewed the elections as an example of the mandate’s discriminatory attitude towards the Arab urban lower-class whose members were unable to participate in local politics or hold positions of leadership. This, in the discourse of the press, served to negate the most important right of Palestinian citizens: the right to representation. Others depicted the legislation as purely colonial and communal rather than representative of a liberal administration.¹⁴ Furthermore, although Clause 3 of the Municipal Franchise Ordinance explicitly stated that electors had to be Palestinian citizens, Attorney-General Bentwich advised the mandate administration that those Jewish immigrants awaiting the outcome of

¹⁰ Memo, High Commissioner Plumer to Amery, ‘Legislative Council,’ 19 Feb. 1926, CO 733/112/491.

¹¹ Miller, *Government and Society in Rural Palestine*, 44.

¹² Tamir Goren, “‘Cooperation is the Guiding Principle’: Jews and Arabs in the Haifa Municipality During the British Mandate,” *Israel Studies* 11 (Fall 2006):111.

¹³ ‘Municipal Franchise Ordinance 1926,’ CO 733/113/371-377.

¹⁴ “*Qānun al-baladiyyāt al-jadīd*” [The new municipal law], 10 Nov. 1926, *Al-Ittihad al-‘Arabī*.

their applications for naturalisation had no reason to be refused and were eligible to vote.¹⁵ The press was aware of this practice, and urged Palestinian Arabs to demand that the right to vote be made inalienable for all (male) Palestinians by virtue of their nationality, without restriction.¹⁶

Municipalities held elections again in 1933. The municipal election ordinance itself defined a Palestinian citizen for the purpose of the franchise: any person who had applied for citizenship before 1 September 1933 as long as their application was not refused. This meant that applicants needed not to have been granted citizenship at the time of the elections in order to vote. Applicants could very well have been denied citizenship after they cast their vote, or could withdraw their applications for naturalisation after voting. The following year, the Permanent Mandates Commission asked the Palestine Administration whether a large proportion of those who voted in 1933 “in virtue of an application” for Palestinian citizenship subsequently failed to secure the citizenship. Chief Secretary Moody responded that as of 1 September 1933, 1500 applications for citizenship awaited decision and the applicants with a receipt of the fee paid for submitting their application were entitled to exercise “the right to vote.” Of this number, Moody informed the commission that twenty percent failed to obtain citizenship. In Haifa, the District Commissioner found that only two out of seventy Jewish voters were actually qualified to vote because only these two individuals had applied for citizenship.¹⁷ These are not insignificant numbers considering that one-fifth of the non-citizens who voted in the 1933 elections were never granted citizenship. Thus they contributed to increasing the proportional representation of their own religious community on municipal councils in a country which was not yet their legal residence.

Significantly, Arab writers claimed that citizenship should have been sufficient grounds for enfranchisement in both municipal elections. The press reaction to the restrictions on voting and standing for office in local elections suggests a critical focus on the discrimination based on economic status. Editorials argued that the denial of rights to a large number of poor citizens served only to bolster the political standing of Jewish immigrants

¹⁵ ‘Municipal elections: Verification of Palestinian citizenship of voters,’ 1933, ISA/M/205/37.

¹⁶ “*Intakhābāt al-baladiyya*” [Municipal elections], 13 Feb. 1927, *Al-Ittihad al-‘Arabī*, “*Ihtajājā nādīal-‘amāl min yāffā*” [Protest of the Jaffa Worker’s Club], 7 Feb. 1927, *Al-Jamiyya al-‘Arabiyya*.

¹⁷ ‘Municipal elections: Verification of Palestinian citizenship of voters,’ 1933, ISA/M/205/37.

(who were in better economic standing) within Palestine’s municipalities. These criticisms, published and read throughout the country, had some justification as shown by the figures given by Moody to the Permanent Mandates Commission.

In the latter half of the 1920s the Arabic press, alongside local nationalist leaders like ‘Isa Bandak, discussed other pieces of mandate legislation related to citizenship, elections and taxation. Specifically, Bandak’s *Sawt al-Sha‘b* invoked the phrase “no taxation without representation” (*la dara ‘ib bilā tamthīl*). The first editorial to use the phrase alluded to the notion that until citizens were granted certain rights, they should not pay taxes to the government—a simple and effective slogan.¹⁸ The task of editors and political actors from the educated middle-class, as shown by the arguments they made against mandate legislation, included ensuring that all Palestinian Arabs understood the role of mandate colonialism in limiting the exercise of citizenship rights.

Newspapers’ reactions to legislative changes in land, public works and development also included the argument that the Arabs’ civil rights were eroded in order to give way to greater rights for Jewish citizens. For example, although Arab merchants, labourers and corporations had few explicit rights, Jewish residents and their companies—whether nationals of Palestine or not—received concessions for public works and development projects. The mandate guaranteed this preference, as its charter stated that Jewish-run businesses could be offered the rights to construct or operate any public works, services or utilities.¹⁹ The registered ‘nationality’ of the business or corporation was irrelevant to its right to hold a monopoly in Palestine. Editorials and articles focused not only on the favouritism for Jewish immigration but also on the conditions that such a bias created for Palestine’s Arab citizens. One newspaper article stated in 1928 that the “citizens of the villages” were neglected because the government and the Jewish companies that operated public works did not take their requests (such as to pave the roads) seriously. That same year, a number of nationalist organisations asked that Arab employees of the Department of

¹⁸ “*Darbāt la darā ‘ib: wājib al-lajna al-tanfīdhīyya*” [Strike from taxes: duty of the Executive Committee], 13 Oct. 1926, *Sawt al-Sha‘b*.

¹⁹ Jacob Norris, “Toxic Waters: Ibrahim Hazboun and the Struggle for a Dead Sea Concession, 1913-1948,” *Jerusalem Quarterly* 45 (Spring 2011): 31.

Works strike in order to force the government to address the most important of their “civil rights”: the improvement of the economic situation in Arab villages.²⁰

Editorials argued frequently that the administration’s support for Jewish-run companies limited Arab business ventures. As noted in Chapter Four, national and local leaders argued that citizenship legislation prevented Arab emigrants from returning to Palestine and forming an entrepreneurial capitalist class. The other arguments against mandate legislation that centred on the negation of Arab citizenship rights extended to the spheres of employment and welfare. By the late 1920s, urban workers’ associations, often influenced by young anti-mandate activists, referred to the government’s duty to ensure equality in employment, wages and benefits pay as well as safe working conditions for all citizens.²¹ Civil rights of citizenship also came to be associated with employment especially as the national leadership began to question the lack of government job opportunities for educated Muslim Palestinians. In 1928, a delegation of young men from Jaffa argued that only Palestinian citizens should be entitled to serve the administration.²² This public dialogue and the arguments that arose from it were influenced by the belief that the Arab citizenry deserved a privileged position in Palestine by virtue of their citizenship, their numerical superiority and their Arab nationality. At the pinnacle of these arguments, citizenship was portrayed as a practical, active status that could be manipulated by the mandate administration to deny individuals the right to participate in government, the economy and legislation.

The government legislation that impacted the Arab *fellahin* (peasants) continued to be portrayed by populist groups as one of the biggest affronts to Palestinian Arab rights of citizenship. As a result of this particular portrayal, national and local groups construed (perhaps largely unknown to the peasants themselves) a notion of citizenship identity and projected it onto this class within Palestinian society. One year after the announcement of the 1925 citizenship order, a news editorial explained the duties of the government toward the peasant citizens of Palestine: the most important was to provide assistance to the *fellah* through favourable land legislation. By the mid-1920s, despite the deteriorating economic situation, the system of taxes and tithes imposed on peasants was so high that the money

²⁰ “*Dā’ra al-ashghāl*” [Department of Works], 12 Nov. 1928, *Sawt al-Haqq*.

²¹ “*Harakat al-‘amāl fī filastīn*” [Workers’ Movement in Palestine], 23 Aug. 1928, *Mir’at al-Sharq*.

²² ‘Grievances of the Educated Moslem Young Men Congress,’ 1932-1933, ISA/M/294/22.

taken was equivalent to at least a third of the mandate's yearly budget. On top of their constant debt to money-lenders who charged exorbitant interest rates, peasants were expected to contribute tithes (*werko*) in cash to the government which alone made up about 32% of a family's income by 1930.²³ Newspapers, and in particular the Gaza weekly *al-Ittihad al-'Arabī*, gave a great deal of space to the peasants' situation. Although urban Palestinian Arab citizens faced different challenges due to mandate legislation, the activities of a number of writers, students and lawyers effectively challenged land legislation and brought the situation of the peasant to the fore of press reports.

Palestinian Arab populist leaders had long accused the British administration of ratifying land legislation that harmed the peasants' livelihoods. Indeed throughout the mandate, rural owner-occupiers, agricultural tenants and labourers were never entitled to legal protection through tenancy rights. For example, when absentee Arab owners sold land to Jewish settlers the tenants often had no choice but to leave the land they farmed. In Ottoman times, tenants farmed land in common and were forced to leave far less frequently when that land changed hands.²⁴ This argument by Arab leaders is another example that shows how the Ottoman period was idealised in order for the leaders to garner more opposition to the mandate administration's policies. The situation under the Ottoman Empire was discussed in editorials and statements as nationalist leaders harked back to a time when Ottoman nationals had 'rights' to land.

Furthermore, the mandate government did not recognise the Arab village, village land funds or rural development associations as legal entities able to possess immovable property. Zionist companies and the Jewish Agency, on the other hand, were treated as if they were individual citizens of Palestine and could thus register land in their name. According to the memoirs of the Palestinian land lawyer Hanna Nakkarah, the 1928 Land Settlement Ordinance required the registration of title deeds in order to record taxes and fees, development, and to partition common land. Unclaimed land was held in trust by the high commissioner. The problematic issue was that in every Arab village common land was used

²³ “*Mādhā tākhdh al-hakuma min al-fellāh*” [What the government takes from the *fellah*], 14 Nov. 1926, *Al-Ittihad al-'Arabī*. For more on tithes, see Matthews, *Confronting an Empire*, 204.

²⁴ Migdal, *Palestinian Society*, 12; 217.

for public purposes and perceived as being for the benefit of all residents.²⁵ Arab peasant associations borrowed the language of rights that the more radical, young political leaders and the press employed in order to express their displeasure with mandate legislation. For example, in 1928 and 1929 agricultural groups in Gaza presented protest letters to High Commissioner John Chancellor in opposition to the Land Settlement Ordinance. The peasant spokesmen, like the press, invoked the idealised notion that Ottoman nationals had previously held the civil right of land ownership. The Muslim Youth Association in Khan Younis stated that the ordinance “[took] away the people’s rights of natural ownership of land.”²⁶ Another appeal written by the Society to Conserve the Land of Gaza alleged the goal of the Land Settlement Ordinance was to “remove all that is Arab and erase all traces of the Arab in Palestine.”²⁷ Influenced by other national bodies in Palestine, peasant associations adopted and re-shaped the rhetorical language that framed access to land as an inalienable right.

As a result of increased communication among urban and rural communities by the end of the 1920s larger segments of Palestinian society registered their reactions to the new notions of citizenship as structured against perceived unbiased legislation. In doing so they redefined the language of citizenship rights. The activities of populist leaders and writers that served to publicise legal developments opened up a space for both the educated and the subaltern to be represented as rights-bearing citizens of Palestine.

Palestinian popular politics and the representation of subaltern citizens

Following the Wailing Wall riots of August 1929, social, political and religious changes occurred in the Palestinian Arab national movement. Local leaders began to point out the weaknesses of the Arab Executive and of Jerusalem’s political factions in the light of their failure to convince the British to yield to significant nationalist demands. In his seminal two-

²⁵ From the unpublished manuscript of memoirs by Hanna Nakkarah on the history of the expropriation of Arab land in Palestine, to be cited as “Hanna Nakkarah Book,” 87-88. I am extremely grateful to the family of Mr. Nakkarah: his daughter Naila and her husband Professor Butrus Abu-Manneh, who allowed me to access and to cite this manuscript.

²⁶ “*Ihtajājā ‘ala sha‘b gaza*” [Protest of the people of Gaza], 10 Dec. 1928, *Al-Ittihad al-‘Arabī*.

²⁷ “*Nadā’ bishā’n qānun al-muqtarah: teswiyya al-arādī*” [Appeal regarding the planned law: Land Settlement], 1 Jan. 1929, *Al-Ittihad al-‘Arabī*.

volume work on the Arab national movement in Palestine, Yehoshua Porath argues that after 1929 “[a] radical articulate generation of better educated politicians and activists began to emerge.”²⁸ Recent research by Weldon C. Matthews on the Palestine *Istiqlal* Party, a populist, pan-Arab oriented political party active in the early 1930s, stresses the need to study concepts of identity as contingent on specific circumstances in order to analyse how the Palestinians defined themselves as part of a nation after a decade of mandate administration.²⁹ The current section analyses the ways in which this new generation of nationalist political leaders engaged with new ideas of subaltern citizenship, and the actions that supported them. Certain groups in Palestine—workers, peasants, women and students—came to be represented as citizens both through their own efforts and through the support of the ‘popular politics’ movement. Their reactions to developments in the mandate’s legal sphere in the late 1920s brought to the fore the different treatment of Palestinian Arab and Jewish citizens, as well as different treatment between rural and urban dwellers. The Arabic press continued to be the medium through which popular leaders sought to abolish distinctions in treatment of subaltern citizens in order to present a united Arab citizenry as a bloc opposed to the mandate administration.

In his study of the ideological and practical processes by which French peasants became full-fledged members of the citizenry after the French Revolution, Eugene Weber notes that national and civic consciousness arises once rural inhabitants become aware of national, as opposed to only local, issues. As part of this, schools were the ultimate institution that made French peasants into “wise citizens” and informed their concepts of rights.³⁰ In 1931, Jerusalem’s *Mir’at al-Sharq* published an appeal to teachers to avail themselves of their services in villages. The appeal noted that the government could not be relied upon to decrease illiteracy and it urged citizens to establish rural, national schools.³¹ By the early 1930s, the populist groups presented the peasant as a citizen member of Palestinian society in the face of Jewish immigration. He was made to speak for himself, to demand voting rights and rights to education, welfare and land ownership. In reference to India, Dipesh

²⁸ Porath, *The Palestinian Arab National Movement: From Riots to Rebellion*, 109.

²⁹ Matthews, *Confronting an Empire*, 2.

³⁰ Eugene Weber, *Peasants into Frenchmen: The Modernization of Rural France 1870-1914* (London: Chatto and Windus, 1977), 303; 336.

³¹ “*Lilmu ‘alamin fi al-mudāris*” [To the teachers in the schools], 22 July 1931, *Mir’at al-Sharq*.

Chakrabarty writes that “[t]he peasant did not have to undergo a historical mutation into the industrial worker in order to become the citizen-subject of the nation.”³² The same is true for Palestine: peasants, as well as other members of the working classes, effectively took on the roles of active political citizens, albeit often under the umbrella of the ever-widening populist, middle-class national movement.

Creating spaces for citizenship: students, peasants, workers and women

Throughout the interwar period, Arab intellectuals, reformers and activists in the Levant region “established associations, committees and leagues, and congregated at international conferences and assemblies; they founded printing presses, schools, universities, and established newspapers, magazines, and learned journals, regarding the periodical press as a vehicle of civic life.”³³ For populist leaders, the public sphere was separate from the government sphere and citizenship was the tie that bound civil society to the state. The significance of the Arab populist movement in Palestine by the early 1930s was the challenge it posed to the type of mandate legislation discussed in the previous section and the pro-Zionist policy of the administration.

These new ideas of citizenship came, in large part, out of the type of civic education offered by national schools and their teachers who were affiliated with nationalist associations. Civic education placed emphasis on a historical Arab nationality in Palestine, the understanding of Palestinians as belonging to a nation and the symbiotic relationship of rights and duties between nationals and their nation. This education not only played a role in imparting the concept of civil rights and civic duties to students but by 1928 it also stimulated the formation of Palestinian branches of the Young Men’s Muslim Association, or YMMA (*jam ‘iyyat al-shabān al-muslimīn*), and the Arab Scouts. The former association published its own newspaper, *Sawt al-Haqq* (The Voice of Truth), and its outspoken young editor, school-teacher Hamdi al-Husayni, introduced the concerns of Arab urban workers and the importance of civic activities into the platform of the YMMA. For instance, the Gaza

³² Dipesh Chakrabarty, *Habitations of Modernity: Essays in the Wake of Subaltern Studies* (Chicago: University Press, 2002), 19.

³³ “Editorial—the roots of global civil society and the interwar moment,” *Journal of Global History* 7 (2012):158-159.

branch set up night courses to teach workers how to read.³⁴ Students' clubs and numerous civic-minded associations (which boasted heavy student involvement) formed throughout the late 1920s and worked to organise unions of Arab workers, discussed political issues in public forums, and raised funds to buy agricultural land in trust for Arab peasants.³⁵

At the same time a former law student and schoolteacher from Nablus named Akram Zu'aytir began to advocate that the youth lead popular protests and actions of civil disobedience (*al-'asīyan al-madaniyya*). His inspiration came from the actions of Gandhi in India. In 1929, Zu'aytir suggested that the Palestinian Arabs implement a programme of non-cooperation that included the refusal to pay taxes and the resignation of civil servants. Since he wrote for the newspaper *Mir'at al-Sharq*, this newspaper and other periodicals promoted the programme. In January 1930, he titled one fiery front-page article "To the young people: storm the field and organise your ranks."³⁶ In fact, the press and its fashioning the subaltern Palestinian citizen were linked to the activism of a younger Arab nationalist clan: journalists and editors who had completed at least secondary school.

Youth associations in this period were not all political but nearly all promoted civic ideals and a common citizenship identification. For example, the Youth Club of Bethlehem, established in 1928, claimed that its task was to spread the spirit of patriotism as well as to work for Arab unity. Members also sought to carry out practical work: the club gave attention to women's affairs and especially women's literacy, established a night school and a public library, and aided the poor.³⁷ Youth associations used publications, public lectures, and teachers to inform the population of their aims. At the January 1932 Youth Conference in Jaffa, delegates debated certain duties to be undertaken by the citizens of Palestine. The conference passed a number of resolutions and formed several civic committees composed of and administered by a variety of Arab citizens including students, writers and lawyers. The

³⁴ Matthews, *Confronting an Empire*, 56-59.

³⁵ "Muqarat mu'tamar jama'iāt al-shabān al-filasīn" [Decisions of the Palestine Youth Congress], 26 Nov. 1928, *Sawt al-Haqq*.

³⁶ "Ila al-shabāb: iqtaham al-mīdān wa tanzīm sufufakum" [To the young people: storm the field and organise your ranks], 7 Jan. 1930, *Mir'at al-Sharq*. Furthermore, the British authorities kept a file on Akram Zu'aytir and his political activities even after his tenure as a teacher in Acre and the Galilee ended. The Department of Education felt he "indulge[d] in matters not considered satisfactory" with his pupils. See ISA/M/1012/15, July 1929. Gandhi's march across India early that year further inspired Zu'aytir: he encouraged the youth to walk across Palestine to spread patriotism, discourage land sales and encourage a boycott of foreign goods.

³⁷ 'Foundation law of the Youth Club of Bethlehem,' 1928, document in Adnan Musallam, *Folded Pages*, 211.

committees, such as that for civic education, called upon the mandate government to establish national schools and include curriculums in agricultural education as part of their duty to the Arab citizens.³⁸ The nature of the civic committees allowed for further redefinitions of subaltern citizenship.

Other committees discussed in public forums mandate legislation and advocated that both men and women form boycott committees to further pressure the administration to give attention to the Arab nationalists' demands.³⁹ The emphasis by youth associations and their conference resolutions on civic identity and rights for both the rural peasants and the urban workers meant that the two groups were represented as part of the Palestinian citizenry. The students and middle-class national leaders sought to demonstrate that all classes could claim rights and pressure the administration to give up its obligations to the mandate charter. Prominent was the protection of the land holdings of the Arab peasants in the face of increased Jewish immigration by the early 1930s. In times of crisis due to the increased debt and poverty of the peasants and the threat posed by the *Histadrut*, the exclusively-Jewish labour union, to the Arab proletariat, subaltern citizens "legitimized their own social demands through their participation" in civil society and national demonstrations as Joel Beinin has shown.⁴⁰ However, prior to 1936 the demands for civil and political rights and the representation of subaltern citizenship originated from urban, educated, radical nationalists.

