THE INTERNATIONAL ORGANISATION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (EAFORD)

ZIONISM AND THE LANDS OF PALESTINE
by
Sami Hadawi and Walter Lehn
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Universal Declaration of Human Rights
Zionism and the Lands of Palestine*
Sami Hadawi and Walter Lehn

For three decades now Israel has defied and treated with contempt the international community by violating the provisions of the UN Charter, numerous resolutions dealing with the conflict over Palestine, the Universal Declaration of Human Rights, to say nothing of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War. An indication of Israel's attitude toward the UN was provided by the display her delegate put on in the General Assembly just before the vote in November 1975 identifying Zionism as "a form of racism and racial discrimination." As a measure of his respect for the UN and its member states, he tore up a copy of the draft resolution and declared: "For us, the Jewish people, this is no more than a piece of paper, and we shall treat it as such!" His action demonstrated the extent of Israeli arrogance and disrespect for the human rights of other peoples, a consequence and revealing index of the racism inherent in political Zionism.

The purpose of this paper is not to provide a catalogue of Zionist land acquisitions in Palestine but to survey the techniques employed, before and after the establishment of Israel in 1948, to acquire land. As background, a brief account of population and landownership in Palestine prior to the mandate and of the claims of Zionism to Palestine are included.

Palestine Prior to the Mandate

Palestine is a small country. Its total area is 27,027 square kilometers (10,345 square miles). Of this, 26,323 square kilometers (10,164 square miles) are the land area, and 704 square kilometers (271 square miles) are under water: half of the Dead Sea, and Lake Tiberias (also known as the Sea of Galilee) and Lake Hulah.

Physically Palestine consists of four main subregions: the coastal plain, the plateau region, the Jordan valley, and the southern desert. The coastal plain varies in width from four miles in the north to twenty miles farther south, except at Haifa where it widens into the Plain of Esdraelon, which stretches from the coast to the Jordan valley. The plateau region is

intersected by the Plain of Esdraelon, with the hills of Galilee to the north and those of central Palestine to the south. South of Hebron the plateau falls and blends into the southern desert. The Jordan valley extends from Lake Huleh in the north to the Dead Sea in the south; most of the valley is below sea level.

The land area comprises 20,323,023 dunams (4.5 dunams equal 1 acre), of which approximately 2.5 million are hilly wilderness and 12.5 million are desert. The balance of the land varies widely in agricultural potential. In general, the plains consist of good and the plateaus of medium land. The Jordan valley varies from medium to poor, except south of Lake Tiberias where the land is good.1

Reliable population statistics for Palestine prior to the mandate do not exist. And however inadequate Turkish and British figures may be, they are still our best source of information and subject to less bias than estimates from more partisan sources. A 1914 Turkish census1 shows a total population of 689,275; whether or not the nomads were included in this is not clear. Of this total, Arthur Ruppin, an official of the Zionist Organization and hence not uninformed, estimated that 57,000 to 62,000 (i.e. 8.3 to 9 per cent) were Jews.

The first census using modern demographic techniques was conducted by the British as of 31 December 1922. This census (in which the nomads were not counted) shows a total of 757,182 persons: 590,890 Muslims, 83,794 Jews, 73,028 Christians (including British and other Europeans), and 9,474 "others," mainly Druze. Since virtually all of the Muslims and the "others," and the overwhelming majority of the Christians were Arabs (persons whose mother-tongue is Arabic), these figures can be fairly summarized as 673,388 (89 per cent) Arabs and 83,794 (11 per cent) Jews. Of the latter, about 75 per cent were concentrated in the urban areas of Jaffa and Jerusalem, hence neither farmers nor engaged in other rural pursuits (Zionist claims about "Jewish farmers" and "tilting the ancient soil" notwithstanding).

Reliable information on landownership for this period is even more difficult to obtain.2 The mandate government accepted the figure of 650,000 dunams for total Jewish ownership prior to October 1920, noting that this estimate is "generally accepted." This represents 2.47 per cent of the land of Palestine.

Thus on the eve of the award to Britain of the Mandate for Palestine by the League of Nations, Jews constituted 10-11 per cent of the population of Palestine and owned about 2.5 per cent of the land.

Zionism's Claim to Palestine

Although Theodor Herzl appears to have given some thought to locations
other than Palestine as the site of his proposed Judenstaat, and even recognized several disadvantages of Palestine—"its proximity to Russia and Europe, its lack of room for expansion as well as its climate"—Palestine had one advantage which outweighed all other considerations: "the mighty legend." The legend of Palestine as the ancestral home of all Jews was accepted generally by Christians and Jews, whose support for his proposal could thus be more easily assured. In any event, the choice of Palestine was settled at the Sixth Zionist Congress (Bade, August, 1903) where it was decided that the Jewish National Fund was to acquire land for Jewish colonization only "in Palestine and the immediately adjoining countries."

Herzl seems to have been much more concerned with aspects other than boundaries of his proposed state. In fact he appears to have thought little about them on his own. In April 1896 he was instructed "for hours on end" by a South African born British Christian clergyman, William Hecht, on the area the Zionists should seek: "The northern frontier ought to be the mountains facing Cappadocia [in Turkey]; the southern, the Suez Canal." Hecht also suggested the slogan: "The Palestine of David and Solomon." Herzl appears to have been an apt pupil of Hecht, for just over two years later in October 1898, he recorded approvingly the suggestion of his associate Max Bodenheimer: "from the Brook of Egypt to the Euphrates."

While the 1917 Balfour Declaration" was hailed by most Zionists, it gave no indication of the precise territory involved, only committing the British to using "their best endeavors to facilitate" the "establishment in Palestine of a national home for the Jewish people." By the time of the Paris Peace Conference in 1919, the Zionists had tempered their claim and asked only for the territory encompassed within a line running east from (in current terms) Sidon, Lebanon to close to Damascus, Syria, then south to Amman, Ma'an, and Aqaba, Jordan, then west to Al-'Arish, Egypt. As a result of negotiations, notably between Britain and France, with the concurrence of the USA, the boundaries of Palestine were in due course established, and the Mandate for Palestine" was approved by the League of Nations' Council in July 1922. The following year, under authority granted in article 25 of the mandate, Britain limited the area in which the Jewish "national home" provisions were applicable to that west of the Jordan River, a territory significantly smaller than that claimed by the Zionists, and which thereafter alone was known as Palestine. Therewith the "charter," long but unsuccessfully sought by Herzl, was in the hands of the Zionists, and thus the stage was set for large-scale Jewish colonization of Palestine. The ignored people in all of their negotiations and machinations were the indigenous Arabs of Palestine, unrecognized as a people and unworthy
of consultation about their homes and lands and future. In a long memorandum dated 11 August 1919, Arthur James Balfour, then British Foreign Secretary discusses with disarming candor the mandates system and article 22 of the League of Nations' Covenant which declared that "the wishes of these communities [formerly belonging to the Turkish Empire] must be a principal consideration in the selection of a mandatory," and notes that as far as Palestine is concerned, the contradiction between the letter of the Covenant and policy of the allies is . . . flagrant . . . For in Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants . . . The four great powers are committed to Zionism. And Zionism, be it right or wrong, good, or bad, or both, is rooted in age-old traditions, is present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land. In my opinion that is right.

The Palestinian Arabs, in short, were presented with a Hobson's choice. If they selected Britain as the mandatory power and if they approved Britain's "national home" policy, then they would have their choice. The phrase national home typifies the distortion that is an inherent and an essential part of Zionism's claim to Palestine. It was used as an equivalent (though it is not a translation) of the German "Heimatstätte," which was chosen to mask Zionist intentions and thus not to evoke opposition. In 1920 Max Nordau wrote:

I did my best to persuade the claimants of the Jewish state in Palestine that we might find a circumstance which would express all we meant, but would say it in a way so as to avoid provoking the Turkish rulers of the coveted land. I suggested Heimatstätte as a synonym for "state" . . . It was equivocal, but we all understood what it meant. To us it signified Judenstaat then and it signifies the same now."

Zionist colonization is usually seen as part of the larger European colonial movement. While this is undoubtedly correct, it tends to lose sight of several features of Zionist colonization which distinguish it from other colonialisms. First, Zionism did not seek to expand on an existing state, but to establish one for a people held to be without a state, a homeland. Second, Zionism did not seek new markets and increased resources, both natural and human, which could be profitably exploited, but a "land without a people" where a state for a "landless people" could be built.

To justify or legitimize such an enterprise, to both Jews and non-Jews, Zionism emphasized (a) the notion of return—"Jews were only seeking to return to a land from which they were all held to have been expelled—and (b) antisemitism. which, to serve the intended purposes, had to be pictured as inherent and immutable in all non-Jews. Antisemitism was "E. L. Woodward and Robert Butler (eds.) Documents on British Foreign Policy, 1918-1938, series 1, vol. IV, 1919 (London, 1923), p. 340.

"Cited in Sykes, p. 160, fn. 1. In a writing about the First Zionist Congress (Basle, August 1897), at which it was publicly proclaimed that "the aim of Zionism is to create for the Jewish people a home in Palestine," . . . Herzl recorded in 1917: "Note to sum up the Basel Congress in a word—which I shall guard against pronouncing publicly—it would be this; At Basel I founded the Jewish state."" Sykes, p. 581; emphasis added. Chaim Weizmann, writing about the same Congress fifty years later, declared: "We, not less than Herzl, regarded it as the Jewish state in the making." "Fried and Error" The Autobiography of Chaim Weizmann (New York, 1944), p. 68. Other Zionist leaders can readily be cited to the same effect.

There is no question that British and Zionist officials understood the phrase in the same way. John Stockughl, an official in the India Office in 1919, quoted Weizmann asking Lord George "what meaning His Majesty's Government had attached to the phrase national home's in the famous Balfour Declaration"; it is rooted in age-long traditions; in present needs; in future hopes; of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land. In my opinion that is right.

The Palestinian Arabs, in short, were presented with a Hobson's choice. If they selected Britain as the mandatory power and if they approved Britain's "national home" policy, then they would have their choice. The phrase national home typifies the distortion that is an inherent and an essential part of Zionism's claim to Palestine. It was used as an equivalent (though it is not a translation) of the German "Heimatstätte," which was chosen to mask Zionist intentions and thus not to evoke opposition. In 1920 Max Nordau wrote:

I did my best to persuade the claimants of the Jewish state in Palestine that we might find a circumstance which would express all we meant, but would say it in a way so as to avoid provoking the Turkish rulers of the coveted land. I suggested Heimatstätte as a synonym for "state" . . . It was equivocal, but we all understood what it meant. To us it signified Judenstaat then and it signifies the same now."

Zionist colonization is usually seen as part of the larger European colonial movement. While this is undoubtedly correct, it tends to lose sight of several features of Zionist colonization which distinguish it from other colonialisms. First, Zionism did not seek to expand on an existing state, but to establish one for a people held to be without a state, a homeland. Second, Zionism did not seek new markets and increased resources, both natural and human, which could be profitably exploited, but a "land without a people" where a state for a "landless people" could be built.

To justify or legitimize such an enterprise, to both Jews and non-Jews, Zionism emphasized (a) the notion of return—"Jews were only seeking to return to a land from which they were all held to have been expelled—and (b) antisemitism. which, to serve the intended purposes, had to be pictured as inherent and immutable in all non-Jews. Antisemitism was
another 20 per cent, leaving about 5 per cent in Arab hands.

The post-1967 purchases and expropriations in the West Bank and the Gaza Strip add to these holdings by Israel and indicate that the Zionist goal—Palestine without Palestinians—is still being pursued.

FOOTNOTES

1The Toronto Star, 11 November 1975.


9Der offizielle Protokoll der Verhandlungen des VI. Zionist Congresses in Basel, 23 bis 26 August 1903 (Vienna, 1903), pp. 262-3.

10Quinn, p. 342.

11Ibid.

12Ibid., p. 711.


15Halpern, pp. 273, 204.

16Henry Cattan argues that since the mandate was in clear contradiction to article 22 of the League Covenant, the mandate itself was invalid under international law; Palestinian and International Law: The Legal Aspects of the Arab-Israeli Conflict (London, 1973), text of the mandate, pp. 176-81.