In the years before the Palestine Revolt began in 1936, the populist leaders themselves sought to challenge the mandate administration through the political and civic mobilisation of the peasant class. Nationalists used newspapers, speeches, congress resolutions and demands to the government to incorporate the peasant into the wider national body. Peasants were depicted as active participants in politics and anti-mandate activities. Migdal also notes that interdependence between peasants and other classes created a national identity consciousness in the 1930s.⁴¹ Public conferences and their resolutions on behalf of the peasants shaped the perception of the peasant as an equal citizen by the virtue of his native

³⁸ "Tafāsīl mu'tamar al-shabāb al-'arabī al-filastīniyya al-āwal fī yāffā" [Details of the First Palestinian Arab Youth Conference in Jaffa], 6 Jan. 1932, *Al-Jamiyya al-'Arabiyya*.

³⁹ "Jilsa mu'tamar al-shabāb" [Youth Conference sessions], 7 Jan. 1932, *Al-Jamiyya al-'Arabiyya*.

⁴⁰ Beinin, *Workers and Peasants in the Modern Middle East*, 77.

⁴¹ Migdal, *Palestinian Society and Politics*, 237, 249.

birth in Palestine and his service to the nation. In May 1928 a newspaper editorial questioned whether the peasants knew of their rights and their duty to demand them.⁴² Charters drawn up by landowning farmers who belonged to rural associations expressed the aims to improve the standard of living for the *fellahin* and to protect their land rights. Indeed, every adult *fellah* had the ‘right’ to join most societies and elect their administrative bodies. In the early 1930s, village societies increased in number and activity throughout Palestine and often clearly stated their opposition to the mandate’s immigration policy. For example, the principles of Acre’s Village Cooperative Society stated that its members oppose everything that “intrud[ed] on [the farmer’s] national and political rights.”⁴³ The archives demonstrate an increase in the number of not only letters and petitions to the administration by peasant associations, but also the administration’s increased surveillance of rural associations that were deemed too political.

Arab urban workers were a significant bloc that drove the expansion of populist political activities by the latter half of the 1920s. The growing workers’ movement contested the meaning of citizenship offered by the mandate and in particular, the failure of citizenship legislation to extend certain social and civil benefits to the Arab working class. To counter the British administration’s definition of citizenship, these subaltern citizens put forth their own platform of civil and social rights. Leaders of urban unions commonly expressed the belief that the mandate had a duty to provide Arab workers with rights (of unionization and shorter work hours) and welfare (housing and health care) equal to that offered to Jewish labourers by the *Histadrut*. Arab railway workers in Palestine first organised themselves with their Jewish co-workers in Haifa in 1921 but it took several years for a workers’ movement to emerge.⁴⁴ Once it did come into being, the movement was one of the few in mandate Palestine which bridged the divide between Arab and Jewish citizens.⁴⁵

⁴² “*Min sh’inhā tahasīn al-wada’ al-iqtasādī fī filastīn?*” [Will the economic situation improve in Palestine?], 23 May 1928, *Mir’at al-Sharq*.

⁴³ ‘Village Cooperative Society, Acre,’ 1928, ISA/M/5000/15.

⁴⁴ Lockman, “Railway Workers and Relational History,” 607-610. The Jewish workers in mixed areas remained part of the *Histadrut* but the Arabs were not fully incorporated into the Zionist labour federation.

⁴⁵ Zachary Lockman and Lev Grinberg have written important articles on this subject of Arab-Jewish cooperation in the Palestine workers’ movement in the 1930s and 1940s. Lockman in particular argues that the dual society model of Palestinian mandate historiography does not fully account for instances of social cooperation and interaction. See Lockman, “Railway Workers and Relational History,” and Lev Grinberg, “A Historical Slip of the Tongue, or What Can the Arab-Jewish Transportation Strike Teach Us about the Israeli-

At its most basic level, the socialist, anti-colonial principles of the union leadership attracted Arab workers particularly in the impoverished, crowded port cities of Haifa and Jaffa. The membership rolls of Arab workers' societies included farmers, labourers, clerks, masons, drivers and others. Significantly, the rhetoric of the labour leaders—reproduced in the press and at national conferences—employed the same vocabulary as the populist national leadership. The language used depicted the urban, low-income Arab worker as deserving the same treatment as the Jewish worker by virtue of his Arab nationality. The Palestine Arab Workers Society (PAWS) enhanced this image as it aimed to attain benefits for all workers, to promote educational, social and economic improvements, to enact a law to limit work hours and fix salaries, and to provide housing and access to health services.⁴⁶

The final 'subaltern' citizens to be discussed in the current section, Palestinian Arab women, differed little from their male counterparts in the national movement with regard to their collective platform and identity. Whilst the politically-active women were usually from elite, educated backgrounds, their activities nonetheless contributed to the representation of Arab women as citizens of Palestine despite legislation that denied them the right to vote. At once subaltern and elite, these women claimed to speak on behalf of the entirety of Palestinian Arab citizenry. The activities of Arab women during the mandate administration have been narrated elsewhere, but these studies lack any analysis of conceptualisation of Palestinian citizenship.⁴⁷ Arab women organised themselves and created their own civil society networks in Palestine, in the *mahjar* and in other Arab mandates and countries. Female newspaper columnists called upon women to educate themselves, to demand their rights to a civic, national education, and to fulfill their national 'duties' to the country.⁴⁸ As historian Ellen Fleischmann explains, notions of rights were never fully defined but female writers in Palestine, as in other Arab countries, referred to liberal citizenship rights such as participation in the public and political sphere.⁴⁹

Palestinian Conflict?", *International Journal of Middle East Studies* 35 (Aug. 2003):371-391. However, neither historian addresses citizenship or notions of civil society.

⁴⁶ 'The Palestinian Arab Workers Society, Tiberias branch,' undated, ISA/M/5224/19.

⁴⁷ For example, see Fleischmann, *The Nation and its "New" Women*; Islah Jad, "From Salons to Popular Committees: Palestinian Women, 1919-1989," in *Intifada: Palestine at the Crossroads*, eds. Jamal R. Nassar and Roger Heacock (Birzeit: University Press, 1991); Sayigh, *Palestinians: From Peasants to Revolutionaries*; Matiel Mogannam, *The Arab Woman and the Palestine Problem* (London: Herbert Joseph, 1937).

⁴⁸ Fleischmann, *The Nation and its "New" Women*, 44-48, 81.

⁴⁹ *Ibid.*, 86-87.

The proceedings of women's conferences offer a better explanation of the rights that Palestinian women agitated for and hoped to receive. These public gatherings offer a glimpse of the ways in which these women expressed themselves as Palestinian citizens. The first Palestine Arab Women's Congress took place in 1929 and was organised through a network of societies such as charities, educational associations and the Arab Women's Association (AWA). Attended by over 200 Palestinian women, the congress' decisions were liberal and supportive of women's efforts to participate in civil society.⁵⁰ Petitions and statements by the executive body of the congress mimicked the wording and rhetorical style, and suggested the same tactics, of the male-dominated national associations and conferences.

Petitions issued by the Executive of the Women's Congress in 1932 explicitly discussed the issue of citizenship rights. The Executive referred to the unfair administrative practice that allowed non-Palestinian civil servants such as Greeks, Persians, Italians, Egyptians, and Syrians to acquire Palestinian citizenship despite retaining the nationality of their native countries. These men, the women argued, could easily be replaced "by bona-fide Palestinian citizens." As for civic education, the women emphasised the "vital importance to the Arabs" to support improvements of the "intellectual, moral and social standing of future citizens of the country." The Executive noted that citizens, especially the peasants, had been deprived of constitutional rights and protections despite their standing. The government, according to the women, had the duty to alleviate the concerns of all citizens. In closing their charter of congress resolutions, the signatories (President Wahide El-Khalili and Secretary Matiel Mogannam) demanded the establishment of a democratically elected national government.⁵¹ Like the youth, workers and peasants, the women offered a representation of themselves, alongside other subaltern groups, as citizens of Palestine. Through their discourse, congress resolutions and actions, they claimed the citizenship rights that the government denied to them: education, government employment, a national fund, rural aid and representative associations.

The beginning of national discourses based on the representation of the citizen received support not only in the press but through the networks forged between subaltern citizens and

⁵⁰ Al-Kayyali, *Wathi'aq*, 157.

⁵¹ 'Petitions sent to the League of Nations from the Executive Committee of the First Arab Women's Congress,' 26 Jan. and 7 July 1932, CO 733/221/9.

the institutions that represented them. These discourses and the actions advocated within them fashioned “the new man . . . [as] transformed into the citizen of the new state.”⁵²

Transitions in the political language of citizenship

In the mid-1920s, the rate of Jewish immigration to Palestine slowed, in part due to the worsening economic situation. As a result the Arab Executive Committee felt it unnecessary to hold national congresses between 1923 and 1928. In fact, the Executive had not mobilised against the mandate policy in any significant way or made demands for complete independence since the Sixth Palestinian Arab Congress of 1923. The seventh (and last) congress was held in Jerusalem in early 1928 but it offered even less of a challenge to British policy than the previous six congresses had done.⁵³ In the period between the sixth and seventh congresses, the populist movement had grown strong enough to effectively take part in changing the political language of citizenship and its associated social, political and civil rights. Historian Eric Van Young surmises that in the instance of both a mass and an elitist movement for independence, each movement has diametrically opposed mentalities “through entirely distinct views of citizenship” and each uses different ideological appeals.⁵⁴ As subaltern members of Palestinian Arab society gained a voice *as citizens* through populist associations and the press, the types of political action linked to the assertions of their citizenship accommodated for and reflected new notions of a specifically Arab nationalist type of civic belonging.

The changing political language can be attributed to the political and social situation in Palestine in the aftermath of the August 1929 Wailing Wall riots. The riots themselves have been explained in numerous other sources, and it is only necessary to sketch the basics of the events here. Disputes between Muslim and Jewish worshippers started in 1928 over changes to, and the ownership of, the Western (Wailing) Wall (known to the Arabs as *al-Buraq*), the western side of Jerusalem’s Haram al-Sharif complex. Although the mandate authorities

⁵² Laleh Khalili, *Heroes and Martyrs of Palestine: The Politics of National Commemoration* (Cambridge: University Press, 2007), 22.

⁵³ Matthews, *Confronting an Empire*, 45.

⁵⁴ Eric Van Young, “Agrarian Rebellion and Defense of Community: Meaning and Collective Violence in Late Colonial and Independence-Era Mexico,” *Journal of Social History* 27 (Winter 1993): 257-258.

ordered the Jews to refrain from making changes to the site, tensions continued over ownership and use. In August 1929 following a small number of low-key marches held by Jewish youth groups and subsequent responses of protest by the city's Arabs, an Arab stabbed a Jewish youth.⁵⁵ As the tensions turned into violence, the Arabs started to spread a number of fiery rumours as to Jewish intentions to take over all of Palestine. Christian leaders joined their Muslim counterparts and called for the defense of *al-Buraq*. The riots spread from Jerusalem to Hebron on 23 and 24 August where fifty-nine Orthodox Jews were murdered. Violence occurred in the suburbs of Jerusalem and Hebron and in Jaffa, Tel Aviv, Haifa and Safed. In total, 133 Jews were killed and 339 wounded; over 120 Arabs died and 232 were wounded. All offenders were tried in British courts: fifty-five Arabs and two Jews were found guilty of murder.⁵⁶

The political response by the British and Palestine Administration as described in the previous chapter was the 1930 investigation by the Shaw Commission, sent by Colonial Secretary Lord Passfield and headed by Walter Shaw. It recommended a quota on Jewish immigration and a suspension of Jewish land purchases. The subsequent 1930 Hope-Simpson Report also favoured the Arab population in stating that further immigration would severely cripple the already-impoverished and dispossessed Arab peasants. The outcry by the Zionist movement in Britain overwhelmed the recommendations and in February of 1931 British Prime Minister Ramsey MacDonald reaffirmed his support for the Jewish national home policy.⁵⁷

However, the 1930 execution of three young Arab men charged for their role in the riots served as a particularly salient event for the national movement and the men immediately became martyrs.⁵⁸ The emerging populist movement characterised the three martyrs as patriotic citizens who defended the Arabs' political and civil rights.⁵⁹ As a result of the events from 1929 through early 1931, pan-Arab activists including 'Awni Abd al-Hadi

⁵⁵ Kolinsky, *Law, order and riots*, 42-44.

⁵⁶ *Ibid.*, 69; see also Norman Bentwich, *England in Palestine* (London: Kegan Paul, Trench, Trubner and Co., 1932), 209.

⁵⁷ Porath, *From Riots to Rebellion*, 4.

⁵⁸ Al-Kayyali, *Wathā'iq*, 16 June 1930, 174. The three men, 'Atta al-Zeyr, Mohammad Jamjoum, and Fouad Hijazi, died by hanging in Acre. In their final statements published for the public, they proclaimed the slogan "to the Arab nation: complete independence or death."

⁵⁹ Al-Kayyali, *Wathā'iq*, 180.

appealed to the British to grant the “religious and civil rights [which were] closely interrelated” with self-governing institutions. Abd al-Hadi, a veteran nationalist, endorsed the Palestinian Arab youth movement as did a small number of other established nationalist leaders. His views, and those of the more radical movement, articulated a post-1929 conceptualisation of distinct views on citizenship rights and duties. Abd al-Hadi addressed the mandate government’s failures to implement beneficial legislation for all Arab inhabitants of the mandate and stated that in the Palestinian case, “it will be the duty of every one of [the] citizens to call upon [the administration] to live up to its duties.”⁶⁰ In response, political, youth and social groups asked that the Arab Executive convene to discuss policies of non-cooperation with the mandate administration and a boycott. The fragmented political factions split over the tactics. As a consequence, the more radical nationalist groups assumed the task of carrying out measures of non-cooperation as an explicit duty of citizenship.⁶¹

From the beginning of the British administration of Palestine, the first writings by nationalist leaders and those in the press rarely included the term ‘citizen’ (*muwātin*) but rather used the Arabic term *ahl Filastīn* (Palestinian people), as well as ‘national’ (*watanī*), and ‘natives of Palestine’ (*abna’ Filastīn*). Throughout the 1920s, the differences in the political language of nationality, nationalism and later, citizenship were subtle. These early terms expressed a sense of secular communal belonging, similar to the way in which ‘*umma*’ translated into ‘community’ in the era of nationalism. As noted previously, *muwātin* came into use in Arabic newspapers and documents printed by nationalist associations in Palestine alongside legislation that marked members of the Arab national community as having a legal status vis-à-vis the administration. However, the use of *jinsiyya* (nationality) continued to be dominant in reference to citizenship legislation. As the mandate administration introduced new legislation that allowed the British to interact separately with the Jewish and the Arab citizens, as described in the previous two chapters, the need for a stronger rhetorical challenge to citizenship legislation arose.

Once again, the Arabic press can be used to chronicle the changes in the political language of citizenship after 1930. The narrative of particular events, such as the 1933 urban

⁶⁰ *Min Awraq Akram Zu ‘aytir*, 334-344.

⁶¹ Porath, *From Riots to Rebellion*, 35-38.

riots in Jerusalem, Jaffa, Haifa and Nablus offer examples of the changing notions of citizenship. The riots were a reaction to the mandate's policy of support for Jewish immigration and land sales to Zionist settlers. As early as the 1931 strike and demonstrations in Nablus, the populist Arab leaders asserted their citizenship by informing mandate officials that public demonstrations were active civil rights. Press editorials concluded that the inhabitants of Palestine knew their rights and their duties as citizens even if the government did not allow their exercise.⁶² On the eve of riots in Jerusalem in October, an article in the city's *al-Jamiyya al-'Arabiyya* stressed that the British did not consider the Palestinians as Arab nationals and urged the Arabs to assert their citizenship rights in Palestine through protest.⁶³

The context of political changes within the nationalist bloc, members in the new populist movements "stressed their identities as subaltern citizens."⁶⁴ In doing so, they created a link with their identity through not only birth and descent but also as practitioners of obligations to the Arab nation and as bearers of rights to land, employment, education and the franchise. The subaltern citizens and the middle-class activists together challenged the British notion of the colonial, apolitical Palestinian Arab citizen as they "adopted the language of social rights to forge the new basis of citizenship" particularly after 1929.⁶⁵

The Palestine *Istiqlal* Party, pan-Arab citizenship and the defense of citizenship rights

A study of the evolution of notions of citizenship in the context of the consolidation of popular politics in Palestine during the mandate is not complete without discussing the influence of the *Istiqlal* (Independence) Party, Palestine's first non-factional political party. The party, formed in 1931, has been the subject of only two monographs (one in English and one in Arabic) although its existence is mentioned in other histories of the mandate. The party was active for three years but its membership, principles and formation were crucial to the creation of a grassroots civic movement and to the evolution of a discourse of pan-Arab

⁶² "Nurīd parliāment mumthil" [We want a representative parliament], 29 Aug. 1931, *Mir'at al-Sharq*.

⁶³ "Ladīna harakat al-haraja fī itjāha jadīd" [Our critical movement in its new direction], 17 Oct. 1933, *al-Jamiyya al-'Arabiyya*.

⁶⁴ Thompson, *Colonial Citizens*, 91-93.

⁶⁵ *Ibid.*, 163.

citizenship. This section discusses the *Istiqlal* Party as the advocate of Palestinian Arab citizenship as inseparable from a wider pan-Arab nationality. The actions that the party advocated against mandate policy, such as boycotts, strikes and non-cooperation, were influenced by the ideas of an inclusive citizenship for the Arabs and the right of Arab citizens to control the administration of the country. Weldon Matthews refers to the party as a “watershed”: at once Palestinian, pan-Syrian and pan-Arab and the first of its kind to attempt to form a public, mass organisation whose adherents used different approaches toward mobilising nationalist and civic sentiments.⁶⁶

The political language and actions of the Istiqlalists

The members of the *Istiqlal* Party announced the party’s charter at the same time as the sessions of the Islamic Congress convened in Jerusalem in December 1931. Drawn up in the home of Arab Executive member ‘Awni Abd al-Hadi, the pact stated the anti-colonial demand for independence and called for a democratic government in Palestine as part of a pan-Arab federation. The idea of the federation necessitated that the Arabs of the former Ottoman provinces of Greater Syria be granted a federated citizenship based upon their Arab nationality. The ideology of the party was not new: an anti-colonial party of the same name existed in 1918 in Syria. The party’s founding statement in 1931 included the pledge that its members would improve the condition of their fellow citizens through their own efforts and activism.⁶⁷ The party included prominent members, young and veteran pan-Arab activists as well as writers, teachers, lawyers and other intellectuals from the upper and middle socio-economic classes such as Mohammad ‘Izza Darwaza, Akram Zu‘aytir, Hamdi al-Husayni, Ibrahim Shanti, ‘Isa Bandak and the man whose death sparked the Palestine Revolt in 1936, Sheikh ‘Izz al-Din al-Qassam.⁶⁸

The *Istiqlal* Party, unlike the Executive, addressed its appeals to ‘the citizens.’ In 1933, the party’s conference in Jaffa highlighted the vision of its executive committee for a full-scale boycott of the Palestine Administration. *Istiqlalists* characterised the boycott as a way

⁶⁶ Matthews, *Confronting an Empire*, 2.

⁶⁷ “*Biyyān hizb al-istiqlāl*” [Statement of the *Istiqlal* Party], 8 Mar. 1930, *Sawt al-Sha‘b*.

⁶⁸ Samih Shabib, *Hizb al-Istiqlal al-Arabī fī Filastīn* [The Arab *Istiqlal* Party in Palestine], 1932-1933 (Beirut: PLO Research Center, 1981), 50.

through which citizens could demand rights, and the party encouraged the act of boycott as a duty of citizenship. By advocating actions such as boycotts, the party's populist leaders created a version of civil society in which all Arabs were represented as active citizens. To this end, members organised a range of political activities, public festivals and holidays, issued political statements through local leaders, and connected with other groups which supported the peasants, workers and students.⁶⁹ Seven festivals, holidays and major conferences took place in the early 1930s under the party's auspices and included the celebration of Hittin Day in Haifa, memorial days for martyrs, and commemorations of the British occupation of Palestine.⁷⁰

One of the party's most prominent members, Sobhi al-Khudara, explained that national public opinion could be harnessed through the patronage of educated and non-educated Arab citizens using the language of rights and democracy.⁷¹ In his study on the *Istiqlal* Party, historian Samih Shabib argues the party "established the concepts of radical political (*siyāsiya juthreya*) guidance of the national struggle."⁷² In the early 1930s the party organised actions including strikes and boycotts of British goods, particularly in the city of Nablus. In late 1932 the party encouraged a general boycott of all British administrative functions and events. According to a statement issued by the party to High Commissioner Wauchope, these acts re-affirmed the civil rights of Arab citizens of Palestine. Similar to demands from other sectors of the citizenry, the *Istiqlal* Party argued that the citizens deserved equal employment opportunities as those of Jewish and British inhabitants, access to education and an independent parliament.⁷³ *Istiqlal* leaders used slogans and public events to disseminate their vision of national and civic identity and to celebrate the civic-mindedness of the Palestinian Arabs.

After 1933, the activities of the *Istiqlal* Party ceased due to the lack of strong leadership. Members were periodically arrested, exiled, placed under house arrest, and forced out of jobs as teachers and civil servants. At the same time, Palestine was recovering from the urban riots of late 1933, which occurred in several cities of Palestine after Arab demonstrations and

⁶⁹ Ibid., 63-66.

⁷⁰ Ibid., 73-81, 109-113.

⁷¹ *Min Awrāq Akram Zu 'aytir*, 363.

⁷² Shabib, *Hizb al-Istiqlal*, 10.

⁷³ Ibid., 113.

marches against increased immigration figures and the mandate itself turned violent. The riots themselves and their interpretation in the press indicate that the language of active citizenship promoted by the *Istiqlalists* had made an impact on the subaltern citizens. For example, newspapers explicitly stated that “self-defense is a sacred right” as well as a duty of every Arab.⁷⁴ Another newspaper described the right of the Arabs to rebel against injustices within the framework of civil disobedience.⁷⁵

Changing tactics and the defense of citizenship rights

With the loss of the *Istiqlal* Party’s advocacy for a pan-Arab civic identity by 1934, other nationalist political groups of a younger generation stepped into the vacuum to represent—or fail to represent—Arab citizenship in Palestine on the eve of the revolt. The populist, educated activists saw themselves as a new generation inspired by anti-colonial leaders like Gandhi and by their links to the League to Combat Imperialism and to the Communist International.⁷⁶ During the early 1930s, these activists increasingly used public space for displays of nationalism. For example, certain holidays were created and commemorated through street demonstrations, marches and gatherings in local mosques and churches. The displays of nationalism also included a growing number of strikes and boycotts. The civic nature of these activities stressed the importance of Palestinian Arab agency and identity, bringing Arabs together on the basis of their common citizenship and the threats posed to that status by Zionism and the mandate.

One of the most debated components of active citizenship was non-cooperation with the mandate administration. During a 1933 conference of nationalist leaders, one speaker suggested that non-cooperation should start with the nonpayment of direct taxes as a civic duty in order to force the British to abrogate the mandate. Although the meeting’s members split over policy implementation, the tactic itself demonstrates the ways in which populist

⁷⁴ “*Haqq al-difā’ ‘ain al-nufs huwa haqq al-hīāa*” [The right of self-defense is the right to life], 23 Sept. 1933, *Sawt al-Sha’b*.

⁷⁵ “*Ru’ā al-idrāb wa maghazāh*” [The spirit of the strike and its significance], 12 Nov. 1932, *Sawt al-Sha’b*.

⁷⁶ Weldon C. Matthews, “Pan-Islam or Arab Nationalism? The Meaning of the 1931 Jerusalem Islamic Congress Reconsidered,” *International Journal of Middle East Studies* 35 (Feb. 2003): 2-5. In particular, the Communist Party in the early 1930s included mainly leftist Jewish immigrants.

leaders attempted to put the language of citizenship into practice.⁷⁷ It is important to recognise that the Arab organisers of strikes and boycotts attempted to garner support from the rural and working classes in the early 1930s at conferences and public meetings, in part through accusations that British colonial policy caused the poor economic conditions faced by these classes.

Still, prior to 1936 these leaders largely failed to engage a large majority of peasants in active citizenship, as demonstrated by the lack of long-term involvement of the rural classes in the urban-based national movement and civil society. When peasants stressed their identities as citizens who were guaranteed certain rights by virtue of that identity, they did so mainly in response to economic pressures. This is evidenced in protest letters and testimonies of peasant associations to government officials which asked for, among other things, an agricultural bank, a reduction of tithes and taxes and agricultural and secondary schools in villages. Furthermore, workers' and general strikes in urban areas became more regular and their reasons better articulated after 1930.⁷⁸ In 1931 one newspaper article noted that the citizens of Palestine "[knew] their rights and duties" when they went on strike.⁷⁹ Popular urban demonstrations had occurred since 1918, and at times had drawn thousands of supporters. Women and students were drawn to demonstrations in greater numbers and they thus became the standard practice by the early 1930s in order for citizens to express displeasure at mandate legislation.

By the mid-1930s a new type of 'civic' activism emerged in Palestine aimed at stemming the influx of Jewish immigrants and stopping the transfer of land from Arab to Jewish ownership. The new activists had a separate ideology from that promoted by the *Istiqlalists* and urban civil society, which had worked to either change mandate policy or remove altogether the mandate administration from Palestine. Rather, a number of individual leaders from the peasant and working classes organised secret bands in the countryside and carried out guerilla-style tactics against the Jewish settlements in northern Palestine. Secret cells were also formed in urban shantytowns such as those in Haifa by Sheikh 'Izz al-Din al-Qassem, an itinerant preacher, teacher, marriage register and member of the YMMA and

⁷⁷ Al-Kayyali, *Wathā'iq*, 321-330.

⁷⁸ "Bīyyān al-'amāl" [Workers' statement], 6 Aug. 1931, *Al-Jamiyya al-'Arabiyya*. For more on the workers' movement, see Lockman, *Comrades and Enemies*.

⁷⁹ "Nurīd parliāment mumthil" [We want a representative parliament], 29 Aug. 1931, *Mir'at al-Sharq*.

Istiqlal Party. These bands attempted to educate and mobilise citizens through the idea of a popular revolt.⁸⁰ Guerrilla organisations and tactics later inspired these novice fighters to shape a new resistance movement and orchestrate the Palestine Revolt of 1936-1939. Through the ideology of revolt as a means to achieve independence, the guerrilla groups played a role in expanding an active meaning of Palestinian civic identity and duties of citizenship. Despite the tactics used by the populists to engage with a larger section of subaltern Palestinian society and to represent all Palestinians as citizens, the populist movement ultimately remained small and based in urban areas. For the rural population after 1933, citizenship rights and civic identity became less abstract once village leaders advocated a type of ‘civic’ behaviour meant to alleviate their poor economic situation—that of revolt against the British authorities and the Jewish settlers.

Conclusion

By 1935, the *Istiqlal* Party and the active youth movement had all but disappeared from Palestine. New political parties emerged through the efforts of leading personalities from either the Jerusalem-based Husayni or Nashashibi factions. Five parties of some importance and standing took the place of the *Istiqlalists*. Still, their platforms differed very little from each other and none initially advocated direct confrontation, demonstrations or non-cooperation against the mandate administration.⁸¹ The brief mobilisation against the mandate that included actions of Arab youth, workers, peasants and women had been snuffed out and replaced with a return to factional politics. The representation of subaltern citizenship, which had formerly been presented on the pages of Arabic periodicals, barely factored into the activities of the new political parties whose familial ties and sectarian politics dominated them.

Still, the half-decade prior to the Palestine Revolt was one in which the *Istiqlalists* and the more radicalised individuals associated with it shaped a particular representation of Palestinian citizenship as inseparable from national identity. This representation, as demonstrated by the current chapter, transformed the earlier proposals of an equal national

⁸⁰ Lesch, *Arab Politics in Palestine: The Frustration of a Nationalist Movement*.

⁸¹ Matthews, *Confronting an Empire*, 228.

identity between Arabs and Jews in Palestine into proposals for a future independent nation based on Arab nationality. By the middle of the 1930s, the terminology of citizenship used by the Arabs changed as demands for the rights of citizenship became more frequent and increasingly contested by the lower classes. The press published letters signed by ‘citizens of’ (*muwatinīn min*) rather than ‘nationals of’ (*qawmī* or *watanī min*), cultivating a broader sense of civic identity and the rights and duties that went along with this identity. As opposition to the mandate came to be advocated in stronger terms, citizenship was transformed from being a middle-class discourse to becoming an active practice and expression of belonging by the lower classes.

The mandate legislation noted above also served to allow the British administration to continue to deny certain protections to Palestinian citizens—both Arab and Jewish. The administration neither enshrined rights or protections for the population in a constitution nor did it grant any representative council the power to do so. The mobilisation inherent in popular politics, such as that of the *Istiqlalists*, caused a shift in public opinion to focus on the failure of the mandate to provide for its citizens in the social, economic and political realms. This mobilisation and the representation of citizenship in the early 1930s came in large part from the spread of nationalist ideologies in reaction to mandate legislation and through civil society networks. Through this process, the new historical agency of a more inclusive Arab citizenry allowed for new negotiations of identity and citizenship. As Partha Chatterjee has written, political institutions—in our case, citizenship in Palestine—must be linked into a network of norms in civil society that are independent from the state in order for the behaviours of such institutions to be put into wide and active practice.⁸² The Palestinian Arabs succeeded in encouraging types of behaviours of active citizenship in civil society and associational life outside the realm of the state. By the mid-1930s, Arab public opinion continued to emphasise the unequal treatment by the mandate towards the two communities of citizens in Palestine.

Finally, the press must be considered as the medium through which the citizenry learned of, explained and challenged mandate legislation. This thesis has explained, in this and other chapters, the crucial link between the Arabic press in Palestine, civil society and the

⁸² Partha Chatterjee, *The Politics of the Governed: Reflections on Popular Politics in Most of the World* (New York: Columbia University Press, 2004), 33.

changing discourses and expressions of citizenship. The press mobilised these discourses into expressions. As readership spread to rural areas, public displays of citizenship and civic identity such as protest marches, demonstrations, unionization and strikes included the subaltern population who witnessed and became part of the national community of Arab citizens, often for the first time.

When the Palestinian Arab general strike began in April 1936, it gathered massive support throughout the country, owing to the attention the press gave to it. The resurgence of an active citizenship was owed to the Arab community's experiences of the late 1920s and early 1930s and the mobilisation by nationalist leaders and groups against mandate legislation. The following chapter also addresses the new ways that Palestinian citizenship was defined by both the British and the Arab citizens during the first two years of the Palestine Revolt, from 1936 through 1937. It will also demonstrate the transformations the revolt allowed for, both in civil society and in terms of mandate legislation.

Chapter Seven

Stalled Citizenship, the Possibility of Arab Civic Identity and the Palestine Revolt, 1936-1937

“There is no genuine enthusiasm to be observed in Palestine for Palestinian citizenship. It is only the Arabs in South America who are really anxious for it. And under present conditions this does not surprise us. . . . To the educated Palestinian Arab, who has always resented the separation of Palestine from Syria, the very idea of Palestinian citizenship is obnoxious as being associated with the Mandate and all it involves.”

Palestine Royal (Peel) Commission Report, 1937

Introduction

The Palestine Royal Commission of 1937, known as the Peel Commission after its appointed chairman, is most often remembered as the first British investigative body to suggest the partition of Palestine. The Commission recommended more than simply partition: Sir Earl Peel validated the long-standing demand of a number of Arab nationalist and local leaders and Arab Executive Committee members that Arab emigrants be given Palestinian citizenship in order to return to Palestine if they wished. Although the report is important in that it suggested the tense situation in Palestine be solved by partition, it should also be read as providing a broader understanding of the socio-political institution of citizenship and its importance to the Arab and Jewish communities in Palestine in the mid-1930s. In particular, the report offers clear hints at contemporary notions, meanings, the vocabulary associated with nationality and citizenship, as well as of suggestions for the future of Palestinian citizenship by Great Britain. The Commission heard evidence between the end of 1936 and January 1937 and it aimed to discover the reasons for the ‘disturbances,’ or the early years of the Great Revolt (*al-thawra al-kubra*) in Palestine. As part of the investigation, a number of Arab witnesses testified on the issue of Palestinian citizenship and its inclusion in anti-mandate protest demands—an opportunity which the mandate authorities had never made available to the Arab population of Palestine.

The context of the current chapter is the outbreak of the six-month general strike in Palestine in 1936 and the first year and a half of revolt from 1936 through 1937. The chapter sheds light on the development of civic identity formation amidst political struggles between Arabs and Jews over identity and the rights associated with it. The time period showed that ‘citizen’ and the vocabulary and rhetoric associated with Palestinian nationality and citizenship cannot be depicted as givens. Rather, multiple definitions continued to be negotiated by a number of actors. As a result, during the revolt the rural inhabitants and their leadership engaged with citizenship rhetoric in a language different from that of the middle-class Arab nationalist leaders. The rhetoric of the former group was influenced by peasant struggles beginning in the early 1930s over decreased economic opportunities in the context of a world-wide depression and growing financial and agrarian problems in Palestine. Whilst Chapter Six demonstrated the significance of the language of rights, duties and belonging to a broader understanding of citizenship and civic identity for the Arab population, the current chapter offers insight into the changing language used by both the Arab population and the British administration during the general strike and revolt. This language evidences a shift in the understanding on the part of mandate officials about citizenship and the place of Palestine as linked to the broader British colonial model. The actions of both the Arab rebels and the non-violent activists influenced this understanding: the British response to the revolt relied on a new categorisation of the Arab citizenry in colonial terminology.

In a recent reflection on subaltern studies, Partha Chatterjee has suggested that the contemporary Indian peasant must be understood within a new framework of democratic citizenship—one that is definitely not subjecthood and is perhaps fundamentally altered from the normative ideas of citizenship in western liberal democracies. The suggestion is relevant to the history of the Palestine Revolt and the place of the Arab citizen in it. The previous chapters have suggested that the ideas and ideals of citizenship expressed by the Palestinian Arabs during the mandate were largely conceived within a conceptual framework of democratic, liberal citizenship while rooted in notions of *jus sanguinis* and *jus soli* nationality influenced by late Ottoman practice. The changes to Arab civic identity owing to the events of late 1935 through 1937 requires historians to situate the Arab peasants—greatly

affected by the revolt—as well as other Arab inhabitants of Palestine as the actors who emerged to determine new notions and expressions of Palestinian citizenship.

Following Chatterjee's argument, the insurgent peasants—who became more and more numerous by the end of 1936—were mass-political subjects integrated into the populist network of 'the nation' mobilised against the British authorities.¹ However, the historian must be careful to take the nuances of peasant identities and actions into account: rural insurgency from 1936 was stirred not only by populist national leaders but also in reaction to increased economic problems in the countryside. Nationalists easily linked the economic problems to the mandate's support of Zionism and its encouragement of land sales to Jews. These nationalists emphasised the importance for the peasant to actively resist his loss of 'rights' and identity. This chapter explores whether the peasants also specifically defined themselves as 'citizens.' It is in this framework of the growth of mass political mobilisation in rural Palestine that historians must study the revolt in order to understand the expansion of citizenship notions and expressions and the shelf-life of both in light of the nation-wide revolt staged against the British.

Throughout the first phase of the revolt and as a result of the increase in violence in 1936, the British mandate authorities censored free speech, vetoed the right of assembly and enacted emergency regulations, measures that affected mostly the Arab population and only occasionally Jewish residents. Although the six-month general strike under the direction of the Higher Arab Committee (HAC) was mostly peaceful and a show of civil disobedience influenced by the tactics adopted by the populist movement since the early 1930s, by the end of 1936 insurgents in the countryside turned to violence. This intensified by mid-1937 when the Peel Commission published its report recommending partition. This violence emboldened rebels as it forced the British, particularly High Commissioner Arthur Wauchope, to give attention to their actions. In some respects it halted the development of Arab civil society as tensions increased between urban and rural Palestinians. After the collapse of Palestine's pan-Arab and populist *Istiqlal* Party by the end of 1934, Palestinian politics was again dominated by the moderate political current rather than the more radical, subaltern movement. A number of factional parties were established, which rarely

¹ Partha Chatterjee, "After Subaltern Studies," *Economic and Political Weekly* 47 (Sept. 2012): 46-47.

encouraged the inclusion of civil society organisations. Their platforms were largely indistinguishable from one another. Their leaders came mostly from the traditional Jerusalem families. The Husaynis (the Palestine Arab Party), the Nashashibis (the National Defense Party) and the Khalidis (the Reform Party) were prominent sponsors of the new parties.

Meanwhile, the provisions of citizenship legislation that negatively impacted the Arab emigrants ceased to feature in the press in the mid-1930s. The amendments to the principle citizenship order of 1925 (the 1931 Palestine Citizenship Amendment Order-in-Council) had not solved the problem of statelessness for native Arabs emigrants. Instead, the 1931 order-in-council offered only treaty nationality for those natives who were abroad between the signature of the Lausanne treaty in 1924 and the issue of the order in 1925. However, as suggested by the Peel Commission's report, the grievances that remained over the citizenship legislation and the treatment of the Jewish immigrants as opposed to the Arabs did not disappear but rather remained relevant at the advent of revolt.

Palestinian Arab civic identity practices and the general strike

At the end of 1935, High Commissioner Arthur Wauchope wrote to the Secretary of State for the Colonies of his growing concern over what he reported as radical Arab groups in Palestinian villages. He had cause for concern. That autumn, the death of Sheikh 'Izz al-Din al-Qassam in a gun battle with British forces resulted in an outpouring of Arab nationalist and anti-colonial sentiment against the British and it turned al-Qassam into a martyr for the liberation of Palestine. Al-Qassam who came to Palestine from Syria in the early 1920s (avoiding a French-issued death sentence) worked as a preacher and social reformer in Haifa and gained a following with his anti-British appeals to the Muslim working class and students. He was a member of the *Istiqlal* Party and led the Haifa Young Muslim Men's Association (YMMA) for a time. He secretly organised cells of fighters known as the Black Hand Gang (*al-yad al-sawda'*) which included the unemployed, labourers and the peasantry, and planned to begin a revolt in the north of Palestine in late 1935.² Al-Qassam's death in

² Swedenburg, *Memories of Revolt*, 2.

late November reinvigorated the national movement particularly in the rural areas of Palestine. The surge in national activity came in spite of the atmosphere which was described by Bahjat Abu-Gharbiya, a friend of al-Qassam, as follows: “in the 1920s and 1930s, an important popular national element formed for [the Palestinian Arabs] but mandate authorities worked to reduce it from 1935 until . . . it was as if it did not exist.”³

The following section provides an analysis of how the practices and expressions of citizenship became increasingly ‘normalised’ in the months leading to the general strike of April through October 1936 and the subsequent revolt. In other words, the rural Arab population engaged in greater numbers with the urban, middle-class nationalists’ language of social, political and civil rights and duties of citizenship. The rhetoric that emphasised political rights to representation or civil rights to economic assistance, for example, became associated with expressions of discontent with the mandate such as strikes and protests which were attended by peasants and the urban labourers. Rural associations increasingly wrote letters of protest to the Palestine government, expressing opposition to its policies and claiming to represent the ‘citizens of the villages.’ The general strike, which marked the start of the revolt and featured episodes of violence in the urban and rural areas, has been analysed in a number of studies yet these works have not considered events from the perspective of the ways in which rights of citizenship featured in it at a discursive level.⁴ This is hardly surprising since explicit slogans of citizenship by leaders and civic associations were not a predominate feature of the strike. Yet a feature that is relevant to the expanding engagement with citizenship is the way in which Palestinian Arabs portrayed their rebellious actions as part of their civic and national duties and rights. The strike marked a turning point: for the first time, a language of rights was mobilised alongside physical violence. Violence was also imagined by revolt leaders as a necessary and legal path towards the attainment of an independent and representative government in Palestine.

³ *Fi Khidām al-Nidāl al-‘Arabī al-Filastīnī: Mudhakkārāt al-Munādīl Bahjat Abu Gharbiyah, 1916-1949* [In the Midst of the Struggle for the Palestinian Arab Cause: The Memoirs of Freedom Fighter Bahjat Abu Gharbiyah] (Beirut: Institute for Palestine Studies, 1993), 20.

⁴ These studies include Swedenburg, *Memories of Revolt*; Porath, *From Riots to Rebellion* (London: Frank Cass, 1977); Mustafā Kabha, “The Palestine Press and the General Strike, April-October 1936: *Filastin* as a Case Study,” *Middle Eastern Studies* 39 (Jul. 2003): 169-189; Thomas Mayer, “Egypt and the 1936 Arab Revolt in Palestine,” *Journal of Contemporary History* 19 (Apr. 1984): 275-287.