17For the full text, Cattan, p. 175.

presented as responsible for the expulsion from their homeland and for the subjugation of Jews in exile. The only solution (to the Zionists) was a return, preferably to an unpeopled land. Since the land they sought, Palestine, did not so qualify, it had to be made to qualify: it had to be emptied of its inhabitants. Thus the latter would not be exploited (apparently a greater evil than expulsion); and the whole enterprise thereby became not just acceptable, but right and good, even sacred!

Thus the Zionists’ claim to Palestine was staked out and justified, enabling them to enlist the support of Britain and of the western world in general in eventually taking over Palestine emptied of its indigenous inhabitants, who, in any case, were viewed not as a people but merely a collection of uncivilized tribes and nomads.

Palestine Under Mandate

Although the final text of the mandate was submitted by Britain to the League of Nations and approved in July 1922, and became effective in September 1923, for all practical purposes the mandate administration begins in 1920. In April 1920, at the San Remo Conference, the victors in World War I agreed on the disposition of the territories of the former Turkish Empire and that the mandatory for Palestine was to be Britain. This agreement was implemented by Britain in establishing in Palestine a civil administration in July 1920, taking over from the earlier military administration.

The military administration had often been accused by the Zionists of pursuing policies inimical to the objectives of Zionism, and even of being anti-Semitic. Examination of the record of the administration, however, plus the fact that a number of the officers involved later became officials in the civil administration, with the evident approval of the Zionists, suggests that such charges were unfounded. The military administration felt constrained by the rules of war and saw itself as administering occupied enemy territory. Thus it generally did its best to maintain the status quo in Palestine and accordingly closed the Land Registry Offices in November 1918 and did not facilitate—though it did not stop—Jewish immigration. However during its tenure, Hebrew was adopted as an official language and the Zionist Commission was allowed to tour the country and to plan developments. Since the civil administration did not feel at all constrained to maintain the status quo in Palestine, indeed it was committed to changing it, the Zionists welcomed the new administration in 1920.

The mandate was palpably drafted to accommodate the objectives of the Zionists. Not only was the Balfour Declaration incorporated in the preamble, but articles 2, 4, 6, 11, 23, and 23th were formulated clearly in
the Zionists' interests. Consistent with such a policy, the civil administration was straddled with Zionists, both Jewish and non-Jewish. Among the former were the High Commissioner, Herbert Samuel, "one of the founding authors of the mandate," and the Attorney-General, Norman Bentwich, (whose wife was Samuel's niece, and) whose responsibilities included being legal advisor to all government departments, supervising the courts and the land registration offices, and drafting legislation. In addition were the Director of Immigration, Albert Mowinson; an official in the same department, Dennis Cohen (a former employee of the Zionist Organization in Britain); the Principal Assistant Secretary to the government, Max Nurock; the Director of Commerce and Industry, Ralph Harari; and the Controller of Stores, Harold Solomon. Among the non-Jews, the Chief Secretary to the government, Wyndham Deeds, and his successor Gilbert Clayton, are described by Bentwich as "steadfast friends of the Jewish national home." Among the first actions of the new government were a new Immigration Ordinance in July and a Land Transfer Ordinance in September, the effect of which was to facilitate the purchase of land by Jews, and was later judged to have been a contributory cause of the May 1921 Palestinian Arab uprising. The Land Registry Offices were reopened in October, permitting transfer of ownership, and a new system of settlement of land titles—a highly intricate matter in Palestine and difficult to disentangle—was introduced. The effect of this was to make it easier, faster, and less costly for the Zionists to acquire land. All of these measures, in effect if not always in intent, served to further Zionist objectives. A good example of this is the Land Transfer Ordinance, ostensibly intended to protect tenant-cultivators from eviction by landlords. It had in fact the opposite effect mainly because most of the large tracts of land were owned by absentee landlords. Whereas relations between landowner and tenant had, until then, been relatively good, the new law gave the tenant the impression (encouraged by Zionist landbrokers) that he no longer needed to pay the rent, since the law gave him certain "tenancy rights" under ambiguous conditions. The landowner, placed in the unenviable position of owning land but realizing little return from it, and burdened with taxation, found himself in a difficult situation. The Zionist land-broker would then step in, offer to buy the land and suit the landowner of his troubles. Other measures favoring the colonists were the granting to Jewish companies of concessions over state lands and the natural resources of the country, such as irrigation, electricity, and the extraction of potash and other minerals from the Dead Sea. No concession of any kind was granted to a non-Jew, and those which existed prior to the mandate—e.g. the Jerusalem Electricity, and the Hula Concession—were eventually

law, and some settlements have been fixed. An attempt, apparently not wholly successful, to deal with this problem was the Agricultural Settlement (Restrictions on the Use of Agricultural Land and of Water) Law of 1967. The intent of this law was to prevent any non-Jew from leasing or holding any rights—sables, sharecropping—in national lands, including those owned by the Jewish National Fund. It needs to be kept in mind that this law and similar restrictive and discriminatory policies adopted by the state from the Jewish National Fund apply to "over 90 per cent" of the land in pre-1967 Israel. By measures such as these outlined above, the Palestinian Arabs have been "legally" deprived of their lands, and those displaced have been prevented from returning. Although the situation is somewhat less clear, and complicated because of their status under international law, all available evidence supports the conclusion that Israel is following similar policies in the territories occupied since 1967, especially in the so-called West Bank and the Gaza Strip. These actions are of course in clear violation of the 1949 Geneva Conventions, to which Israel is a signatory but which thus far she has honored mainly in the breach. In the words of Felicia Langer, an Israeli attorney, an address in New York in October 1976—

Israelis authorities confiscated more than a million and a half dunums in the West Bank, more than one-sixth of the total area of the West Bank, one-third of the Gaza Strip. Thousands of Bedouins were forcibly evicted from their land. The total area confiscated there is around 100,000 dunums. The so-called "thinking-out" policy in the refugee camps entailed mass expulsion of refugees and many thousands of destroyed homes... The same activity of the occupiers is shown also in Arab Jerusalem—confiscation of 22,000 dunums of Arab land in the city and in suburbs and forcible eviction of tens of thousands of Arabs who used to live and work there. I shall never forget the old widow Salameh who said that she preferred to die in her house rather than leave it. After the demolition of 200 Arab buildings, 13 new Israeli sectors were built, encircling Jerusalem, reaching Beit Jala and the road to Jericho—"a ring around Jerusalem" as the authorities so- worded provisions. The calling it. As a result, a serious demographic change has occurred—a forcible decrease in the number of Arab inhabitants from 140,000 in 1948 to 70,000 in 1976. In 1920 Jews owned 2.5 per cent of the land in Palestine. By 1948, as a result of purchases during the mandate period, this fraction had grown to 6.7 per cent. After the establishment of Israel in 1948, large acquisitions were made, some by purchases, most by virtual expropriation in the wake of military conquest. Today the state of Israel, in the name of "the Jewish people," owns about 75 per cent of the land in pre-1967 Israel, and the Jewish National Fund and private Jewish landowners together own
acquired with clandestine government assistance, although the former went to a so-called British company. The only concession which remained in Arab hands was the Himrnah Hot Springs. Sulaiman Nafis, the concessionaire, told one of the authors (Hadarawi) that he was under great pressure to sell out if he did not want his concession canceled.

Apart from substantive matters such as these, measures were adopted which, while largely symbolic in significance, were irritating and reminders to the Arabs of their subordinate role and ultimate dispossession. A stamp issued in Palestine in October 1920 bore in surcharge the word Palestine in Arabic at the top, in English in the center, and in Hebrew at the bottom. The latter was followed by the Hebrew letters aleph and pod, signifying Erez Israel. As related by Bentwich, in this way “Samuel ingeniously gave official recognition to the Jewish traditional name.”12 Bentwich adds that an Arab nationalist group tried to challenge this action in the courts, but “the court refused to interfere with an administrative action.”

In addition to positive actions in furtherance of Zionist objectives, the administration did nothing to prevent open and outright discrimination against the non-Jewish Palestinians. Thus the Jewish National Fund (Keren Kosemeth Leinuach) was allowed to purchase land and place totally restrictive covenants on it, making it inalienable in perpetuity and prohibiting its leasing to non-Jews; a Jewish lessee had to agree in the lease not to employ or to do business with non-Jews. The Jewish Agency, provision for which as a quasi-governmental body was made in the mandate (articles 4, 6, 11), and which was simply “another name for the Zionist Organization,”13 adopted a constitution in August 1929 which stated (article 3):

Land is to be acquired as Jewish property . . . and held as the inalienable property of the Jewish people. The Agency shall promote agricultural colonization based on Jewish labor, and in all works or undertakings carried out or furthered by the Agency, it shall be deemed to be a matter of principle that Jewish labor shall be employed.14

Similarly, the repayment agreements entered into by Jewish colonists for capital advanced by the Palestine Foundation Fund (Keren Hayesod) specified (article 7) that “the settler hereby undertakes that . . . if and whenever he may be obliged to hire help, he will hire Jewish workmen only.”15 And the General Federation of Jewish Labor (the Histadrut), at that time, not only did not represent Arab workers, but prohibited them from joining a union belonging to the Federation and did its best to prevent their employment by pressuring Jewish non-Zionist employers to replace them with Jewish workers.16 In the words of Uri Avnery, editor of Ha’adam Hashe, Israel’s leading weekly:

14

7
Hebrew Labor meant, necessarily, No Arab Labor. The "redemption of the land" often meant, necessarily redeeming it from the Arabfellah who happened to be living on it. A Jewish plantation owner who employed Arabs in his orange grove was a traitor to the cause, a despicable reactionary who not only deprived a Jewish worker of work, but even more important, deprived the country of a Jewish worker. His grove had to be pickecked, the Arabs had to be evicted by force. Bloodshed, if necessary, was justified.11

Avneri further notes that Arab tenants "were simply evicted when the land was redeemed by the Jewish National Fund in order to set up a kibbutz."

Given the climate thus created, with "helpful" personnel and "facilitating" legislation, and not very serious or, in any case, effective efforts by the government to protect the rights and position of other sections of the population [i.e. the Arabs] are not prejudiced" (article 6 of the mandate), it is hardly surprising that the Zionist acquired land and established colonies. Indeed, what is surprising is that Jewish landownership did not grow more rapidly and to a higher fraction of the lands of Palestine. During the mandate the major mechanism of land acquisition was purchase, with a small amount acquired through lease from the government. The last complete statistics on landownership compiled by the mandate administration were in 1946 for the Anglo-American Committee of Inquiry. The validity of these figures is that of the end of 1945. These were made public in Village Statistics 1945,12 and are based on (1) the land settlement records for areas where final settlement of land-titles had been completed (about 5 per cent of the area of Palestine), and (2), for other areas, the lists of taxpayers prepared by village tax distribution committees appointed under the Rural Property Tax Ordinance. According to these, total Jewish ownership was 1,491,699 dunums, i.e. 5.67 per cent of the land of Palestine. If we accept, as the government did, 650,000 dunums (2.47 per cent) as the amount owned prior to October 1920, then during the period in question Jewish ownership increased by 841,699 dunums (3.2 per cent).

Since the Village Statistics were based on recorded ownership and tax records, they did not include under Jewish ownership land purchased through Arab middlemen (the owners of record but not of fact) under an irreccocvable power-of-attorney. This method was used particularly to acquire land in the "restricted zones" set out in the Land Transfer Regulations published in February 1940, but effective as of May 1939.13 A limited measure of the discrepancies thus introduced into the question of Jewish landownership is seen in that from 1938-44, inclusive, the Jewish National Fund alone claimed to have purchased 325,742 dunums, whereas government records for the same period show only 110,140 exceed three years, the term of requisitioning was extended several times, and property which was considered essential for "security" was regarded as confiscated and therefore as state property.

The fifth and perhaps most significant measure was the Absentees' Property Law of 1950. Earlier this had been issued in December 1948 as Emergency Regulations Relative to the Property of Absentees.14 The ostensible intent was to place under the control of a Custodian the property of Palestinians no longer in the area controlled by Israel until a settlement had been effected. Although the Custodian has transferred all of these properties, mainly to the state and the Jewish National Fund, he still exists, presumably because he is still "responsible" for them. The law gave the Custodian very extensive discretionary powers: He could take over any property or put it in the name of the owner (or owners) was an "absentee." The burden of proof to the contrary fell on the owner. Since the Custodian was not required to reveal the information, or its source, on the basis of which he had classified someone as an absentee, such proof was almost impossible to establish.