It is important to note that the strike was part of a broader regional context of unrest and political struggles, such as in Syria and Egypt, and it was certainly influenced in part by Zionist labour organisation. By 1936, and indeed until the end of the revolt in 1939, the organisation of Palestinian Arab civil society was that of an expansion of networks. Civic identity played a key role in the strike as Arab nationalist leaders relied heavily on stressing that all Palestinian Arabs had the same rights associated with citizenship and were part of a wider civic and national community in Palestine. In a study on violence and civil society in Quebec and Ireland by Jeffrey Cormier and Phillipe Couton, whose work focuses on the early twentieth century, they maintain that certain mobilising structures are necessary for the emergence of both nonviolent and violent social movements.⁵ Dense civil society organisations and national affiliation are part of these mobilising structures.

Grassroots civic action

Before al-Qassam's death in 1935 High Commissioner Wauchope began to advocate proportional representation in a new legislative council, one of the Arabs' constant demands.⁶ However, his attempt to reintroduce a plan for a legislative council after the failed attempt in 1922 (due to the Arab boycott of elections) did not come to fruition because the British Parliament refused to support the plan. As a result of the continued failure to introduce representative government into Palestine, 'independent groups' led by Arab young men such as secondary-school teacher and journalist Akram Zu'aytir in Nablus declared several general strikes in a number of urban centres. For example, the Arab Scouts in rural areas and the Youth Sports Club oversaw a November 1935 city-wide strike in Nablus to protest the 'Judaizing' of Palestine and to ask for a representative council. Zu'aytir addressed letters of response to those who participated in the strike as "thanks to you, the citizens!" (*shukrān lakum, al-muwātinīn*) linking nationalist actions to a sense of civic duty. Similar language was used in other acts of civil protest. In Jerusalem, thousands attended a demonstration to mark the anniversary of the city's occupation by the British, and speakers

⁵ Jeffrey Cormier and Phillipe Couton, "Civil Society, Mobilization and Communal Violence: Quebec and Ireland, 1890-1920," *The Sociological Quarterly* 45 (Summer 2004): 489.

⁶ Shepherd, *Ploughing Sand*, 184-185.

like the teacher and newspaper editor Hamdi Husayni and the labour unionist Michel Mitri appealed to ‘the citizens’ to form a popular configuration of resistance.⁷

After the November 1935 strike, Wauchope noted—and began to fear—the links between the more radical civil society and youth groups in rural Palestine. Similarly, the demands for political representation at the village level alarmed officials. These groups and individuals advocated direct political action against the British mandate administration by appealing for public and, at first, civil tactics. A meeting of local leaders in Nablus decided to support acts of non-cooperation including demonstrations, the resignation of Arab government officials and a boycott of Jewish and British social and political events and they declared the willingness to be imprisoned for the national cause. By that time, various urban nationalist leaders traveled to rural areas to speak in clubs and mosques. In the countryside, peasants expressed a greater interest in politics than they had previously.⁸ Indeed, the Arab Scouts were politically active in 1935 in villages. They explained their actions of spreading nationalist propaganda and encouraging non-payment of tithes in terms of national and civic duty.⁹ Similarly, in Syria during the Great Revolt against the French, a romanticisation of Arab leaders took place within the context of the changing approaches to popular mobilisation in the national movement. To legitimise the leadership of the populist leaders, their figures had to be juxtaposed with ‘unjust’ leaders. In both Palestine and Syria during their respective revolts against the mandatory administrations, men of religion played a significant role in the popular mobilisation of the rural population. In Palestine, al-Qassam filled that role as he had walked through parts of the countryside to preach *jihad* (holy struggle) against the mandate administration.¹⁰

Public meetings became a standard way to chart the public opinion of the peasants and labourers and to encourage greater participation in political affairs. The gatherings of grassroots organisations influenced thousands of supporters to join demonstrations in towns and cities. By January 1936 a strong populist movement led by former *Istiqlal* leaders and

⁷ *Al-haraka al-wataniyya al-Filastīn: Yawmiyāt Akram Zu‘aytir, 1935-1939* [The Palestinian National Movement: Diary of Akram Zu‘aytir] (Beirut: Center for Palestine Studies, 1980), 23-26.

⁸ See Memo, Wauchope to MacDonald, ‘Political Situation,’ 21 Dec. 1935, CO 733/297/1 and ‘Criminal Investigation Department report,’ 4 Dec. 1935, FO 371/20018.

⁹ *Fi Khidām al-Nidāl*, 52.

¹⁰ Itzhak Weismann, “The Invention of a Populist Leader: Badr al-din al-Hasani, the Religious Educational Movement and the Great Syrian Revolt,” *Arabica* 52 (Jan. 2005): 110-111; 135.

Arab youth groups withdrew confidence from the Jerusalem-based political parties and gave their support to the young men's groups.¹¹ As a result of the changing political situation and the higher level of political activity in the countryside, active expressions of citizenship such as the use of the term itself in petitions, the establishment of rural clubs for Palestinian Arabs, and letter-writing campaigns by which residents demanded a variety of 'rights,' grew in number. Meetings, demonstrations and even non-payment of taxes and donations made to the National Land Fund allowed Palestinian Arab citizens to craft an ideology of citizenship duties during the revolt.

In the months before the general strike began the changing language and rhetoric of citizenship and duties was evident in the multiple actions used by urban and rural Arab groups and individuals to challenge the administration. The first call by the national committees in Nablus for citizens to stop the payment of taxes to the mandate government came in March 1936. From the beginning, the Nablus leaders portrayed the refusal to pay taxes as a civic, national and legal duty. However, in the countryside local groups advocated a more violent approach: small groups cut telephone wires, bombed bridges and blocked roads as a show of resistance to the mandate government.¹² By April 1936, after Parliament refused to support Wauchope's legislative council, villages and towns throughout Palestine bombarded the British administrators with petitions in support of the council, taking the lead from the national committees in Nablus. The language used in the documents suggests that the practice of voting was perceived as a right and a duty and the petitions were signed by 'Arab citizens.'¹³

Due to the organisation of the Arab labour movement from the first half of the 1930s, calls to strike received considerable attention in press reports and editorials. In April 1936, a number of Arab civil servants, urban tradesmen and transportation workers went on strike. In response, the mandate administration issued the Emergency Regulations that criminalized calls for strikes and threatened those who encouraged the strike with legal action.¹⁴ Regardless, nearly 140 Palestinian senior government officials in a letter to High

¹¹ 'Criminal Investigation Dept. report,' Jan.-March 1936, FO 371/20018.

¹² Subhi Yassin, *Al-Thawra al-'arabiyya al-khubrafi Filastīn, 1936-1939* [The Great Arab Revolt in Palestine] (Cairo: Dar al-Katib, 1967), 47.

¹³ Various petitions on the issue of the April 1936 delegation to London can be found in ISA M/295/17/15.

¹⁴ Shepherd, *Ploughing Sand*, 187.

Commissioner Wauchope explained their resignation in terms of civic duty. Their role, they explained in the petition, was to serve as a link between the government and all classes of Arab citizens.¹⁵ The letter demonstrates the connection between the discursive realm of ‘duties’ as supported by Arab civil society and the support for the call of non-cooperation with the government on the part of civil servants or the striking working and middle classes.

The general strike and non-violence

The call for a comprehensive general strike, which started the first phase of the Palestine Revolt, came after an incident in mid-April 1936 when members of an Arab armed gang near Haifa killed two Jewish truck drivers.¹⁶ The murders led to a cycle of Jewish reprisals followed by Arab counter-reprisals and within days the British imposed a curfew on the Arab citizens. Demonstrations turned violent as they spread to urban areas, with the Arabs expressing anger against increased Jewish immigration. Local leaders in Nablus urged the use of tactics of non-violence and took the lead in prompting other municipal authorities to form local committees that linked up to larger national bodies such as the Youth Congress and the Arab Patriotic Society (*al-mujtam‘a al-‘arabī al-watanī*, formerly the Muslim Christian Association). These leaders then announced a general strike in protest against immigration policy and the mandate, and prepared a statement that explained the purpose of national committees and asked for support from all Palestinian Arabs to recognise the Nablus leadership as representative of the population.¹⁷

As the work by the Nablus strike committee began, slogans of non-cooperation appeared in letters supporting the committee. The committee soon received a letter from a Jerusalem club signed by 150 self-professed ‘citizens’ such as doctors, lawyers, union leaders, students, teachers and tradesmen. They announced their support for the practical implementation of “no taxation without representation” (*la dara’ib bilā tamthīl*). In Nablus, Akram Zu‘aytir and others agreed that the first serious political step was to embark on a campaign of civil disobedience by refusing to pay taxes. The step had been previously advocated in the mid-

¹⁵ *Min Awrāq Akram Zu‘aytir*, 440-441.

¹⁶ The story of the revolt has been written about numerous times and this account is from *Al-haraka al-wataniyya al-Filastīn: Yawmiyāt Akram Zu‘aytir*, 53.

¹⁷ *Yawmiyāt Akram Zu‘aytir*, 60-65.

1920s, when newspapers such as *Sawt al-Sha‘b* referred to it as a right of the Arabs and a tactic meant to express dissent from the mandate’s 1926 municipal franchise legislation. The letter from the Jerusalem club added that only through non-cooperation (*alata ‘āwun*) could the Arab population maintain its identity.¹⁸

By the end of April 1936, grassroots national committees swiftly formed in other Palestinian cities and towns and they unanimously agreed to adhere to the general strike. In the call to strike, the committees used the vocabulary of civic duty. The committees, backed by press reports, called for all Palestinian Arab citizens to participate. On 25 April, the Mufti, Hajj Amin al-Husayni, met with the five largest political parties in Jerusalem and formed a coordinating body, the Higher Arab Committee (HAC) led by Hajj Amin. Along with nine other administrative members this committee “represented a kind of alliance between traditional notables and emergent middle-class urban radicals” as the assumed self-appointed leadership of the strike.¹⁹ However, the national committees were often organised at a local level and their leaders did not want to follow the exclusive leadership of the notables.²⁰ According to Subhi Yassin’s history of the revolt, local leaders and committees immediately demanded that the HAC support civil disobedience, the nonpayment of taxes and yield to public opinion.²¹

By mid-May 1936, the HAC announced that the position of ‘no taxation without representation’ was the hallmark of citizenship practice. The committee stated in a communiqué published in the press and addressed to the Palestinian Arabs that this would “help save your identity and your nationality [*qawmtik*].”²² One observer, the Egyptian-Palestinian newspaper owner Mohamed ‘Ali Al-Tahir, noted that the non-payment of taxes and the peaceful strike were the duties of “citizens employed in the national cause” (*al-*

¹⁸ Ibid., 82. Also: “*Darbāt la darā‘ib: wājab al-lajna al-tanfīdhiyya*” [Strike from taxes: duty of the Executive Committee], 13 Oct. 1926, *Sawt al-Sha‘b*.

¹⁹ Swedenburg, *Memories of Revolt*, xix.

²⁰ The demands of the HAC differed little from the demands given to Great Britain by the same elites for nearly twenty years: an end to Jewish immigration and land sales, a national elected government and independence for Palestine.

²¹ Yassin, *Al-Thawra*, 43-45.

²² *Yawmiyāt Akram Zu‘aytir*, 400.

qadiyya al-wataniyya).²³ The adherence by a large part of the Arab population to the HAC's request that the Arabs stop paying taxes as part of the general strike is a significant expression of active citizenship. The call took into account struggles elsewhere in history for independence, such as in the United States, and the response of the Arabs proved to the mandate administration the power of both the individual and the collective. Indeed, by 1936 the simple phrase 'no taxation without representation' was easily understood in urban and rural areas (in the latter, Arabs were asked not to pay the tithe) where a rhetoric of rights and duties related to the political, social and economic position of the Arabs had long filled the pages of newspapers.

At first, the strike showed the diversity of Palestinian Arab civil society. Alongside the workers and the notables, the peasant leadership expressed their support and even children refused to go to school.²⁴ National committees throughout Palestine worked at the local level to ensure that the population received food supplies. Initially, certain groups were given strike funds in lieu of their salaries. The wealthy were asked to contribute money and women went door-to-door to fundraise and encourage *sumud* (steadfastness) and sacrifice, and they urged all Arab citizens to emphasise their Arab national identity.²⁵

Meanwhile, although a number of village committees advocated civil disobedience such as the nonpayment of tithes alongside their urban counterparts, other village leaders instead urged "disobedience in all senses of the word," meaning armed revolt.²⁶ Violence was touted as a legitimate expression of citizenship and resistance to the mandate. Support for violence as a tactic to resist the government and the land policies that favoured immigrant settlers can be traced back to the organisation of countryside bands of rebels, even prior to the works of men like al-Qassam. Indeed as noted above, civil society even in its nascent form in rural areas could be mobilised to support violent acts against government infrastructure and personnel using the language of colonial oppression to incite peasants. In Palestine by 1936, the rebels justified violent disobedience as the means to fully achieve the goal of forcing the British to surrender control of the country to the Arabs.

²³ Mohamed 'Ali Al-Tahir, *An Thawrat Filastīn sanat 1936: wasif wa akbār wa waqa'a wa wathā'iq* [About the Palestine Revolt of 1936: Description, News, Facts and Documents] (Cairo: Palestinian Arab Committee, Dec. 1936), 67.

²⁴ Al-Kayyali, *Wathā'iq*, 381; 394-397.

²⁵ Porath, *From Riots to Rebellion*, 172; Al-Kayyali, *Wathā'iq*, 384.

²⁶ *Yawmiyāt Akram Zu'aytir*, 87.

The Palestine Revolt and the notion of civic duties

The ‘not civil’ disobedience referred to above had begun in the first weeks of the strike as Arab guerilla rebels, often from the countryside, committed numerous murders and attacks on Jewish settlements and British police. These rebels in the countryside worked independently from the HAC although they were meant to be under the control of the Mufti of Jerusalem.²⁷ However the actions of these rebels were not accompanied by demands explicitly in the name of citizenship rights as were the non-violent expressions of political and civic identity (such as demands for the franchise for all Arabs) that came from the urban areas of Palestine. Soon after the strike began, a former Syrian Ottoman army officer who had fought against the French, Fawzi al-Din al-Qawuqji, assumed control of the rebel bands in Palestine as commander-in-chief. One of the first communiqués issued by al-Qawuqji, addressed to the ‘citizens,’ appealed to the language of natural rights: he argued that the revolt was a humanitarian, religious and national duty of the Arabs in Palestine and of the entire Arab nation. In contrast to the non-violent civil society organisation, the revolt commanders called on the citizens to take up arms as a matter of duty.²⁸

Ted Swedenburg’s ethnographical study on the Palestine Revolt provides the insight that many peasants joined out of fear they would lose their land and their economic livelihood to the Zionists. Compared to the educated middle-class nationalists in urban centres, the peasants thus had little background on the ideological concept of citizenship and the rights and expressions associated with the term. The peasant rebels more often depicted their identity as primordial and linked to the very land of Palestine but they did not explicitly mention citizenship.²⁹ Rather, appeals were often issued in the name of Allah to the nation (*al-umma*), sons (*abna’*) or the noble people (*karīm al-sha‘b*). The appeals contained localised discourses including the need for the peasants to sacrifice themselves to protect their land (*ard*) and honour (*sharaf*) as Arabs. The link between land, economic stability and revolt is an important one and the driving force for many peasants to join guerilla bands of

²⁷ Swedenburg, *Memories of Revolt*, 123.

²⁸ Al-Kayyali, *Wathā’iq*, 28 July 1936, 433-435.

²⁹ Swedenburg, *Memories of Revolt*, 78-80.

fighters under al-Qawuqji. Rural Arabs, unlike urban nationalists, thought of rights primarily as rights to land. For example, municipal franchise laws, press censorship, freedom of assembly and equal opportunities in employment between Arabs and Jews did not necessarily concern the rural population as greatly as did the rhetorical threats that the mandate posed a great danger to their livelihood in agriculture. Indeed, these threats were often issued by the HAC and urban leaders as well as by rebels based in the countryside.

More recently, historian Michael Provence has demonstrated that since the revolt's commanders and many individual rebels had all been Ottoman subjects they had exposure to notions of nationalism and collective struggle through Ottoman education and conscription prior to 1918. These former Ottoman subjects "retained the ability to communicate with and mobilize members of the subaltern classes from which they emerged," particularly through the language of popular patriotism and Arab nationality.³⁰ The engagement by the peasants and their leadership with the rhetoric of citizenship during the early stage of the revolt was less explicit and less inclusive than was the engagement by the urban nationalists; rather, the rights of Arabs to land and economic livelihood on the basis of their Arab origin in Palestine played a far greater role in mobilising the rural population to oppose the mandate and Jewish settlement. For some peasants and for urban labourers, the notion of civic rights and duties and their subsequent expression developed through a process that involved daily interactions with strike committees, strikers and the mandate authorities. Throughout 1936, associations and press editorials encouraged active citizenship, suggesting that village and urban Palestinians alike begin legal proceedings and boycotts against the mandate government over the loss of civil and political rights.³¹ For example, in Nazareth the Chamber of Commerce informed the high commissioner just as the general strike began that since the city's merchants would strike, the government should not send them any bills.³² In a sense, both the rebels and the peaceful strikers crafted their own expressions of citizenship rights and duties even if they rarely articulated the term 'citizen.'

³⁰ Michael Provence, "Ottoman Modernity, Colonialism, and Insurgency in the Interwar Arab East," *International Journal of Middle East Studies* 43 (May 2011): 206-207.

³¹ 'Monthly intelligence survey,' 3 June 1936, FO 371/20030; 'Weekly summary of intelligence,' 30 Oct. 1936, FO 371/20031.

³² 'Protest: Chamber of Commerce, Nazareth,' 24 Apr. 1936, ISA M/274/33.

As noted above, the process of civic identity formation during the strike and revolt took place alongside political struggles in Egypt and Syria. Both experienced revolts by their populations against the British and French administrations, respectively. A number of Egyptians and Syrians worked in Palestine on railways and ports while Palestinian Arabs lived and worked in Egypt and Syria. Emigrants in these two countries as well as in the Americas were actively involved in supporting the events of 1936. These links served to further emphasise the notion of Arab nationality as an inclusive status tied to concepts of national and natural political rights throughout the Levant. Notably, Mohamed ‘Ali Al-Tahir, head of the Palestine Arab Committee in Cairo, wrote updates (published through the press) on the strike for the emigrants in North and South America, informing them of the intensification of violence and the tolls of dead, wounded and jailed. One of his letters stated that “it becomes the duty of every Arab emigrant in the service of his country and his nation” to support the Palestinian Arabs’ strike and revolt. Al-Tahir and those who read his reports and newspaper editorials thus helped to export the discourse of civic duty as linked to the revolt into the Palestinian Arab diaspora.³³

The general strike was called off after six months, in October 1936, as a result of negotiations between the HAC and other Arab leaders in Iraq, Egypt, Transjordan, Arabia and elsewhere. The strike ultimately failed to paralyze the economy. Further, by that point the poorer segments of the Arab population expressed an often dire discontent with the strike and the difficulties they incurred in their trade, particularly in the transportation of produce. Although the national committees and newspapers portrayed the strike as supported by all Palestinian Arabs, in reality they neglected to account for a large part of the population that simply could not afford to strike.³⁴ To be sure, the everyday practices of many Palestinian Arabs were transformed by the six-month strike. Nationalist language was employed more widely in the countryside to place the blame for economic problems on the lack of a national government and on the mandate’s land policies. Yet as the end of the strike showed, economics played a significant role in the decisions made by the peasant and working classes to abandon the strike. Slogans such as ‘no taxation without representation’ and the vocabulary of duties did, however, become more firmly linked to active citizenship.

³³ Al-Tahir, ‘*An Thawrat Filastīn*’, 22-23.

³⁴ Porath, *From Riots to Rebellion*, 176-177.