Not even outright errors could be undone, so long as the Custodian had acted "in good faith." The law defined an absentee so broadly that "every Arab in Palestine who had left his town or village after 29 November 1947 was liable to be classified as an absentee under the regulations," regardless of when, where, why, or for how long he had left his "ordinary place of residence in Palestine." The validity of this declaration is published ... that the state of emergency declared by the Provisional Council of State on . . . (19 May 1948) has ceased to exist . . . ." To this date, the state of emergency still exists.

The Custodian, regarded as the legal holder of absentees' property, was empowered to transfer it to an authority created shortly thereafter by the Development Authority (Transfer of Property) Law, 1950. The Authority in turn was empowered to sell these properties, but only to (1) the state, (2) the Jewish National Fund, (3) municipal authorities, providing the land had first been offered to the Jewish National Fund, and (4) an organization engaged in settling Arab refugees who had remained in Israel. Such an organization was never established, and virtually all of the land was "sold" to the state and to the Jewish National Fund.

While these measures effectively deprived the Arabs of their lands by preventing them from cultivating them, the laws generally say nothing about ownership. Instead they speak of occupation and increased food production, the right of usufruct, and authorization for requisitioning for specified purposes, including that of security—a very large "rag" in Israel. Technically, therefore, these measures left the legal ownership in the hands of the original owners. This was clearly not the intent, and it was remedied by the Land Acquisition (Validation of Acts
always accepted as decisive by the Court. Article 125 gave the military government power to proclaim any area or place a forbidden or closed area, which could be entered or left only with the written permission of the governor. By this means, Palestinian Arabs in Israel were effectively barred from their homes, simply by declaring the areas closed and refusing them the necessary permit.

Similar in intent and effect were the Emergency Regulations (Security Zones), adopted in 1949. These were originally issued by the Minister of Defense, and their validity was extended periodically by the Knesset; they were allowed to lapse at the end of 1972, having served their purpose. These Regulations empowered the Minister of Defense to declare security zones, which could not be enters without a permit from the authorities. The Regulations also gave the authorities virtually absolute power over the residents of the zones, including the power to expel them. Under these Regulations, most of the northern half of the Galilee, the whole of the Triangle area, as well as areas bordering the Sea of Galilee and the Jordan. Jerusalem railway line were declared security zones. Violation of these Regulations (as of those of 1945) was a crime, punishable by imprisonment and fine.

Working hand-in-glove with the above Regulations were the Emergency Regulations (Cultivation of Waste [i.e. uncultivated] Lands), also adopted in 1949. Originally these had been issued by the provisional government in October 1948 as a means to deal with the effects of the fighting as a result of which lands had been "abandoned" and were "lying fallow." In January 1949, the Minister of Agriculture asked that these be continued, because under them we have been able to turn over to agriculture [Jewish farmers and organizations] and sow more than half a million dunums of cultivated land. The immediate problem that confronts us, especially since the liberation of the Negev and the transfer of vast areas of it, emptied of the majority of its former inhabitants, to state ownership, is that of exploiting another million dunums.

These Regulations were used effectively in conjunction with those regarding closed areas and security zones. A desired area inhabited by Arabs was declared closed or a security zone, and the residents would for "security reasons" be expelled and/or denied permits to enter and cultivate the land. Thereafter the land was, of course, uncultivated. Then, the Minister of Agriculture took it over and assigned it to neighboring Jewish settlements in order that it be cultivated and productive. The fourth measure under which Arab property, particularly urban property, was confiscated was the Emergency Land Resumption Law of 1949. It was enacted as a means of providing temporary housing for new Jewish immigrants and space for official organizations. Originally not to

dunums for all Jewish purchases. Based on the Village Statistics, but apparently making allowance for these discrepancies, the mandate government prepared the Survey of Palestine (also for the Anglo-American Committee of Inqulity). This shows total Jewish ownership as 1,588,365 dunums (6.03 per cent), yielding a total of 938,365 dunums (3.56 per cent) acquired during 1920-45. Amounts acquired annually varied considerably; the low was in 1920 with only 1,048 dunums, the high in 1925 with 176,124, for an average of 36,691 dunums per year from 1920-45. In addition to these purchases, Jews also held under lease about 195,000 dunums of state domain. Naturally these were not registered as owned by Jews, although figures in Zionist sources often include them as Jewish land. Somewhat later and larger figures are given by Abraham Granott, a long-time official and 1945-46 chairman of the Board of Directors of the Jewish National Fund. As of the end of 1947, Granott claims Jews owned 1,734,000 dunums (6.59 per cent), yielding a total of 1,064,000 dunums (4.12 per cent) acquired during the mandate. Given Granott's obvious motivation for maximizing Jewish holdings, this figure may be taken as the maximum; the actual figure may have been lower. In any case, the government's and Granott's figures do not differ greatly. We can therefore conclude safely that Jewish landownership in Palestine by the end of the mandate was at most 7 per cent.

This conclusion immediately raises two questions: (1) Given the facilities provided under the mandate, why was Jewish ownership at the end of this period not much higher, say 66-70 instead of 6-7 per cent? (2) Who were the vendors of land bought by Jewish organizations and individuals? The answers to these questions are, in part, probably not unrelated.