To step back a bit, shortly after the strike began the British government addressed High Commissioner Wauchope's suggestion to send an investigative commission to Palestine. The commission was formed in May 1936 under Chairman Earl Peel to ascertain the causes of the disturbances that broke out in April, to inquire into the ways the mandate was implemented and to determine the obligations of the mandate administration to both the Jews and the Arabs. The Peel Commission would also investigate whether the Jews and Arabs had legitimate grievances and if so, its task was to make recommendations in order to remove or to prevent these grievances.³⁵ The Commission did not arrive to Palestine until November 1936, just after the strike had been called off. At the same time the Colonial Office allowed for nearly two thousand more entry permits to be given to Jewish immigrants and the Palestinian Arab leaders boycotted Peel. Their boycott lasted until January when the Palestinian leaders, mostly former Arab Executive members, decided to give evidence to Peel and his colleagues.³⁶ By early 1937, new British legislation put in place in order to quell the revolt in Palestine (discussed in the next section) served to deny the few political and civil rights which the Palestinian Arabs had enjoyed before the outbreak of the revolt. The new Emergency Regulations impacted urban and rural Arabs as they were imposed from above by the military authorities sent to Palestine and by the British government. This implementation was colonial in that the administration of Palestine was forced to adhere to imperial emergency and martial law provisions rather than impose provisions specific to the mandate. Furthermore, the emergency situation made it increasingly difficult for the British to view the Arabs as rights-bearing citizens, as it eroded civil and political rights.

Stalled citizenship: from the citizenry to the 'population of Palestine'

To further explain what I term 'stalled citizenship,' it is useful to refer to the difference between 'the citizens' and 'the population' in light of the response to the Palestine Revolt by the mandate authorities. In terms of policy and theory, 'the citizens' and 'the population' are

³⁵ 'Summary of the Report of the Palestine Royal Commission to the League of Nations,' Geneva, 30 Nov. 1937 from *Palestine Royal Commission Report*, CO 733/347/4. The chairman, Peel, was a former Secretary of State in India.

³⁶ Michael J. Cohen, *Palestine: Retreat from the Mandate, The Making of British Policy, 1936-45* (London: Paul Elek, 1978), 32.

often viewed as separate groups in colonial situations. Chatterjee has written that the concept of the citizen carries with it “the ethical connotation of participation in the sovereignty of the state,” while the concept of the population, by contrast, “makes available to government . . . a set of rationally manipulable instruments for reaching large sections of the inhabitants of a country as the targets of their ‘policies.’”³⁷ With the outbreak of collective violence in Palestine the British found it necessary to remove certain rights given to the Palestinian Arabs by treating them *not* as citizens of the mandate but rather as a colonial population.

It is clear from the documents of the mandate administration that throughout the revolt the Arabs were classified in the minds of the British as simply the majority segment of Palestine’s population. During the Palestine Revolt, the examples of Chatterjee’s ‘manipulable instruments’ included old and new British colonial legislation that was implemented by the administration: collective punishment, the enactment of emergency and martial law regulations and military trials. While the Palestine government could easily apply these public security measures on colonial populations it was more difficult to justify their application to a population of Palestinian citizens internationally-recognised as British-protected persons and over whom Great Britain did not have full sovereignty.

Not only were certain rights and privileges withdrawn from the Arab population, but the existence of Palestinian citizenship as separate from British colonial subjecthood seemed to be unclear. Mandate authorities increasingly placed the inhabitants of Palestine within a more broadly colonial category as a population that needed to be made loyal to Great Britain. This was a direct result of the revolt and the British reaction to Arab violence as defensive and meant to protect not only the mandate territory but Great Britain itself. During the revolt, the British in Palestine could no longer view the Arabs as Palestinian citizens or protected-subjects (despite legislation that classified them as such) but instead referred to them collectively at best as ‘the population’ of the territory, and at worst as suspected guerillas. Indeed the military, which assumed control of Palestine by 1937, did not refer to the rights of the inhabitants. Under the regime’s statutory martial law, a stage between full military control with martial law in Palestine and continued civil powers under partial

³⁷ Chatterjee, *The Politics of the Governed*, 34.

military control, the civil rights to certain protections for entire civilian population of villages and towns were disregarded. For example, even in lieu of full martial law, searches and interrogations were carried out (harshly in some instances) on entire villages.³⁸

The following section explores these themes, focusing on the language and action of the British in Palestine and that of the Palestinian national leaders and rebels. While the violence of the revolt and the subsequent imposition of a military regime resulted in the denial of certain rights to the Arab population of Palestine, the rebel leaders themselves did not directly address the issue of rights of citizenship but instead used rhetorical nationalist terminology and imposed their own vision of public order in line with their tactics in support of the rebellion. In effect, both the British and the Arab rebel leaders reduced Palestinian citizenship to a meaningless status by the end of 1937.

Although a complete martial law ordinance was not introduced in Palestine, related ordinances that sanctioned collective and punitive punishments primarily affected the Palestinian Arab inhabitants by turning them into colonial subjects. As historian Naomi Shepherd states, after the passage of the mandate's Emergency Regulations by High Commissioner Wauchope in the early summer of 1936, "the legal system of Palestine became harnessed to repression . . . successive Emergency Regulations led to summary justice and the curtailment of civil rights."³⁹ The regulations additionally allowed for all sorts of collective punishment measures, from imposing fines to demolishing Arab quarters of cities and Arab homes in villages. Initially, the high commissioner refused to comply with the orders to increase the number of troops in Palestine. In large part, Wauchope's stance came out of the belief he shared with the Colonial Office that a military solution to the grievances of the Arabs was not the best avenue toward ending the revolt. Unlike the military, Wauchope believed that the Arabs' revolt was a genuine and popular one based on fears of further Zionist consolidation of territory and government in Palestine.⁴⁰ Despite Wauchope's objections, Whitehall decided that the army and the Royal Air Force (RAF) be sent to Palestine as a show of force to contain insurgent Arab groups and to control areas

³⁸ Michael J. Cohen, "Sir Wauchope, the Army, and the Rebellion in Palestine, 1936," *Middle Eastern Studies* 9 (Jan. 1973): 22; Matthew Hughes, "From Law and Order to Pacification: Britain's Suppression of the Arab Revolt in Palestine, 1936-39," *Journal of Palestine Studies* 39 (Winter 2010): 9.

³⁹ Shepherd, *Ploughing Sand*, 189.

⁴⁰ Cohen, "Sir Wauchope, the Army and the Rebellion," 19-20.

once the violence intensified. The tactics meant to contain and stop the revolt were not new creations: a British volume on ‘small wars’ from the late 1890s supported collective punishment of ‘uncivilised’ natives and the book’s recommendations had been used in Egypt and Iraq as well as in the Boer War, India and Ireland.⁴¹

By 1935, the imperial martial law ordinance had been amended so that it no longer required officials to prove a crime was committed before imposing collective punishment. After the outbreak of revolt in 1936, the British government gave the high commissioner’s office the power to apply collective punishment in municipal areas in response to crimes committed by rebels such as the cutting of telephone wires, the destruction of infrastructure and rifle fire.⁴² Yet as Palestine was not a colony under full British sovereignty, theoretically the administration, the military and the Palestine Police were bound by international and British regulations that offered a standard for the proper treatment of civilian populations to maintain law and order during incidents of rebellion.

Collective punishment was used to great effect by the authorities. The most well-known example of collective punishment actions during the general strike was the June 1936 demolition of the Arab quarters of the old city of Jaffa to prevent their use as a base for rebels and snipers. The demolition of homes left up to 6,000 Palestinian Arabs homeless. Even so, historian Matthew Hughes affirms on the basis of evidence provided by colonial records that urban demolitions such as those carried out in Jaffa were far less common than punitive acts committed by British soldiers in villages. These included home demolitions, looting and destruction of household items and crops.⁴³ Other examples of collective punishments included British soldiers forcing male inhabitants of ‘bad,’ or rebellious, villages to stand under the sun for days without access to food or adequate water, house-to-house searches that resulted in deliberate sabotage of property and foodstuffs, and mass arrests of all male citizens of various villages.⁴⁴

⁴¹ Hughes, “From Law and Order to Pacification,” 7. The first application of collective punishment upon the Arabs under Palestine’s civil administration came in 1921 after the Jaffa riots. Similar ordinances for collective punishment were issued through the mid-twenties, always aimed at Arab communities but only applied in specific towns rather than entire municipalities or districts.

⁴² ‘Collective punishment,’ May 1936, CO 733/303/3.

⁴³ Hughes, “From Law and Order to Pacification,” 10-11.

⁴⁴ *Fi Khidām al-Nidāl*, 60.

Collective fines were primarily imposed for agrarian crimes and clan feuds prior to 1936. In 1936, collective fines started to be used as punitive measures under the Collective Punishment Ordinance and the Emergency Regulations. For instance, authorities imposed punitive measures when villagers refused to name rebels. Furthermore, Arabs were made to pay themselves for the repairs of demolished homes and infrastructure.⁴⁵ The fines could be exorbitant and combined with the pre-existing economic hardship in the countryside, they led to an increase in feelings of resentment which were often channeled in nationalistic terms. These types of punishments, done under a civil administration prior to the arrival of military authorities to Palestine, took away any sense of legal standing or presumed rights to protection of life, property or welfare. Collective and punitive punishments were imposed upon the Arab population in order to punish this group for the actions of the exclusively-Arab rebels. The Jewish Palestinians did not suffer collectively from either type of punishment. As a result, the civil and military authorities could continue to treat one set of recognised Palestinian citizens differently from the other set of citizens.

The Arab villagers recognised their lack of legal rights even during the strike. Residents of the village of Qula reported on the excesses of force, including home demolitions, by British soldiers. They referred to the actions of the soldiers as “inconsistent with the principles of justice and humanity” and invoked the villagers’ rights to an immediate legal inquiry. Despite their hopes for legal action, those citizens whose homes were demolished or partially destroyed by the British were not allowed to give evidence in court.⁴⁶ In fact, the citizens of the mandate could not take legal action against the government itself during the revolt but could only press civil charges against individual soldiers. The British justified their actions as defensive measures meant to protect the government of Palestine. Simoni notes that during the years of revolt, any welfare offered by the British to the Arab population was halted as security became the overriding concern, thus widening the gap in the political relations between the Arab and Jewish communities.⁴⁷ Indeed, the removal of protection and rights negatively affected only the Palestinian Arab population.

⁴⁵ Shepherd, *Ploughing Sand*, 197-199.

⁴⁶ ‘Petition of the National Committee of Lydda,’ July 1936, CO 733/287/13.

⁴⁷ Simoni, “A Dangerous Legacy,” 100.

The emergency and collective punishment laws, particularly the 1937 Prevention of Crimes Ordinance, allowed for deportation and the detention of suspected criminals or politically-active leaders. Journalists were jailed if their writings were too political, and Arabic-language newspapers were closed for publishing “dangerous articles.” Throughout 1936, the mandate authorities suspended Arab dailies thirty-four times.⁴⁸ In March 1937 the Palestine Defence Order-in-Council gave High Commissioner Wauchope the power to carry out a variety of defense measures in the interest of law, order and public safety. The order-in-council made the carrying of firearms punishable by death and the private possession of a firearm could result in a life sentence in prison. The order criminalized any meeting or procession including more than twelve people. Under the order, if the Palestine Police stopped an individual, this individual risked imprisonment if he or she did not give the correct identification information and travel permit or pass. The order also provided for the establishment of military court trials for offenders which did not allow appeals.⁴⁹

Although the British never issued what Hughes calls ‘real’ martial law in Palestine, the September 1937 order-in-council imposed a ‘statutory’ martial law as noted above. The army had the powers to search and arrest any suspect and it was given authority to shoot any suspect trying to escape or any individual who ignored military commands. Since the British government classified the revolt as an internal insurrection, Arab suspects and rebels were denied treatment as civilians such as due process. After the murder of British District Commissioner Lewis Andrews by an Arab gang in September 1937, the Colonial Office authorised British soldiers to torture Arab suspects and non-combatant villagers in areas with heavy rebel activity in order to gather intelligence.⁵⁰ The HAC was declared illegal and its members forced to flee from Palestine or face arrest and deportation. In early 1937, civil society groups and Arabic newspapers sent numerous petitions to High Commissioner Wauchope to complain of the treatment of political and other prisoners.⁵¹ According to the memoirs of Arab lawyer Hanna Nakkara, as a result of the Prevention of Crimes Ordinance

⁴⁸ Sandy Sufian, “Anatomy of the 1936-39 Revolt: Images of the Body in Political Cartoons of Mandatory Palestine,” *Journal of Palestine Studies* 37 (Winter 2008): 27.

⁴⁹ ‘Palestine Disturbances 1936,’ 3 May 1937, WO 32/9618.

⁵⁰ Hughes, “From Law and Order to Pacification,” 9, 17.

⁵¹ Petitions on this issue from Feb. 1937 can be found in ISA M/350/24.

arrests took place regularly. The British opened several detention camps in Palestine for political detainees, a category that increasingly included intellectuals and workers.⁵²

At the same time, as the revolt became more violent and ordinary citizens were targeted by repressive colonial measures, rebel leaders attempted to act as government figures, implementing their own rebel courts, laws and enforced certain duties upon the citizens. The rebels used a type of rhetoric that differed from that of the urban leadership and that of the British authorities. By 1937, in some important respects these rebels sought to offer certain rights and expressions of citizenship without being familiar with the term. They ordered the cancellation of rents and rural taxes, prescribed a certain style of dress in order to cement a sense of solidarity with the lower classes (for example, the decree to replace the *tarbush* with the *kuffiya* or *hatta* and the command for Christian women to veil).⁵³ Unlike the urban leaders who had long campaigned for an inclusive citizenship for the entire Arab population, the actions of the rebels demonstrate a lack of engagement with the status as mentioned above. Rebel leaders did not recognise identity documents given to the Arabs by the mandate government and went as far as to order the Palestinians to not show these documents to military or police officers.⁵⁴

Although the civil administration remained in place, the civilian population was unable to effectively challenge the colonial legislation or demand the reinstatement of their civil rights. Notions of citizenship and Arab nationality never remained static in Palestine during 1936 and 1937. By then, not only could the mandate authorities manipulate definitions of citizenship, rights and duties, but the rebels in the countryside offered their own definitions of Arab identity as linked to an obligation of support for the revolt's aims. To be sure, the rural rhetoric of citizenship did not explicitly use the term, nor appeal to an ideological concept of citizenship. Instead it appealed to rights to land and livelihood—unlike urban rhetoric which appealed to more recognised political and civil rights of Palestinian citizenship. Whilst urban rhetoric used a vocabulary of citizenship, nationality and rights, the rebel leadership issued its calls to the people or the sons of Palestine, and couched demands for the population to resist the mandate government in religious phrases and

⁵² Nakkara, *Lawyer of the Land*, 94-95.

⁵³ Porath, *From Riots to Rebellion*, 268.

⁵⁴ Hanna Nakkara, *Lawyer of the Land and the People*, 97.

appeals to *jihad*. Both groups however, envisioned the inhabitants of Palestine as entitled to control over the country by virtue of their Arab origins. In doing so, they represented a new version of civic public order and political and civil action. The defensive measures on the part of the British *and* the Arabs during the first half of the revolt shifted the understandings of the citizenry's rights, protections and objects of loyalty.

Palestinian citizenship and the Royal Peel Commission

The penultimate section of this chapter steps back from the 1936 general strike and the first year of the revolt. Instead, through case studies of individuals and of the Peel Commission's recommendations on citizenship, it investigates the affects of changes to the legislation that regulated the acquisition and revocation of citizenship for Arabs and Jews. It also discusses the response by Arab nationalist leaders to the recommendations of the Peel Commission with regards to citizenship and partition.

The Palestine Administration and the Colonial and other offices in London continued to develop legislation that affected citizenship, immigration and naturalisation during the years of revolt. In 1936, the Colonial Office defended its policy which gave Jewish immigrants an easier route to the acquisition of Palestinian citizenship by stating that officials in Palestine were obliged to keep citizenship legislation favourable for immigrants or risk litigation from the Jewish community negatively impacted by its provisions.⁵⁵ In the meantime, the Arab population had not seen any significant redress of their own grievances over the provisions.

Citizenship struggles: case studies, 1936-1937

The archives of the Palestine Mandate include a small number of narratives pertaining to Arab natives' negotiations of Palestinian citizenship in the 1930s. The following case studies serve to demonstrate that during the period of tumult and political and legal transformations caused by the revolt, citizenship continued to be a subject of contestation for

⁵⁵ 'Palestinian Citizenship,' 1936, CO 733/296/7.

individual Arabs. The following also testifies to the unequal treatment in the grant and recognition of citizenship between Arabs and Jews.

The first case of a man born in Ottoman Palestine in the 1890s demonstrates how mandate politics played a role in influencing the treatment of natives who wished to return from abroad under extra-ordinary circumstances. Hussein Khalil Abu Ziyad left Palestine in the early 1920s and married an American woman in the United States, all while he retained his Ottoman nationality documents. Ziyad applied to the British consulate in California in 1934 to return to Palestine as a citizen and the consul requested the application be considered by the high commissioner. However, once the consul informed the mandate's Commissioner for Migration and Statistics that Ziyad was "unsound and an inmate of a state hospital for the insane" as a result of a diagnosis with a form of dementia Ziyad's visa for Palestine was cancelled.⁵⁶

By the end of 1936, the Colonial Office feared that the denial of Ziyad's return to Palestine could be given a "political complexion [*sic*]" and that his exclusion from Palestine could not be justified under the mandate's 1933 Immigration Ordinance. The case had a legal element. Ziyad's lawyer stressed in early 1937 that his client appeared to be a "Turkish citizen of Palestinian birth" who met all the requirements of the Foreign Office consular instructions that permitted an individual's return to Palestine. The lawyer added that Ziyad's wife threatened to politicise the matter, which was most undesirable to the British government in the climate of revolt in the mandate territory. In this connection, Ziyad's wife stated she had recently discovered "that, due to a British law passed at the time they [Britain] gave Palestine to the Jews as a National home, all Arabians then in foreign countries had to renew their citizenship or lose it" and thus Ziyad lost his citizenship and lacked both a passport and a visa to return. Still, the mandate administration refused to admit Ziyad as a citizen of Palestine.⁵⁷

In certain circumstances, Arabs born in Palestine posed problems in terms of classification dependent on their birth. In 1936 the question of the divestment of Ottoman nationality for certain Arabs confused mandate and British authorities. The son of George

⁵⁶ Memo, High Commissioner Wauchope to Secretary of State for the Colonies, 'Political Situation,' Nov. 1936, CO 733/286/1.

⁵⁷ 'Palestinian citizenship applications: Hussein Khalil Abu Ziyad,' Nov. 1936-February 1937, CO 733/286/1.

Rock, an Ottoman subject naturalised as a British citizen in the 1890s, inquired as to whether his father's status made him a British subject or a Palestinian citizen. Although John George Rock was born in Palestine, his father had been a resident of Britain prior to 1914. When John George inquired as to his nationality in the 1930s, the British initially responded that he was Palestinian rather than British. In a series of interdepartmental correspondence on the case, the Home Office referred to the Ottoman Nationality Law of 1869 in its attempt to decide upon the status of John George Rock in late 1936. It found that according to the Ottoman law, since the elder Rock did not automatically lose his Ottoman nationality upon British naturalisation, John George could not be regarded as a British subject as he had hoped.⁵⁸

The issue of multiple loyalties came into the picture in the case of John George Rock. He stressed, as did his father, that the elder rock severed any ties with Turkey. At the time of John George's questioning as to whether he or his father were British subjects, his father proclaimed his readiness to give a statement that "on [his] naturalisation he swore allegiance to the British Government and no one else."⁵⁹ The case also demonstrates the uncertainty of the revolt years as to whether Palestinian Arabs such as John George, who assumed that he was in fact a British subject, would be loyal to Great Britain.

At the end of 1936 as Arab rebels increasingly used violence against British targets in Palestine, the Colonial Office and other departments were in discussion with the Palestine Administration over a proposal to draft another amended citizenship order-in-council. The outbreak of revolt and the activities of the Royal Commission in Palestine forced officials to wait until the Commission published its report, which included recommendations on citizenship, naturalisation and immigration.

Testimony to the Peel Commission

As early as August 1936, in the midst of the Arabs' six-month general strike in Palestine, the commission headed by Lord Earl Peel received a memorandum from the mandate government that asked it to consider the division of Palestine under a cantonization scheme.

⁵⁸ 'Nationality Status of Mr. George Rock,' Oct.-Dec. 1936, CO 733/306/13.

⁵⁹ Ibid.

Under the cantonization proposal, the mandate territory would become a federation of cantons, or self-governing units. The idea was an unpopular one with the British government and with other members of the mandate administration, but Peel and his colleagues studied it briefly.⁶⁰ Since the mandate officials had agreed to set aside discussions of citizenship until the Commission was able to enter Palestine and release a report on the situation, it is useful to question whether the cantonization plan proposed a new structure for citizenship and nationality.