To our first question there is no single or simple answer. Lack of funds may at times have been a factor. To the extent it was, on the whole it appears to have been a relatively minor one. Doubtless more significant was the fact that early Zionist predictions (apparently accepted by the British government) about the rate of Jewish immigration, colonization, and development in Palestine were naive and/or gross overestimations, motivated by hopes and dreams, not realities either in Europe or in Palestine. The much longer-than-foreseen time thus required allowed other factors (not all unforeseen, but generally underestimated) to come to the fore. Most significant among these was the growing Palestinian Arab resistance and demands for independence, one of the two obligations assumed by Britain under the mandate. This caused increasing British qualms about the mandate and the "national home" enterprise, leading the Peel Commission—after the Arab uprising beginning in April
'36—to conclude in its June 1937 report: "To put it in one sentence, we cannot—in Palestine as it now is—both concede the Arab claim to self-government and secure the establishment of the Jewish national home." There is at least one other important part of the answer, which also relates to our second question. The Zionists were unable to purchase more land because the overwhelming majority of the small Arab landholders were unwilling to sell, and could not be induced to sell even at attractive prices. Above all else this testifies to their attachment to the land, a fact amply underscored by subsequent events. That the Zionists were, and remain, unwilling to recognize this is of course not surprising. The question of the vendors of land has not been adequately researched, and much of our information comes from Zionist sources. However, given their motivation to show, as is claimed, that Arab landowners in general were willing and happy to sell land, when their figures do not support this claim, they are probably reliable. The most detailed information is provided by Granott, based on a study made by the Statistical Department of the Jewish Agency as of the end of March 1936. According to this, 52.6 per cent was purchased from "large absence landowners," 24.6 from "large resident landowners," and 13.4 from "various sources" such as government, churches, foreign companies, and wealthy businessmen. This yields a total of 90.6 per cent, leaving only 9.4 per cent acquired from "the feilachim," and almost half of this amount was purchased between 1921 and 1900; well before the mandate and even before the Jewish National Fund was created. Granott estimates (but gives no details) that total Jewish ownership in 1947, 57 per cent had been acquired from large landowners, 16 from the government, churches, and foreign companies, and 27 per cent from small landowners. In agreement with Granott's March 1936 conclusions are those contained in a memorandum dealing with sales of land to Jewish organizations and individuals by absentee (i.e. non-Palestinian) owners. Dated 25 February 1946 and submitted by the Arab Higher Committee to the Anglo-American Committee of Inquiry, it is based on a field survey conducted at the time only in parts of Palestine, and is therefore incomplete. It names the absentee vendors, the amount of land sold, and the area of the holding. The figures it gives total 461,250 dunums sold by absentee owners about half of the land purchased by Jews during the mandate period.

Palestine Partitioned

In February 1947 the British, having exhausted all attempts to reconcile the mutually-exclusive obligations they had assumed under the mandate and their efforts to cope with the growing strife in Palestine, turned the problem over to the United Nations. Eventually, following several reports of committees and subcommittees, on 29 November 1947 the UN General Assembly adopted resolution 181 (II) recommending partition of Palestine into a Jewish state, an Arab state, and a corpus separatum under international administration for Jerusalem, Bethlehem, and environs.

Like the mandate, the partition recommendation was drafted in the interests of the Zionists. It assigned 56 per cent (about 14,800,000 dunums) of the area of Palestine, containing most of the good land, to the proposed Jewish state, while Jews constituted almost a third of the population and owned at most 7 per cent of the land. It also contained phrases such as "guarantees," and much of our information comes from Zionist sources. However, given their motivation to show, as is claimed, that Arab landowners in general were willing and happy to sell land, when their figures do not support this claim, they are probably reliable. The most detailed information is provided by Granott, based on a study made by the Statistical Department of the Jewish Agency as of the end of March 1936. According to this, 52.6 per cent was purchased from "large absence landowners," 24.6 from "large resident landowners," and 13.4 from "various sources" such as government, churches, foreign companies, and wealthy businessmen. This yields a total of 90.6 per cent, leaving only 9.4 per cent acquired from "the feilachim," and almost half of this amount was purchased between 1921 and 1900; well before the mandate and even before the Jewish National Fund was created. Granott estimates (but gives no details) that total Jewish ownership in 1947, 57 per cent had been acquired from large landowners, 16 from the government, churches, and foreign companies, and 27 per cent from small landowners.

In agreement with Granott's March 1936 conclusions are those contained in a memorandum dealing with sales of land to Jewish organizations and individuals by absentee (i.e. non-Palestinian) owners. Dated 25 February 1946 and submitted by the Arab Higher Committee to the Anglo-American Committee of Inquiry, it is based on a field survey conducted at the time only in parts of Palestine, and is therefore incomplete. It names the absentee vendors, the amount of land sold, and the area of the holding. The figures it gives total 461,250 dunums sold by absentee owners about half of the land purchased by Jews during the mandate period.

Palestine Partitioned

In February 1947 the British, having exhausted all attempts to reconcile the mutually-exclusive obligations they had assumed under the mandate and their efforts to cope with the growing strife in Palestine, turned the problem over to the United Nations. Eventually, following several reports of committees and subcommittees, on 29 November 1947 the UN General Assembly adopted resolution 181 (II) recommending partition of Palestine into a Jewish state, an Arab state, and a corpus separatum under international administration for Jerusalem, Bethlehem, and environs. Like the mandate, the partition recommendation was drafted in the interests of the Zionists. It assigned 56 per cent (about 14,800,000 dunums) of the area of Palestine, containing most of the good land, to the proposed Jewish state, while Jews constituted almost a third of the population and owned at most 7 per cent of the land. It also contained phrases such as "guarantees," and much of our information comes from Zionist sources. However, given their motivation to show, as is claimed, that Arab landowners in general were willing and happy to sell land, when their figures do not support this claim, they are probably reliable. The most detailed information is provided by Granott, based on a study made by the Statistical Department of the Jewish Agency as of the end of March 1936. According to this, 52.6 per cent was purchased from "large absence landowners," 24.6 from "large resident landowners," and 13.4 from "various sources" such as government, churches, foreign companies, and wealthy businessmen. This yields a total of 90.6 per cent, leaving only 9.4 per cent acquired from "the feilachim," and almost half of this amount was purchased between 1921 and 1900; well before the mandate and even before the Jewish National Fund was created. Granott estimates (but gives no details) that total Jewish ownership in 1947, 57 per cent had been acquired from large landowners, 16 from the government, churches, and foreign companies, and 27 per cent from small landowners. In agreement with Granott's March 1936 conclusions are those contained in a memorandum dealing with sales of land to Jewish organizations and individuals by absentee (i.e. non-Palestinian) owners. Dated 25 February 1946 and submitted by the Arab Higher Committee to the Anglo-American Committee of Inquiry, it is based on a field survey conducted at the time only in parts of Palestine, and is therefore incomplete. It names the absentee vendors, the amount of land sold, and the area of the holding. The figures it gives total 461,250 dunums sold by absentee owners about half of the land purchased by Jews during the mandate period.
1936—to conclude in its June 1937 report: "To put it in one sentence, we cannot—in Palestine as it now is—both concede the Arab claim to self-government and secure the establishment of the Jewish national home." There is at least one other important part of the answer, which also relates to our second question. The Zionists were unable to purchase more land because the overwhelming majority of the small Arab landholders were unwilling to sell, and could not be induced to sell even at attractive prices. Above all else this testifies to their attachment to the land, a fact amply underscored by subsequent events. That the Zionists were, and remain, unwilling to recognize this is of course not surprising.