A former administrator in Palestine, L.G. Archer Cust, submitted one of the cantonization plans to the Commission. In essence, the scheme involved the formation of three cantons: Arab, Jewish and a mix of the two groups. The aim was to segregate Palestinian communities to avoid clashes of interests between Arabs and Jews. Cust's plan outlined the separation and autonomy of Jewish and Arab areas. For example, Jewish immigration and land sales could be permitted only in the Jewish canton. In the Arab canton, a central canton government and elected assembly would supervise the local bodies and Jewish immigration would be prohibited.⁶¹ Palestine's Chief Secretary Sydney Moody was quick to ask other officials "whether any of us know what cantonisation means?"⁶² The plan raised important questions on the citizenship status of Arabs and Jews in the proposed cantons. It was unclear whether Arabs and Jews would carry equal rights of citizenship, and the proposal neglected to mention the concept of Arab nationality. In theory and practice, the cantonization plan went against Britain's mandatory obligations because the plan would effectively force the Arab citizens out of their traditional geographical areas through a population transfer if they decided not to live in the Jewish canton. Ultimately, the Peel Commission also rejected the scheme but its eventual recommendation of partition reflected persistent, deeper questions on nationality and citizenship in a partitioned Palestine.

⁶⁰ A small number of Arab officials supported the scheme. Arab civil servant Ahmed Khalid suggested the formation of an Arab parliament in the Arab zone and a Jewish parliament in the Jewish zone, with an executive council of appointed representatives from both to administer joint and general interests. The two zones were to be named as South Syria and Eretz-Israel. See CO 733/248/20.

⁶¹ Roza I.M. El-Eini, *Mandated Landscape: British Imperial Rule in Palestine, 1929-1948* (London: Routledge, 2006), 317-318.

⁶² 'Memorandum on the Royal Commission Proposal for the Partition of Palestine,' Aug. 1936, ISA/MFA/2278/2.

The impact upon mandate policy of civil society activism, popular politics and the discourse of citizenship which had taken shape from the early 1930s became clear with the workings of the Peel Commission in Palestine. In January 1937 the Commission heard evidence that explicitly criticised the mandate's citizenship legislation. A number of outspoken Arab popular leaders were interviewed and they provided a different account from that of the mandate officials as to proposals for a future Palestinian government. A very small but vocal handful brought up the problems of Palestinian citizenship for Arab emigrants and contrasted the emigrants' situation with that of the Jewish immigrants. Importantly, their statements are examples of the ways in which discourses and definitions of nationality and citizenship had evolved from the early 1920s. These leaders stressed *jus sanguinis* and *jus soli* nationality provisions as equivalent to rights to citizenship in Palestine as well as to Arab nationality. Furthermore, the witnesses made clear attempts to connect their ideas of citizenship rights for the Arab emigrants with the provisions of nationality legislation in force in Great Britain.

The testimony of 'Awni Abd al-Hadi in early 1937 exemplifies some of the arguments and hopes of Arab middle-class and former Executive body leadership for new citizenship regulations. His words to the Commission highlight the Arab nationalists' (often simplistic) understanding that the 1922 Legislative Election Order-in-Council was the first piece of legislation to allow any Jew to enter Palestine and receive citizenship with minimal restrictions.⁶³ The fears built up in the previous decade that Jewish citizens would become a majority in Palestine were evident. Abd al-Hadi's testimony also suggests that immigration statistics were actively compiled by Palestinian activists. He stated that at least 4,000 Jews entered Palestine on tourist visas yearly and then were subsequently 'lost.' As these individuals were not claimed as immigrants or as citizens they were excluded from the numbers of Jews who settled and contributed to the economic capacity of the territory.⁶⁴ However, Arab witnesses presented a great deal of nationalist-oriented rhetoric and demands to the Peel Commission, which seemed to weaken the potential impact of the testimony on citizenship, naturalisation and immigration statistics.

⁶³ Al-Kayyali, *Wathā'iq*, 500-502.

⁶⁴ *Yawmiyāt Akram Zu'aytir*, 262-263.

Akram Zu'aytir and Abd al-Hadi's colleague, schoolteacher Muhammed 'Izza Darwazah, gave similar statements to the Peel Commission. Both argued that the Arabs' claims in Palestine were based on their centuries-long residence as Arab nationals. They argued, based on the development of notions of citizenship from the early 1920s, that citizenship status in Palestine was a natural right based on birth and descent in the territory.⁶⁵ Furthermore 'Isa Bandak, the leader and activist touted as an expert on Palestinian nationality and citizenship due to his lobbyist efforts in support of all Palestinian Arabs to receive citizenship, testified before Lord Peel. Bandak urged the Commission to implement the Arabs' own suggestions in its future report on the issue of citizenship.⁶⁶ Still these Arabs who spoke to the Commission, all upper and middle-class individuals and self-professed nationalist leaders, couched their grievances in nationalist language and rarely explained in specific terms which rights citizenship entailed. The rebel leaders and the rural population as a whole were not directly represented to the Commission; instead, lawyers, schoolteachers and newspaper editors spoke for the entire Arab population.

Finally, the testimony of the popular leader Abd al-Latif al-Saleh, well-regarded by both rural and urban Palestinian Arabs, is unique in that it traced the concept of Arab nationality from Ottoman times through to the creation of citizenship in Palestine. Saleh commented directly on specific cases in which the mandate administration denied citizenship to native-born Palestinian Arabs. Saleh also linked citizenship in Palestine to British colonial policies, thereby placing Palestine into a larger narrative of British imperialism as he referenced colonial settlement and the nature of colonial economies as tied to Great Britain. In addition, he stressed that the prejudice against the emigrants, rendered without nationality, was "quite apparent" and indeed the latter was "forbidden by international law." Saleh spoke of the discourse of citizenship rights in stating that the mandate text did not distinguish 'civil rights' from 'religious rights.'⁶⁷ The civil rights to citizenship were instead under the umbrella of religious rights and as a result, citizenship came to be governed by religious communities. Saleh's argument was valid, as indeed Arab Muslim and Christian

⁶⁵ Al-Kayyali, *Wathā'iq*, 541.

⁶⁶ *Yawmiyāt Akram Zu'aytir*, 271.

⁶⁷ 'Palestine Royal Commission: Evidence of Abdul Latif Bey Salah,' 1937, CO 733/343/24.

communities received citizenship in a different manner from the Jewish communities, as discussed in Chapter Five.

The Arab nationalists in Palestine were not the only ones asked to offer testimony to the Commission on the issues of citizenship and immigration legislation. Mandate officials did as well but it was the testimony of Palestine's Commissioner for Migration and Statistics, Major E. Mills, which matched up with the arguments given on citizenship figures by the Arab interviewees. Mills' statements supported the Arabs' argument that the mandate administration categorised Jewish citizens separately from Arab citizens in matters of immigration, emigration and naturalisation. His testimony also suggests the importance placed by administrators upon information-gathering on Jewish immigrants in order for the government to prove the success of the mandate's Jewish national home policy. Mills admitted to the Peel Commission in 1937 that "the natural increase of the population has not been tabulated by citizenship," and instead explained that at the end of 1936, 43% of the estimated 384,000 Jewish inhabitants were Palestinian citizens. In fact, he added that the number of Jews resident 'unofficially' in Palestine was much higher. It could then be surmised that less than 43% of immigrants actually took Palestinian citizenship.⁶⁸ Mills' figures are reminiscent of debates from the late 1920s and early 1930s in which the administration revealed that many of the Jewish voters in the municipal elections were not actually citizens of Palestine. The figures given to Peel show that less than half of the Jewish population could legitimately claim the rights to Palestinian citizenship in 1937.

For Great Britain, these figures compiled on citizenship, naturalisation and immigration called into question the success of the mandate's extension of Palestinian citizenship to the Jewish immigrants, and thus the success of the Jewish national home policy itself. The low numbers of Jewish citizens, out of the total population of Jews in Palestine, also highlighted questions regarding the loyalties of this population to the Palestine Government. In sum, the Commission did not look favourably upon provisions of citizenship and the dual system which separated Arab and Jewish residents. In its final report issued in the summer of 1937 the Royal Commission recommended the alleviation of the Arabs' grievances in large part through the partition of Palestine.

⁶⁸ 'Memorandum by the Commissioner for Migration and Statistics,' Mar. 1937, CO 733/347/4.

Recommendations on the issue of citizenship

When the Royal Commission issued its report in July, it devoted sections to citizenship and naturalisation of both Arabs and Jews. It provided information on the means by which the government attempted to facilitate the Jewish national home policy. For example, the report stated that so-called naturalisation field officers visited the outlying Jewish villages and settlements specifically to ensure that immigrants naturalised.⁶⁹ Out of just over 6,000 applications for naturalisation made in 1935, more than 1,500 were accepted by a field officer from Jewish settlements. The Commission also noted that in 1936, out of the 384,000 Jewish residents of Palestine, 92,000 were recent immigrants unable to qualify for naturalisation. Peel and his men affirmed what Great Britain feared, that the high percentage of non-citizen Jews was due to the fact that the chief allegiance of many immigrants was to the Jewish community rather than to the Palestine Government.⁷⁰

Two months before the Royal Commission report recommended partition, Lord Peel asked the Palestine Administration and Whitehall whether either objected to the inclusion of certain recommendations on the issue of citizenship in the final report. The Commission made clear that first and foremost it planned to recommend revisions to the citizenship order-in-council in the direction desired by the Arabs, specifically to enable all natives to obtain citizenship. The Commission was extremely favourable to the Arab argument that the hardship for those Arab emigrants who did not sever their connections with Palestine loomed large as a grievance for all the Arabs.⁷¹

The British Colonial and Foreign Offices objected to the recommendations. The British government re-stated its long-standing objection that:

It is undesirable to grant Palestinian citizenship to persons who have been absent from Palestine for several years and who have intention of returning to Palestine

⁶⁹ Jews could give naturalisation applications to the field officers on the spot and applications could also be made in person in the urban centres of Jerusalem, Jaffa, Haifa and Tiberias.

⁷⁰ *Palestine Royal Commission Report*, 1937, Cmd. 5479 (London: HM Stationary Office, 1937), CO 733/347/4.

⁷¹ *Palestine Royal Commission Report*, 'Nationality Law and Acquisition of Palestinian Citizenship,' May-June 1937, CO 733/347/4.

within a reasonable period and of residing there permanently. . . .[I]n many cases, the principle object of applications . . . is to obtain British protection for the purpose of pressing claims against the Governments of the countries in which they reside. Further, it is undesirable on general grounds to create a class of persons permanently resident abroad who would be entitled to British protection.⁷²

As explained in Chapters Four and Five, this argument was used for over fifteen years against stateless Palestinian Arabs. The Commission further noted that mandate officials failed to take the initiative to consult or survey the emigrants themselves through British consuls.

The Commission's official report included the testimony by the Arab witnesses. It noted the figure of 40,000 emigrants who had lost their chance to acquire Palestinian citizenship due to the 1925 citizenship order and its requirement that natives return to reside permanently in Palestine. The report also supported the Arab leaders' statements that the order was not fully advertised abroad in 1925 and that the application forms for option for citizenship were confusing. In particular, the emigrants found the question 'where do you intend to reside?' on the form unclear. Thus, answers usually listed the applicant's current country of residence rather than Palestine. As a result out of over 9,000 applications, only 100 were accepted by the mandate administration.⁷³

The Peel Commission considered that the Arabs had a genuine grievance as to the denial of citizenship for emigrants and that the British should utilise every effort to restore to these Arabs "a right ordinarily enjoyed by the nationals of civilized peoples." The Commission's report addressed the Palestinian Arab emigrants who did not take up any other nationality after they left Palestine as "people who do not wish to be regarded as Turkish citizens" and who owed no allegiance to Turkey; further, Turkey did not want their allegiance. Instead, the emigrants had long "regard[ed] Palestine as their country where their relatives still live" and that "on the whole they maintain a substantial connexion [*sic*] with their families and their hope is to return to Palestine . . . to retire." As for the mandatory, the Commission wrote that the administration knew the position of the emigrants and took "all measures" to facilitate their return and travel but large numbers of Palestinian Arabs in Latin America

⁷² Ibid.

⁷³ Ibid.

were unable to opt for citizenship and return to Palestine.⁷⁴ From the report, it is evident that Peel and his colleagues supported the argument of the Arabs against the mandate's citizenship provisions.

The Peel Commission concluded that it was “reasonable and proper that protection should be extended to the Arab emigrants by the mandatory. Indeed, it seems that the Commission felt that the emigrants’ situation was important enough to be discussed despite objections by the British to the report. The Commission understood the attitudes of the middle-class nationalists towards Palestine’s citizenship legislation as:

There is no genuine enthusiasm to be observed in Palestine for Palestinian citizenship. It is only the Arabs in South America who are really anxious for it. And under present conditions this does not surprise us. Jewish immigrants may well hesitate to abandon the citizenship of some old established state in favour of citizenship in a country of which the future seems so uncertain. To the educated Palestinian Arab, who has always resented the separation of Palestine from Syria, the very idea of Palestinian citizenship is obnoxious as being associated with the Mandate and all it involves.⁷⁵

Ten years after the first stirrings of discontent over the citizenship order, the voices of the emigrants and their supporters finally found public resonance and official expression in the report of the investigative commission. Palestinians who resided in Palestine continued to be negatively affected by mandate legislation, as documented above and in the previous chapter. For the Arabs however, the recommendation of partition overshadowed the report’s favourable attitude toward citizenship legislation

Partition and citizenship

The Arab notable and populist leadership rejected the Peel report’s suggestion of partition of Palestine. Although the report recommended that Palestine be split into an Arab and Jewish state with the designated holy areas (that is sacred places such as Jerusalem and

⁷⁴ ‘Draft Royal Commission Report Chapter XV,’ 1937, CO 733/347/4.

⁷⁵ *Palestine Royal Commission Report*, 1937, Cmd. 5479 (London: HM Stationary Office, 1937), CO 733/347/4.

Nazareth) under an international mandate, it recognised the problems that partition would cause for nationality and citizenship. The Commission referred to the initial and complicated problem of the status of Arabs in the Jewish state and vice versa, and expressed their hope that another body could “avail itself of the service of experts on Nationality and Minority problems.”⁷⁶ It did recognise that those experts would need to design nationality and citizenship regulations broadly in order to accommodate the demands of the Arabs and the Jews in the territory.

The Commission listed three possibilities for the implementation of the national and civic status of the inhabitants of the partitioned territories. First, it suggested that complete and full citizenship be given to every adult Arab who resided in the Jewish state if he wished. Of interest, the report also noted that nationality and citizenship were not the same and the differences could cause problems as states increasingly defined themselves in ethno-national terms. It was also noted that Arabs in the Jewish state may be given the option of citizenship in the co-national ‘Mother State’ on the other side of the border, meaning the Arab state.⁷⁷ The first option, to be sure, was quite new for the British government since such flexible nationality and citizenship legislation had not been implemented in any of Great Britain’s colonies or possessions.

In a partitioned Palestine, the Commission stated the second option to be the need for an inclusion of a minority statute as part of the constitution of the Jewish state in order to recognise the Arabs who resided within that state as a ‘National Minority.’ Presumably the same would be done in the Arab state, although the report envisaged that the number of Jewish residents was likely to be low given that the administration would be able to stop Jewish immigration and land purchases. Yet the rights to be given to national minorities were unclear. The third suggested option was that a ‘Nationality Statute’ recognise the Arab Palestinians as “an Equal Nationality on par with the Jews, as a ‘*staatsvolk*,’ ” and meaning that the Jewish state would be composed of and administered by the two constituent, equal nationalities.⁷⁸ The third option supported an egalitarian notion of citizenship for both groups.

⁷⁶ ‘Partition Commission 1936,’ [undated] ISA/MFA/2278/2.

⁷⁷ Ibid.

⁷⁸ Ibid.

British officials in London and in Palestine interpreted the recommendations in different ways. The report suggested that the third was the most feasible option as the one most likely to ensure cooperation from the Arabs in the administration of the Jewish state and to prepare the territory for a future union in a federation. The principle of bi-nationalism would be part of both the Arab and Jewish states. Some colonial officials argued that a minority nationality would not be adequate for either partitioned state because nationality would not be held equally and the minority group would not exercise the full political rights of citizenship.⁷⁹ In response to the report the Higher Arab Committee commenting on the plans for minority and majority citizenships in a new Palestinian state argued the inadequacy of minority nationality. The HAC felt partition was simply neither possible nor acceptable.⁸⁰

Each of the three options, if implemented, represented an attempt to create an efficient system of documentary identity, which had increased in global and colonial importance since the signing of the Treaty of Lausanne. These options were the expression of classifications of national identity and citizenship status as ‘from above.’ The Commission did not consider that the Arab and Jewish leaders themselves might be directly involved in the implementation of new nationality and citizenship regulations. Moreover, although the partition of Palestine meant that the Arab and the Jewish states would administer their respective territories autonomously, the legislative framework of the new status, including provisions of citizenship would be devised by Great Britain. Despite the space given by the Peel Commission to Palestinian voices, the Commission did not address the Arabs’ hope to design their own citizenship laws through an elected, representative parliament.

Conclusion: proposed amendments to citizenship legislation

Partition was not implemented due to strong opposition to the plan from within sections of the British government, the Arab leadership and the Zionist Organisation. The Foreign Office objected to the Peel Commission’s recommendation of partition and of unity between the Arab Palestinian state and Transjordan, while the Colonial Office endorsed it as the only

⁷⁹ Ibid.

⁸⁰ *Arab Higher Committee: Official Documents Relating to the Palestine Question, 1917-1947, submitted to the General Assembly of the United Nations by the Delegation of the AHC for Palestine, New York, Oct 1947* (Beirut: Institute for Palestine Studies), 5.

acceptable solution to the situation in Palestine. The Foreign Office felt, as the Arab nationalist leaders had believed and voiced for nearly two decades, that the British could not possibly fulfill the mandate's obligations.⁸¹ Since the partition scheme and options for new national statuses were not actually implemented in accordance with the Peel Report, the British government in London and the Palestine Administration could begin the draft of an amended citizenship order in line with the report's other recommendations regarding Palestinian citizenship. The draft amendment of the citizenship order did not see official publication for two years after the Peel Report, and it is discussed in greater detail in the concluding chapter of the thesis.

The events of 1936 and 1937 including the general strike, outright violent revolt and the work of the Peel Commission in Palestine highlight the numerous debates over the multiple meanings of nationality and citizenship under the mandate administration. The new atmosphere in Palestine after 1935 changed the Arab and the British understandings of the rights, duties and expressions of Palestinian citizenship as a result of the violent measures taken by the British administration to stop the Arab population from participating in the revolt. For a number of reasons, Palestinian citizenship lost some meaning during the revolt. On the one hand, the British military and civil authorities recommended emergency regulations and martial law measures such as collective punishment and the treatment of all civilians as rebels be applied only towards the Arab population. On the other, the Arab rebel leaders did not fully support liberal notions of citizenship such as due process and democratic representation as shown by their actions during the revolt. Hallmarks of citizenship practices such as non-payment of taxes and the general strike rested uneasily with those Palestinian Arabs who called for civic duties to be undertaken through violent resistance to the government.

Throughout the revolt, the vocabulary of citizenship and nationality did not change substantially. Rather it was partially appropriated by the Arab rebels in order to fit the concepts of citizenship and nationality into their view of a future Palestine independent from British control and Zionist influence. Still, citizenship was expressed actively through support for the revolt. For example, protests, the nonpayment of taxes and even the new,

⁸¹ Cohen, *Palestine: Retreat from the Mandate*, 34.

albeit non-democratic, measure of due process implemented by rebel courts transformed citizenship into a more tangible status of belonging to the Arab nation of Palestine. Yet the parallel legislative and judicial system put into practice by the peasant rebels during the revolt fell short of providing rights to the Arab population. Instead, it allowed for Arab civilians to be tried in rebel courts as ‘traitors’ and ‘collaborators’ without recourse to protections typically offered by civil constitutions.

At the same time, the Peel Commission referred to problems caused by the citizenship legislation highlighting British favouritism for Jewish immigrants. The civil administration was not bound to implement the report’s recommendations since the British government did not require it to do so. The testimony of Arab national leaders on the issue of citizenship and their statistics on Jewish citizens are also telling. Whilst heavily influenced by nationalist rhetoric and propaganda against mandate policy, it is difficult to construct a nuanced historical narrative based on the words of a few educated political leaders and writers. One can assume that these Arabs represented the feelings and beliefs of the majority of the population but it is difficult to gauge the extent to which mass notions of civic identity changed during the revolt. Similarly, the peasant rebel leaders did not have the full support of the wider population. What is clear, as shown by the actions of the rebels and the words and conclusion of the Peel report, is that by 1937 Arab nationality and Palestinian citizenship were imagined as distinct statuses as each entailed a different type of political, civic and social belonging to Palestine. The rights, protections and duties associated with this belonging also varied according to urban and rural leadership. These distinctions are crucial to the understanding of the process of citizenship and national identity affiliation in Palestine after the end of the revolt.

Chapter Eight

Conclusion: The End of Palestine Mandate Citizenship

Introduction

The Palestine Revolt ultimately ended as a failure in 1939 for Palestine's Arab citizens who fought for an end to the mandate and the beginning of self-government. The revolt, like the general strike in 1936, ended due to the mobilisation by 1938 of Britain's overwhelming military and legislative power that was harnessed to arrest, deport and execute suspected rebels. At the same time, further strengthening Britain's aims to end the revolt, Palestine's leadership was divided. For their part, the Arab leaders rejected the 1937 Peel Commission plan to partition the country between its Arab and Jewish inhabitants. However, the calls by some leaders for renewed strikes in opposition to the mandate and the proposed partition had little effect. As early as 1937, many urban Arab national leaders had been deported to the Seychelles, accused of instigating the revolt. Once the revolt was stemmed, the British had executed over one hundred rebels and destroyed hundreds of houses. Arab deaths totaled 5,000 and the number of Arabs detained totalled over 5,500.¹ The Palestinian nationalist movement effectively split into a number of factions and a stark division emerged between the rural and the urban Arab leaders. As a result, any populist movement that encompassed all segments of Palestinian Arabs society had little chance of succeeding and even the mufti, Hajj Amin al-Husayni, had fled to Beirut.

In the final months of the revolt in 1939, the British government issued a White Paper that for the first time suggested a policy to institute future limits to Jewish immigration and land purchases in Palestine, greater Arab involvement in the mandate government and a promise of independence within ten years. The 1939 White Paper ultimately meant very little since both the Palestinian Arab leadership, led by the exiled Mufti, and the Zionist Organisation

¹ Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston: Beacon Press, 2006), 107. Many protest letters and petitions against the atrocities committed by the British in Palestinian villages in 1939 can be found in the file 'Protests to the Secretary of State for the Colonies and League of Nations,' ISA/M/336/8.

rejected its proposals.² At that time, Great Britain was increasingly being pulled into European political events and could not devote significant resources to the post-revolt problems in Palestine.

The international situation in the late 1930s, particularly with regard to Germany's Jewish policy, affected Palestinian citizens in more ways than the increase in Jewish immigration and naturalisation. The Palestine Administration, and by extension Whitehall, attempted to balance the mandate policy of support for Jewish immigration as Germany began to clamp down on its Jewish citizens, with offering sufficient attention to the Arab demands for self-government. Great Britain also calculated its response to the 1937 Peel Commission report: although it refused to consider partition of Palestine, the government also knew that certain conditions proposed in the report to benefit the Arabs needed to be met.

This current chapter, the conclusion to the thesis, explores the immediate reactions of Great Britain and the Palestine Administration to the increased Jewish immigration to the mandate territory and the changes made to the mandate's citizenship legislation in the wake of the Peel report's recommendations. On the eve of the Second World War, citizenship in Palestine continued to be a crucial issue for Arab residents and emigrants, as the two groups increasingly feared the impact upon their communities of the increased immigration and the benefits and rights that accompanied the immigrants' citizenship status. Ultimately, high immigration and naturalisation figures in the years following the end of the Palestine Revolt pushed up the percentage of Jewish citizens in Palestine vis-à-vis the Arab citizens. This final chapter ultimately concludes that with the outbreak of war in Europe, Palestinian citizenship never fully evolved into a meaningful status that provided the Arab and Jewish Palestinians with equal rights and duties as members of a nation-state.

Palestinian citizenship, immigration and documentary identity after 1937

The treatment of Jews in Germany beginning in the early 1930s forced the mandate administration to differentiate between Arab and Jewish Palestinians in cases of international

² The White Paper of May 1939 came after the March conference at St. James Palace that resolved to end the conflict in Palestine through discussions between government officials, mandate officials and both Arab and Zionist leaders. See Khalidi, *The Iron Cage*, 114-115.

travel conducted by both groups. It fell upon Great Britain to provide Germany with assurances that certain Palestinian citizens who requested residence in Germany for professional reasons were in fact Arab, rather than Jewish, citizens. For example, as part of an internal Colonial Office discussion on Germany's requirement that Great Britain forward a note of identification for a Palestinian Arab doctor in that country, Mafid Abd al-Hadi, the office explicitly noted that it was evident Abd al-Hadi became suspect due to his Palestinian nationality.³ However, it was not only Germany that was suspicious of immigrants. The Palestine Administration received a number of warnings from the British government to ensure that all persons entering the mandate territory were genuine immigrants who did not attempt to evade immigration controls.

In 1938, the Foreign Office warned His Majesty's consular officers to be aware of individuals who impersonated Palestinian citizens in order to request Palestine passports. The problem had been widespread since the early 1930s, but with the increased number of Jews who sought Palestinian citizenship for political reasons, the Foreign Office hoped to stem any attempts by immigrants to use their nationality simply for diplomatic protection. In particular, the warning was aimed at a number of European Jews who asked for Palestine passports for identification and travel purposes but who could not produce proof of their Palestinian citizenship.⁴

The same problems that the administration encountered in the early 1930s persisted into the latter years of the decade. For example, a significant number of Jewish women tried to evade immigration regulations by entering false marriages with Palestinian citizens. In the first five months of 1938, Palestine's Commissioner for Migration and Statistics withheld Palestine passports from seventy-three Jewish women in Poland who claimed to be married to Palestinians. E. Mills, the commissioner, noted that although his department withheld hundreds of passports altogether, incidents of marriages of convenience decreased as immigration authorities carried out strict identity checks. Even so, out of almost 4,500 Jewish marriages in 1936, half ended in divorce only two years later.⁵ As the high commissioner and the Colonial Office simultaneously worked on draft citizenship

³ Colonial Office memo, 'Identity and travel documents,' 5 Jan. 1937, CO 733/326/8.

⁴ 'Palestine Passports,' 1938, CO 733/363/1.

⁵ Memo, E. Mills to High Commissioner MacMichael, 'Migration and Statistics,' 3 May 1938, CO 733/366/1; Memo, E. Mills to High Commissioner, 'Separate naturalisation of women,' Mar. 1938, CO 733/366/1.

amendment orders, both struggled with questions of how to prevent such abuses of citizenship and naturalisation.

The 1938 Annual Report of the administration to the League of Nations included the year's summary of nationality issues and special cases. The report noted that in most special cases, the high commissioner granted naturalisation for Jewish immigrants regardless of whether those immigrants met the qualification of three years' residence in Palestine prior to their application to naturalise. In total, the mandate administration issued over 9,000 nationality certificates in 1938, which brought the total number of certificates issued since 1925 to nearly 54,000 out of almost 61,000 applications. In 1938, over 18,000 individuals acquired Palestinian citizenship (including wives and children of male immigrants) through nationality certificates. Despite the high figures, the administration noted that compared to previous years, the number of naturalised citizens for the year actually dropped. Officials blamed the decrease on the violence of the previous two years of revolt. Out of those naturalised in 1938, the majority were Polish and German Jews. In addition, ninety-two 'Turkish' individuals, forty Syrians and seventeen Egyptians became Palestinian citizens.⁶

The Palestine Administration issued a high number of Palestine passports in 1938—nearly 15,600—in spite of the revolt. Officials noted that many Palestinian Arabs sought passports once they found themselves unable to freely cross into Syrian, Lebanese and Transjordanian territory. Palestinian Arabs who left Palestine due to the revolt also needed passports.⁷ Although mandate officials tried to keep tabs on whether Jews who sought Palestine passports were actually entitled to them, a number of Jews who lived outside of Palestine and claimed to be too ill or poor to return were able to have their passports renewed by the administration. In most of these cases, the Palestine government consulted with the Colonial Secretary, and granted extensions of individual passport validity until the passport's holder claimed he could return. Despite long absences and repeated failures of such Jewish Palestinian citizens to return to Palestine, most did not have their passports or naturalisations revoked.⁸

⁶ 'Annual Report of the Palestine Administration to the League of Nations,' 1938, CO 733/399/10.

⁷ Ibid.

⁸ 'Naturalisation certificates,' 1938, CO 733/357/2.

The Palestine passports themselves became symbolic of the seemingly-unending confusion over Palestinian nationality and the role of Great Britain in providing documentary identity to Arab and Jewish citizens. In early 1939, the Foreign Office proposed that Palestine passports no longer have their covers labeled as a British passport but rather as ‘Passport—British Mandated Territory of Palestine.’ The change came as a response to two factors; the first, a wider move by the Dominions Office to have ‘British Passport’ printed on any passport issued by a British protectorate. Palestine was not considered a British protectorate. Initially, the latter office felt that Palestinians were as to similar to British-protected persons as possible and the Foreign Office agreed, stating that British passports did not mislead other nations to the status of Palestinian citizens as not under the full sovereignty of Great Britain. However, others within the Foreign Office noted that since Palestinians were aliens under United Kingdom immigration legislation, their claim to British passports was indeed misleading and they criticised the label ‘British passport’ because it gave an impression that holders were entitled to certain privileges. One official suggested the change because the then-current form of the passport “was ambiguous to the ordinary man, particularly the ordinary Palestinian and he (unfortunately) cannot by any means be relied on to have an exact and correction notion of what a passport is or what the rather complicated international situation of Palestine is.”

Foreign officials suggested the change to the wording of the passport for a second reason. A court case at the end of 1938 that involved a Jewish Palestinian, *Rex vs. Ketter*, resulted in a legal report by the Court of Criminal Appeal titled ‘Citizen in Palestine not a British subject.’⁹ Palestinian citizens who also claimed British nationality often faced different treatment as to their status both within Great Britain and abroad. The court case affirmed that Palestinian citizenship did not translate to *ipso facto* British nationality or even protection.

Within mandate territory, the administration also encouraged wider use of documentary identification cards. Throughout the final year of the Palestine Revolt, High Commissioner Harold MacMichael discussed proposals for identity cards with British Colonial Secretary Malcolm MacDonald. The men concluded that compulsory cards would stem illegal

⁹ ‘Palestine Passports: Foreign Office Proposal,’ Jan.-Apr. 1939, CO 733/393/8.

immigration but they both realised the difficulties in obtaining cooperation from the Jewish community. In the final months of 1938, the Palestine government instituted a voluntary system of identification cards with the hope that the population would become accustomed to showing their cards. By the end of 1938, over 170,000 citizens had identity cards and of that number, 90,000 were Arabs. However, the administration feared that Palestinian Arabs could be easily induced to destroy their identity documents for political reasons.¹⁰ By the end of the first two decades of the civil administration, identity cards continued to be issued on a strictly voluntary basis. It is interesting to note that although some officials within Great Britain pressed for a more inclusive Palestinian citizenship for Jews, the Jewish community in Palestine did not wholeheartedly support compulsory identification cards or other measures to ensure they were documented as citizens of the mandate.

Changes to Palestinian citizenship legislation

After the release of the Peel Commission report in the summer of 1937, High Commissioner Wauchope and the Colonial Office separately drafted an amended citizenship order-in-council in response to the report's recommendations for changes to the existing legislation. Up until that time, drafts of a new amended order had been deferred until the publication of the report. As in previous attempts to amend the 1925 Palestine Citizenship Order-in-Council, the mandate administration questioned whether amendments would contravene the Treaty of Lausanne's nationality provisions since the treaty remained an internationally-binding document affecting Turkey and all of the provinces of the former Ottoman Empire. At the same time it was recognised that the other signatories of the treaty were required to approve proposed amendments to the mandates' citizenship laws.¹¹

In spite of the tighter immigration and passport controls imposed by the mandate administration in the late 1930s, members of Parliament in Great Britain continued to lend support to bills that proposed universal Palestinian citizenship for Jews. The proposals were problematic in that they assumed the rights of citizenship in Palestine applied mostly to Jews, whereas Arabs remained the majority in the territory. The supporters of a more

¹⁰ 'Identity cards,' 16 Mar. 1939, CO 733/413/8.

¹¹ 'Citizenship Order-in-Council (Amendment),' 1937, CO 733/332/6.

inclusive citizenship also neglected to consider the international status of native-born Palestinian Arabs. The following subsections offer insight into the post-1937 changes to citizenship legislation and particular ways that the proposed changes affected the Jewish and the Arab citizens of Palestine. Unlike the previous years of debate over citizenship, the new issue of security played a major role, both in terms of the need for the British to prevent further violence by the Arabs and to control the ever-growing German Jewish immigrant population.

Proposed changes to Jewish citizenship

In the first half of 1938, the Colonial Office expressed alarm after the *Times* published details of a bill introduced by a Member of Parliament that proposed a universal Palestinian citizenship for Jews. Officials in the Colonial Office immediately feared the reaction by the Arabs once news of the bill became known in Palestine. They quickly expressed the hope that the bill “never makes any further progress.” The Under-secretary for the Colonial Office met with the bill’s sponsor, Commander Locker-Lampson, and the latter explained that he meant the bill to only be “a ‘gesture’ . . . a matter more of ‘emotion’ and he had not expected a division” as a result of its provisions. The sponsor affirmed his hopes that Great Britain would offer protection in the form of extra-territorial Palestinian citizenship for about 200,000 Jews in central European states.¹² After the secretary’s discussions with Locker-Lampson, the proposed bill to extend Palestinian citizenship to all Jews was withdrawn. The office added that if such a freer grant of citizenship was contemplated for Jews from outside of Palestine, “it would be imperative not to overlook the claims of Arabs born in Palestine who are living abroad and have no opportunity in the present law to become Palestinian citizens.” While technically default Turkish citizens, these native Palestinian Arabs received no recognition or consular assistance from the Turkish authorities.¹³ However, the mandate’s citizenship legislation could not have been changed by the bill since an act of Parliament could not change the existing legislation in Palestine. Rather, the King had to do so through an order-in-council. Britain also required citizenship be based on domicile.

¹² Memo, C. Parkinson to H.F. Downie, ‘Palestine Citizenship Order-in-Council,’ 13 Apr. 1938, CO 733/366/1.

¹³ Memo, Chief Secretary’s Office to Colonial Office, ‘Citizenship bill,’ 14 May 1938, CO 733/366/1.

The Colonial Office at the time felt that if Palestine were partitioned in the future, the Jewish state would enact its own nationality law and definition of a Jew.¹⁴ That definition complicated matters for the mandate administration as it drafted changes to citizenship legislation. The discussions that arose out of attempts to resolve the complicated definition of ‘Jewish’ harked back to similar discussions that took place over the nationality of Jewish individuals in the early 1920s between the Palestine Arab Executive, including Musa Kazim al-Husayni, and the Colonial Office. British and mandate officials long avoided settling upon a proper definition of ‘Jewish’ despite numerous Arab requests for the definition of nationality in relation to the Jewish ‘national home.’

By 1938 the growing attention given to the Jewish refugee problem in central Europe and the fear that Palestine was far too small a territory to play any significant role in its solution was evident within Great Britain. Colonial officials stressed to administrators that if all Jews were granted Palestinian citizenship, Great Britain would be obliged to undertake special duties “to the Jewish race as a whole.” Such a view had been resisted by successive British governments since the time of the Balfour Declaration in 1917; instead, the Colonial Office stated that governmental obligations were “strictly limited to facilitating the Zionist ideal of the establishment of a national home for Jews in Palestine (an ideal to which large numbers of Jews are indifferent, or even hostile).” The Colonial Office began to make clear that a number of specific changes suggested to Palestinian citizenship were “fundamentally inconsistent with accepted British principles of nationality laws.” Despite the problems with the proposal to extend Palestinian citizenship to Jews throughout the world, the House of Commons split the vote perfectly on Locker-Lampson’s bill before its withdrawal, with 144 votes in support and 144 votes in opposition.¹⁵

Once more, the late 1930s ushered in a flurry of Jewish lobby efforts to influence the proposed amended citizenship order. The Jewish Agency requested that Jewish refugees from Germany be given the “full rights of citizenship” upon their arrival into Palestine, which would entail that the administration overlook the two-year residency period required before these immigrants could naturalise. The Home Office declined to consider the

¹⁴ Memo, Colonial Office to Locker-Lampson, ‘Citizenship bill,’ 23 Apr. 1938, CO 733/366/1.

¹⁵ Ibid. If the administration put the Locker-Lampson bill’s ideas into place, foreign governments would possibly de-naturalise all of their resident Jews whether or not those residents had actual Palestinian citizenship.

suggestion while High Commissioner MacMichael disagreed with it, noting the provision would “differentiate between Jews in Palestine on the grounds of nationality.” Indeed, no longer would the distinction in citizenship be between Jews and Arabs but between Jews of different origins and political backgrounds. If the administration implemented the suggestion, the status of German Jews as ‘enemy subjects’ would actually become a privileged one since it would allow one group of Jews to receive naturalisation under exceptional circumstances. In the climate of increasing anxiety over a new war, MacMichael did, however, note that it could be beneficial to grant Jews in Palestine who joined His Majesty’s Armed Forces automatic citizenship upon enlistment.¹⁶

The problematic situation of Palestinian Arab natives abroad received attention again in light of the proposed bill and the Peel Commission recommendations as the Palestine Administration and the Colonial Office drafted versions of a citizenship order-in-council amendment. In fact, the Middle East Division of the Colonial Office wrote to Palestine’s Chief Secretary Sydney Moody in mid-1938 that the question of granting citizenship to persons born in Palestine and resident abroad had not been forgotten.

The Palestine Citizenship (Amendment) Order-in-Council, 1939

The drafts of the new amendment, began by Wauchope and the Colonial Office in 1937, dealt not only with Peel’s suggestions as to the Arabs’ grievances but also with issues of the status of Jewish immigrants and married Jewish women and children which had not been solved under the 1931 amendment. The usual debate over changes ensued, particularly as to whether a married woman’s nationality depended entirely on her husband and whether women could be naturalised as Palestinians separately from their husbands. In relation to the case of the Arab emigrants, the Colonial Office and other officials in London analysed Peel’s recommendations for Palestinian natives who resided abroad and could not become citizens. The office’s draft amendment met the points made by the Royal Commission but expressed hope to further quantify the meaning of ‘unbroken personal connection’ in regard to the offer

¹⁶ ‘Position of Jews from Greater Germany,’ 11 Oct. 1939, CO 733/397/15/5; Memo, High Commissioner MacMichael to Malcom MacDonald, ‘Jews from Greater Germany,’ 20 Sept. 1939, CO 733/397/15.

of citizenship to those emigrants who demonstrated such a connection.¹⁷ By 1938, the draft amendment had been seen and re-drafted by the Colonial, Foreign and Home Offices.

Wauchope's own amendment draft differed slightly from that by the Colonial Office. In reference to the Commission's report regarding individuals born in Palestine but resident abroad, he supported the provision that emigrants who demonstrated a connection with Palestine, intended to return there to settle and who did not possess another nationality, be granted citizenship. Wauchope also stated that the consent of the Lausanne signatories was not needed to make any changes to citizenship legislation because local Palestinian regulations allowed for amendments without the approval of other bodies, including that of the League of Nations.¹⁸ The draft amended orders floated between departments and individual officials until 1939. Only then was an amended citizenship order-in-council published.

In May 1939, High Commissioner MacMichael accepted the final draft for the amended order-in-council. Two months later, on 25 July 1939, His Majesty's Government ratified the new Palestine Citizenship (Amendment) Order-in-Council of 1939. The primary change in the new amendment that pertained to immigrants was the revocation of the 1931 order's Article 12. The administration intended for the amended order to end the nearly decade-long debate over the naturalisation of women separately from their husbands. The 1939 order's Article 6 allowed that an alien woman married to a Palestinian citizen did not become a Palestinian by reason of marriage but rather, she would receive a certificate of naturalisation on separate terms from her husband.¹⁹ The problem of undesirables in Palestine who evaded immigration controls remained only tenuously solved.

For the Palestinian Arabs, the changes made to Article 2 of the principle (1925) order made a significant and important impact. The changes affected the status of Arabs born in Palestine but who resided abroad: those who possessed Ottoman nationality on the date of the 1925 Palestine Citizenship Order-in-Council, or continued to hold Turkish citizenship, and who had "since maintained an unbroken personal connection with Palestine and intend to resume permanent residence in Palestine" were given the opportunity for the first time to

¹⁷ 'Citizenship Order-in-Council (Amendment),' 1937, CO 733/332/6.