The question of the vendors of land has not been adequately researched, and much of our information comes from Zionist sources. However, given their motivation to show, as is claimed, that Arab landowners in general were willing and happy to sell land, when their figures do not support this claim, they are probably reliable.

The most detailed information is provided by Granott, based on a study made by the Statistical Department of the Jewish Agency as of the end of March 1936. According to this, 52.6 percent was purchased from "large absence landowners," 24.8 percent from "large resident landowners," and 13.4 from "various sources" such as government, churches, foreign companies, and wealthy businessmen. This yields a total of 90.6 percent, leaving only 9.4 percent acquired from "the fellaheen." and almost half of this amount was purchased between 1921 and 1900, well before the mandate and even before the Jewish National Fund was created. Granott estimates (but gives no details) that 75 percent of all Jewish ownership in 1947, 57 percent of which had been acquired from large landowners, 16 from the government, churches, and foreign companies, and 27 percent from small landowners. In agreement with Granott's March 1936 conclusions are those contained in a memorandum dealing with sales of land to Jewish organizations and individuals by absentee (i.e. non-Palestinian) owners. Dated 25 February 1946 and submitted by the Arab Higher Committee to the Anglo-American Committee of Inquiry, it is based on a field survey conducted at the time only in parts of Palestine, and is therefore incomplete. It names the absentee vendors, the amount of land sold, and the area of the holding. The figures it gives total 461,250 dunums sold by absentee owners. About half of the land purchased by Jews during the mandate period.

Palestine Partitioned

In February 1947 the British, having exhausted all attempts to reconcile the mutually-exclusive obligations they had assumed under the mandate and their efforts to cope with the growing strife in Palestine, turned the problem over to the United Nations. Eventually, following several reports of committees and subcommittees, on 29 November 1947 the UN General Assembly adopted resolution 181 (II) recommending partition of Palestine into a Jewish state, an Arab state, and a corpus separatum for international administration for Jerusalem, Bethlehem, and environs.

Like the mandate, the partition recommendation was drafted in the interests of the Zionists. It assigned 56 percent (about 14,800,000 dunums) of the area of Palestine, containing most of the good land, to the proposed Jewish state, while Jews constituted almost a third of the population and owned at most 7 percent of the land. It also contained phrases and "guarantees" of the protection of the human and civil rights of all the inhabitants of Palestine, in practice proving no more meaningful than similar assurances in the mandate. As in 1920, the European and American states in 1947, having laid the table for certain strife and conflict, cynically hoped that everything would somehow work out and that the inhabitants of Palestine would live in the proposed intertwined states in harmony and peace.

The conflict which no prophetic powers were needed to foresee began within days of the adoption of the partition recommendation. By the time it subsided and bilateral armistice agreements were signed in 1949 by Israel and Egypt, Lebanon, Jordan (then Transjordan), and Syria (but, not insignificantly, never by the Palestinians), the state of Israel emerged controlling not 56 but 77 percent (about 20,400,000 dunums) of former Palestine. In addition, the area under Israel's control had been largely emptied of its former Arab inhabitants. Thus a long-standing objective of Zionism had been realized to a significant degree.

Steps now had to be taken to ensure that the Palestinians did not return and to consolidate Israel's hold on the land. The former was achieved by refusing the return of the displaced* and the latter by a series of measures enacted for this purpose. The desired objective was thus not only legitimized in the eyes of sympathizers and supporters of Zionism, but indeed achieved through "legal" means.

The first of these measures was based on the Defense (Emergency) Regulations, adopted in 1945 by the mandate administration to cope with rising Zionist terrorism at that time in Palestine. These Regulations were retained by Israel and were the basis of the military government to which the Arabs in Israel were subject until 1966. Under these Regulations the power of the appointed military governors over their areas were virtually absolute and not subject to further administrative or effective judicial control. Even the right of appeal to the Supreme Court, the only available avenue of redress, was essentially meaningless. In justification of his action the governor could invoke "security reasons,"
always accepted as decisive by the Court. Article 125 gives the military
government power to proclaim any area or place a forbidden or closed area,
which could be entered or left only with the written permission of the
governor. By this means, Palestinian Arabs in Israel were effectively
barred from their lands, simply by declaring the areas closed and
refusing them the necessary permit.

Similar in intent and effect were the Emergency Regulations (Security
Zones), adopted in 1949. These were originally issued by the Minister of
Defence, and their validity was extended periodically by the Knesset; they
were allowed to lapse at the end of 1972, having served their purpose.
These Regulations empowered the Minister of Defense to declare security
zones, which could not be entered without a permit from the authorities.
The Regulations also gave the authorities virtually absolute powers over
the residents of the zones, including the power to expel them. Under these
Regulations, most of the northern half of the Galilee, the whole of the
Triangle area, as well as areas bordering the Sea of Galilee and the
Jerusalem railway line were declared security zones. Violation of these
Regulations (as of those of 1945) was a crime, punishable by imprison-
ment and fine.

Working hand-in-glove with the above Regulations were the Emergency
Regulations (Cultivation of Waste [i.e. uncultivated] Lands), also adopted in
1949. Originally these had been issued by the provisional government in
October 1948 as a means to deal with the effects of the fighting as a
result of which lands had been "abandoned" and were "lying fallow." In
January 1949, the Minister of Agriculture asked that these be continued,
because under them

we have been able to turn over to agriculture [Jewish farmers and
organizations] and sow more than half a million dunums of cultivated
land.

The immediate problem that confronts us, especially since the liberation of
the Negev and the transference of vast areas of it, emptied of the majority of its
former inhabitants, to state ownership, is that of exploiting another million
dunums.