¹⁸ Memo, High Commissioner Wauchope to Secretary of State for the Colonies, 'Palestine Citizenship Order-in-Council,' Sept. 1937, CO 733/332/5.

¹⁹ 'Palestine Citizenship Order-in-Council,' 1939, CO 733/397/13.

acquire Palestinian citizenship by stating their option for it. The option was, as it had always been, subject to the consent of the Government of Palestine and those who chose to opt could not hold any other nationality but Turkish. The article allowed for two years from the date of the amendment for natives to exercise their option for citizenship, and allowed for applications to be sent to any British consul to be forwarded to the Director of Immigration in Jerusalem.²⁰ The amended Article 2 exclusively benefited the Palestinian Arabs by offering natives abroad the chance to take on citizenship that had been denied for nearly fifteen years.

The victory was significant for the Arab Palestinians in that the British government finally met the demands of the emigrants and their national lobby group. The change had also come less than two years after the publication of the Royal (Peel) Commission recommendations, which included a proposal to extend Palestinian citizenship to all Arab natives abroad. Indeed, the change came after significant discussion between the Colonial, Foreign, and Home Offices. The Home Office in particular felt that the Treaty of Lausanne allowed states to offer certain options in cases of nationality not provided for in the treaty itself thus allowing ‘default’ Turkish nationals to choose Palestinian citizenship.²¹

Meanwhile, most of Palestine’s more radical Arab leaders, including former *Istiqlalists* and members of the Higher Arab Committee, had been deported to the Seychelles following their involvement in the general strike and revolt and remained there as political prisoners in 1938. For these men, Palestinian citizenship revealed itself as a meaningless status; as he began a hunger strike to protest his imprisonment, Jerusalem’s Dr. Husayn Khalidi wrote to High Commissioner MacMichael of his shame “to remember I carry a British passport.” According to Khalidi, that passport, issued by the Palestine Administration, “cannot accord its bearer the element once famed [of] British justice which accorded every citizen a right to stand his trial and defend himself.” Khalidi referred to the lack of citizenship rights despite his status as a Palestinian citizen—a citizenship legislated by Great Britain as he explained. Deported without a trial and held as a political prisoner on an island in the possession of Great Britain, the former mayor of Jerusalem lamented, to no effect, in a petition to the high

²⁰ Ibid.

²¹ Memo, Home Office to Foreign Office, ‘Palestine Citizenship Order-in-Council,’ 27 Jan. 1939, CO 733/397/13.

commissioner that “[w]e are either subjects of Your Majesty’s Government and Empire or we are not.” If the former were true, Khalidi begged MacMichael to “submit that we are entitled to some sort of protection, and such treatment consistent with the fact that we are human beings,” such as rights of due process and return to Palestine.²²

At the end of 1939, the Foreign Office reaffirmed that Palestinian nationality did not reflect nationality in an ordinary sense, but because the mandate territory was not an independent nation, inhabitants had a “specialised” form of British-protected person status. The question, according to Foreign Office members, concerned how other states viewed Palestinian citizenship.²³ The final amendment to the Palestine citizenship legislation came in 1942. A new amendment granted an extension of the initial two-year timeframe for option for citizenship (as included in the 1939 Amendment Order) to six years. Despite the changes to legislation to allow for native Palestinians to return to their homeland and choose its citizenship, only a small number of individuals did so. Between 1925 and 1946, less than 500 native Palestinian Arabs who lived outside of Palestine actually returned and acquired citizenship. The reasons for the small numbers of returned emigrants are not entirely clear and as Mutaz Qafisheh rightly argues, a number of factors played a role as to how and why emigrants returned as Palestinian citizens. He suggests that the discretion exercised by the high commissioners had a negative impact on Palestinian Arabs who applied to opt for citizenship but could not prove a definitive, unbroken personal connection with their homeland. Perhaps just as important was the international context after 1939—the outbreak of war in Europe meant that immigration to Palestine became more restrictive not only for Jews but also for Arabs born in the territory.²⁴

Conclusions and the end of Palestinian citizenship

The understanding of Palestine mandate citizenship remains crucial to contemporary political understandings—and manipulations—of nationality, citizenship and refugee status for the Palestinians. The contemporary notions of Palestinian citizenship first came into

²² ‘Petitions of deportees to the Seychelles,’ Sept. 1938, CO 733/369/3.

²³ Memo, J.S. Bennett to High Commissioner, ‘Foreign Office decision,’ 9 Dec. 1939, CO 733/397/14.

²⁴ Qafisheh, *The International Law Foundations*, 108.

existence in liberal, progressive terms in the 1920s, if not before. The Palestinian national has remained an enduring figure in the historical narrative of Palestine but because the British mandate administration in their creation of Palestinian citizenship failed to take into account the Palestinians' own discourses of nationality the figures of the citizen and the national have continued to conflict with each other in the sixty-five years since the creation of Israel. In an academic and political sense, the historical concepts of Palestinian citizenship and nationality affect the on-going negotiations of Palestinian statehood, particularly in light of emigrants and refugees.

The mandate administration and the British government acted in nearly all cases related to citizenship, nationality and passports between 1918 and 1942 (the year that saw the final changes to citizenship legislation) in favour of the Jewish immigrants and the wider mandate policy of support for the establishment of a Jewish national home in Palestine. The first consideration for all of the proposed legislation and regulations, whether by the mandate administration officials or the policy-makers in Whitehall, was towards the Jewish community rather than towards the Arab population. This occurred in spite of the politicisation of citizenship and nationality by a handful of vocal Arab nationalists who hoped their lobbying efforts against the legislation would influence the British to reverse their stance and grant citizenship to the Palestinian Arab diaspora.

In general, the 1925 Palestine Citizenship Order-in-Council left various questions unanswered and it opened up debate on more issues in both Palestine and Whitehall than it resolved in the short and long terms. In particular, the vocabulary used in mandate legislation, including the 1922 Order-in-Council and the 1925 citizenship order, contributed to much of this confusion. Neither Great Britain's own legislation nor Palestine's attorney-general clearly differentiated in wording or in meaning between nationality and citizenship despite the practical differences in the two statuses emphasised by the mandate administration. It did so in various statements (noted in Chapters Two and Five) that Palestinian nationality was recognised only locally in Palestine and that Palestinian citizenship was internationally-recognised. This oversight plagued the Palestine Administration for some time, in large part because the Arabs initially conflated the two terms. After the issue of the 1925 citizenship order, the Arab middle-class nationalists and writers argued that Arab nationality should guarantee their citizenship in Palestine. Their

arguments reflected the threat posed by rumours that the Jewish national home in Palestine would entail a separate, new nationality for the Jewish population. The early 1920s, as explained in Chapter Two, set the tone for future years of disagreement and negotiations on the topic of citizenship. In large part, this happened because mandate officials and colonial officials in London did not consult the Arab population on any proposed provisions for Palestinian citizenship. The same officials accepted recommendations from Zionist Organisation leaders on provisions for citizenship as they related to both immigrants and the native population.

The new, mainly middle-class politically-inclined public in Palestine, as elsewhere in the Arab world in the interwar period, was an essential element in the development of discourses which shaped the meaning of Palestinian citizenship in opposition to British legislation. Alongside new civil society organisations, the political public negotiated citizenship and nationality within a national discursive space. The vocabulary of the two concepts and the discussions on both that had been in circulation among a minority of writers and other intellectuals since the mid-nineteenth century were the resources used after 1918 by the Palestinian Arab national leadership to explain, define and challenge the construction of citizenship by the mandate government. The Arabic press played the role as chief conduit for these explanations, definitions and challenges to mandate legislation, the definition of citizenship provided by the administration and the changes which affected this discursive field.

The changing discourse of citizenship

The terminology and vocabulary, both English and Arabic, used to refer to nationality and citizenship changed throughout the twenty-year period under study, echoing the transformation of the meaning and rhetoric on identity and belonging, the duties of the mandate government towards its citizenry and the growing importance of the Arabic press and civil society. In a broader sense, the changes can be closely linked to the negotiation of political, legal and social allegiances by the Arab population. In other words, the Arab population transferred its loyalties and identity away from the Ottoman Empire, next towards the idea of Greater Syria and then to an allegiance centred on the notion of a Palestinian

nation. In the early years of the mandate the self-professed Arab nationalists, including middle-class writers, teachers and lawyers and a number of traditional leaders within the Arab Executive, manipulated the language of the Ottoman *Tanzimat* reforms to craft definitions and meanings for nationality and citizenship for use in the Palestinian context. The language of the *Tanzimat*, such as that of constitutional rights, the protection of all citizens and their property and livelihoods equally regardless of religion, shaped the concept of Arab nationality that in turn was used by the Palestinian Arab nationalists to challenge the Jewish national home policy of the mandate administration and the 1925 legislation that regulated citizenship.

This language contributed to the Arab nationalists' counter-definitions of citizenship in two important ways. In the first instance, the vocabulary of nationality, including the emphasis on its primordial nature, was reproduced in writings about citizenship in the Arabic press and in letters to mandate administrators and the League of Nations. Thus the British officials, taking the cue from the Arabs, translated citizenship as nationality (*jinsiyya*) in official mandate documents concerning citizenship and in the publication of the 1925 Citizenship Order-in-Council. Second, the language of Ottoman nationality derived from the *Tanzimat* was imbued with references to the civil and political rights previously granted to the Arab population of the Empire by virtue of that nationality. After the beginning of the mandate, Arab nationalists demanded these same rights—to a representative council or elected parliament, a constitution with a bill of rights, an inclusive franchise *not* granted on the basis of religious community, freedom of the press, access to welfare and wider educational and economic opportunities for the rural population—by virtue of their Arab nationality in Palestine.

This discourse changed after the issue of the citizenship order and the realisation by Arab emigrants in the Americas and local leaders in Palestine that the order regulated citizenship in restrictive ways for the Arabs whilst it served to offer easy acquisition of citizenship and naturalisation for the Jewish immigrants. Rather than continue equating nationality with citizenship, the diaspora reacted to the provisions of citizenship legislation by demanding that their Ottoman and Arab nationality be the basis for automatic Palestinian citizenship, the right to return to Palestine to live as citizens and British consular protection. Further, the

Arab leadership began to critique the meaning of ‘national’ in the discourse of the Jewish national home, asking how ‘Jewish’ could be treated as a national or ethnic identity.

By the mid-1930s, the language of the *Tanzimat* in relation to citizenship had changed as the situation of the Palestinian Arab natives remained unchanged as they were denied return to Palestine as citizens. Citizenship became an active status in the context of increased demonstrations, petition and letter-writing campaigns by inhabitants to the government, the attendance of individuals at nationalist conferences and in unions and as educational opportunities grew. Its meanings and the rights associated with it were no longer the exclusive domain of the educated middle-class nationalists. The press and civil and political associations depicted citizenship and civic identity as linked to particular rights and duties which the mandate administration refused to offer to the Arab citizenry. Acts of protest against mandate policy such as noncooperation with the government, street demonstrations, and support for the general strike in 1936 and the revolt that followed it were increasingly depicted as duties of all Arab citizens—duties that offered the means through which the native population could gain political, civil and social rights as recognised citizens of Palestine. These acts also signified a sense of belonging as citizens and nationals of Palestine, but at the same time the Arab leaders increasingly believed that the native population, rather than the Jewish immigrants, deserved privileged treatment as the legitimate citizenry.

The changing expressions of citizenship

Chapter Three has demonstrated that the groundwork for the discussions of citizenship came out of the steady rise of mass politics bolstered by the Arabic press and as a reaction to British legislation in Palestine. By 1926 the provisions of Palestinian citizenship, and the omission of any provision for *jus sanguinis* and *jus soli* citizenship as the 1869 Ottoman Nationality Law had allowed for, became clear. At that point a number of Arab emigrants, many who had left Palestine during the final decades of the Ottoman Empire administration or after the end of the war, began to voice demands for their ‘right of return’ to Palestine as citizens. With the strongest convictions, they believed that their Arab nationality, perceived to be granted by birth and descent, entitled them to the legal and internationally-recognised

status of mandate citizens. In this way, the emigrants' discourses shaped an alternative meaning of Palestinian citizenship under the mandate as a status that was arguably meant to be granted unconditionally and by right, on the basis of descent from Palestinian parents and ancestors, as discussed in Chapter Three and Chapter Four. The Arabic press and Arab national leaders such as Musa Kazim al-Husayni and 'Isa Bandak agreed with this notion. More importantly, so too did the growing political community in Palestine composed mainly of middle-class educated individuals.

The emigrants, as argued in Chapter Four, helped steer the transformation in the meaning, terminology and the expressions of nationality and citizenship, and of the legal meaning of 'national' and 'citizen.' Particularly through use of the term *jinsiyya* rather than *muwātana*, the argument by the emigrants, their supporters and the press within Palestine that Arab and Ottoman nationality should confer mandate citizenship to all natives had considerable currency. It was easily understood by the Arab population when reproduced in the press and written documents. Still, as the chapter further showed, Palestinian Arabs crafted multiple meanings of Palestinian citizenship in the 1920s in response to a number of situations abroad and at home.

Indeed, historically the Palestinians never became 'national citizens' in the sense understood today by the scholarly community. As shown particularly in Chapter Five, nationality and citizenship remained two separate legal statuses in mandate Palestine and by the late 1920s, had two different meanings for the British officials and for the Arabs. In the absence of an autonomous nation-state, a sovereign, ethno-national Palestinian citizenship remained out of reach despite the Arabs' demands and their fears of an exclusively Jewish Palestinian citizenry. The actions by the British mandate administration and the ways in which the administration in Palestine and the government in Great Britain bureaucratized citizenship and categorised the citizens by their respective religious communities led to further disagreement over not only the meaning of citizenship but how certain rights associated with citizenship, such as the franchise, could be practiced. This in turn, can be partly blamed on colonial officials' perceptions of Palestine within imperial and international contexts, and Great Britain's belief that Palestine needed to conform to both contexts despite its position as a trusteeship granted by the League of Nations.

The institutionalisation of citizenship, and the decentralised nature of that institutionalisation, ensured that the mandated citizens themselves had no share in their status. Palestinian citizenship was not what they envisioned or expected from their experience as Ottoman nationals, nor was it *for* them. Instead, it was a status imposed upon Arabs and Jews, and acquired and revoked in separate and unequal ways in order to foster a Jewish national homeland in Palestine. Numerous other factors played a role in this bureaucratisation but the one main factor was the competition between the Colonial and Foreign Offices over the level of influence by each upon policy. Both offices differed in opinion as to the creation of citizenship (as well as over other legislation) and both included members whose expertise ranged from service in colonial administrations in Egypt, Sudan, India and elsewhere.

The thesis has also shown, most prominently in Chapter Six, the historical agency of subaltern citizens in Palestine and their changing expressions of a civic identity between 1918 and 1937. Here again, the multivalent understandings of citizenship must be considered: civic identity was conceived alternately as part of a pan-Arab identity and as specific to Palestine. The duties of citizenship were thus discussed as either to the wider Arab or Syrian nation or exclusively to the Palestinian nation. However to colonial officials, the threat posed by the subaltern political citizen to mandate policies meant that all citizens, including the peasants, workers and young radicals, had to be made into apolitical colonial citizens. Consequently, they were denied full political membership in the decision-making processes in Palestine.²⁵ By the early 1930s, officials in Jerusalem and London believed that this denial was increasingly necessary as the subaltern peasants migrated in larger numbers to cities and became urban workers who were easily influenced by the mass mobilisation of politics and the growing public expressions of opposition to the mandate administration. As Palestinian Arabs began to migrate from rural to urban spaces and came in contact with Arabs from other parts of Palestine, citizenship became a marker of a common identity. As Chapter Six has shown, this link served to fracture earlier proposals of an equal citizenship for both Arabs and Jews. Instead, peasants, workers, women and students emphasised Palestine's *Arab* nationality and identity.

²⁵ Pandey, "The Subaltern as Subaltern Citizen," 4735.

The nationalist ideology in Palestine had long included mentions to the symbol of the ‘national’ peasant. Yet as Chapter Seven argues, the subaltern peasant and ‘subalternity’ itself was constantly renegotiated—the peasant became less like a symbol by the outbreak of the 1936 Palestine Revolt and more of an active member of society whose opposition to the Palestine Administration shaped the entire citizenry. The peasant, and other non-middle-class individuals, no longer *represented* citizenship but rather *practiced* it as they demanded greater rights, protections and ultimately independence. They then assumed control of a nascent judicial and legislative system during the revolt by setting up their own courts and posting notifications of new regulations enforced in the villages.

However, the practical expressions of citizenship and the rights and duties associated with it stalled or regressed under the weight of the British military and judicial response to the outbreak of revolt. By 1937, the tactics used by Great Britain and the Palestine Administration to suppress the rebels had made the status of citizenship meaningless: civil and political rights were removed from the Arab citizenry. The revolt, and the subsequent Peel Commission report, confirmed the unequal distribution of rights, benefits and protections of mandate citizenship between Arabs and Jews in Palestine. At the same time, the treatment by the British towards the Arab civilian population, who were classified as potential rebels, made clear the legal, political and civil separation of the Arab from the Jewish citizenry. As a result the Arab rebels refused to consider a future Palestine in which Arabs and Jews could hold an equal citizenship status.

Although gains were made by the Arab lobbyists and emigrants in the late 1930s and early 1940s towards an easier path to the acquisition of Palestinian citizenship for natives, the place of Palestine within the larger British imperial system shifted throughout the Second World War. By the end of the war, Palestine had become one of the most attractive places for Jewish refugees despite the attempts of Great Britain to reduce immigration. Britain devoted less of its economic and security resources to the Palestine Administration. The political situation between the Arabs and the Jewish immigrants and citizens grew increasingly tense and fractured, particularly as Jewish residents formed special militias (such as the *Haganah* and *Irgun*) and the *Yishuv* became more like a state within the mandate.

Despite the attempts of Palestine's high commissioners to effect any favourable changes to citizenship legislation for the Arab emigrants, none actually succeeded in changing the *structure* of that legislation by 1948. That structure remained geared towards facilitating the acquisition of citizenship by Jewish immigrants. The most important component of a Jewish national homeland in Palestine was that the inhabitants of that homeland were also its citizens. Thus citizenship legislation was crucial to the mandate policy's success. The Palestine Administration and Great Britain ultimately surrendered to the need to maintain a successful policy by regulating citizenship in the most favourable ways for the Jewish immigrants. When the newly-formed United Nations voted to partition Palestine in 1947, Great Britain announced it would terminate the mandate administration in May of the following year. Zionist leaders in Palestine who refused to accept partition declared the state of Israel in May 1948, defeating the Arab armies who attempted to stop the unilateral declaration of the new Israel.²⁶ Palestinian citizenship ceased to exist with the end of the mandate.

The Palestine Citizenship Order-in-Council of 1925, and the subsequent amended articles and amended orders that replaced it, transformed the Palestinian Arab and the Jewish immigrant populations into the citizenry of a quasi-colonial state. For the Arab inhabitants, the orders did something more: the provisions differentiated between the former Ottoman nationals born in Palestine from Arabs (and other ethnic groups) born elsewhere in Greater Syria. Although the Palestinian Arab leadership conceived of themselves as Palestinians long before the citizenship order (and for some time before the beginning of the mandate civil administration) these nationalists also saw themselves as Arab nationals alongside Syrian, Lebanese and Iraqi Arabs. The mandate's citizenship legislation changed that perception. In the middle of 1939, less than ten years before the mandate ended and Palestine's Jewish citizens declared the establishment of Israel, the British government asked Palestine's High Commissioner MacMichael to give an assurance that the mandate would invest the same amount of energy in preventing illegal Arab immigration into the territory as it did in preventing illegal Jewish immigration. In response to MacMichael's assurance, government officials asked whether the answer proved that the Arabs of Palestine were "a

²⁶ See Cohen, *Palestine: Retreat from the Mandate*, and Wm. Roger Louis and Robert Wilson Stookey, eds. *The End of the Palestine Mandate* (London: I.B. Tauris, 1986).

separate and distinct people from Arabs of other countries.”²⁷ The answer to the latter question, even without MacMichael’s assurances, can most certainly be demonstrated by the preceding twenty years of legislation, discourses, and behaviours that shaped Palestinian nationality and citizenship.

²⁷ ‘Official report of the Palestine Administration,’ 26 July 1939, ISA/M/223/21.

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