These Regulations were used effectively in conjunction with those
regarding closed areas and security zones. A desired area inhabited by
Arabs was declared closed or a security zone, and the residents would for
"security reasons" be expelled and/or denied permits to enter and
 cultivate the land. Thereafter the land was, of course, uncultivated. Then,
the Minister of Agriculture took it over and assigned it to neighboring
Jewish settlements in order that it be cultivated and productive.

The fourth measure under which Arab property, particularly urban
property, was confiscated was the Emergency Land Disposition Law of
1949. It was enacted as a means of providing temporary housing for new
Jewish immigrants and space for official organizations. Originally not to
dispossess all Jewish purchases. Based on the Village List, but apparently making allowance for
these discrepancies, the mandate government prepared the Survey of
Palestine (also for the Anglo-American Committee of Inquiry). This shows
the total Jewish ownership as 1,508,365 dunums (6.03 per cent), yielding a
total of 928,926 dunums (3.56 per cent) acquired during 1920-45.
Amounts acquired annually varied considerably: the low was in 1920 with
only 1,045 dunums, the high in 1925 with 176,124, for an average of
36,961 dunums per year from 1920-45.

In addition to these purchases, Jews also held under lease about
195,000 dunums of state domain. Naturally these were not registered as
owned by Jews, although figures in Zionist sources often include them as
Jewish land.

Somewhat later and larger figures are given by Abraham Granov, a
long-time official and 1945-46 chairman of the Board of Directors of the
Jewish National Fund. As of the end of 1945, Granov claims Jews owned
1,734,000 dunums (6.59 per cent), yielding a total of 1,064,000 dunums
(4.12 per cent) acquired during the mandate. Given Granov's obvious
motivation for maximizing Jewish holdings, this figure may be taken as
the maximum; the actual figure may have been lower. In any case, the
government's and Granov's figures do not differ greatly. We can therefore
conclude safely that Jewish landownership in Palestine by the end of the mandate was at
most 7 per cent.

This conclusion immediately raises two questions: (1) Given the
facilities provided under the mandate, why was Jewish ownership at the end of this period not much higher, say 66-70 instead of 6-7 per cent?
(2) Who were the vendors of land bought by Jewish organizations and
individuals? The answers to these questions are, in part, probably not unrelated.

To our first question there is no simple or simple answer. Lack of funds
did not at times have been a factor. To the extent it was, on the whole it
appears to have been a relatively minor one. Doubtless more significant
was the fact that early Zionist predictions (apparently accepted by the
British government) about the rate of Jewish immigration, colonization,
and development in Palestine were naive and/or gross oversimations,
motivated by hopes and dreams, not realities either in Europe or in
Palestine. The much longer-than-foreseen time thus required allowed other
factors (not all unforeseen, but generally underestimated) to come to the
fore. Most significant among these was the growing Palestinian Arab
resistance and demands for independence, one of the two obligations
assumed by Britain under the mandate. This caused increasing British
qualms about the mandate and the "national home" enterprise, leading the
Peel Commission—after the Arab uprising beginning in April
Hebrew Labor meant, necessarily, No Arab Labor. The "redemption of the land" often meant, necessarily, "redeeming" it from the Arab jefilus who happened to be living on it. A Jewish plantation owner who employed Arabs in his orange grove was a traitor to the cause, a despicable reactionary who not only deprived a Jewish worker of work, but even more important, deprived the country of a Jewish worker. His grove had to be picketed, the Arabs had to be evicted by force. Bloodshed, if necessary, was justified.15

Avnery further notes that Arab tenants "were simply evicted when the land was redeemed by the Jewish National Fund in order to set up a kibbutz:"

Given the climate thus created, with "helpful" personnel and "facilitating" legislation, and not very serious or, in any case, effective efforts by the government to ensure "that the rights and position of other sections of the population [i.e. the Arabs] are not prejudiced" (article 6 of the mandate), it is hardly surprising that the Zionists acquired land and established colonies. Indeed, what is surprising is that Jewish landownership did not grow more rapidly and to a higher fraction of the lands of Palestine.

During the mandate the major mechanism of land acquisition was purchase, with a small amount acquired through lease from the government. The last complete statistics on landownership compiled by the mandate administration were in 1946 for the Anglo-American Committee of Inquiry. The validity, based on figures as of the end of 1945. These were made public in Village Statistics 1945,16 and are based on (1) the land settlement records for areas where final settlement of land-titles had been completed (about 5 per cent of the area of Palestine); and (2), for other areas, the lists of taxpayers prepared by village tax distribution committees appointed under the Rural Property Tax Ordinance. According to these, total Jewish ownership was 1,491,699 dunums, i.e. 5.67 per cent of the land of Palestine. If we accept, as the government did, 650,000 dunums (2.47 per cent) as the amount owned prior to October 1920, then during the period in question Jewish ownership increased by 841,699 dunums (3.2 per cent).

Since the Village Statistics were based on recorded ownership and tax records, they did not include under Jewish ownership land purchased through Arab middlemen (the owners of record but not of fact) under an irrevocable power-of-attorney. This method was used particularly to acquire land in the "restricted zones" set out in the Land Transfer and Regulations published in February 1940, effective as of May 1939.17 A limited measure of the discrepancies thus introduced into the question of Jewish landownership is seen in that from 1938-44, inclusive, the Jewish National Fund alone claimed to have purchased 325,742 dunums, whereas government records for the same period show only 110,140

exceed three years, the term of requisitioning was extended several times, and property which was considered essential for "security" was regarded as confiscated and therefore as state property.

The fifth and perhaps most significant measure was the Absentees' Property Law of 1950. Earlier this had been issued in December 1948 as Emergency Regulations Relative to the Property of Absentees. The ostensible intent was to place under the control of a Custodian the property of Palestinians no longer in the area controlled by Israel until a settlement had been effected. Although the Custodian has since transferred all of these properties, mainly to the state and the Jewish National Fund, he still exists, presumably because he is still "responsible" for them. The law gave the Custodian very extensive discretionary powers: he could take over any property by simply declaring that the owner (or owners) was an "absentee." The burden of proof of the contrary fell on the owner. Since the Custodian was not required to reveal the information, or its source, on the basis of which he had classified someone as an absentee, such proof was almost impossible to establish.

Not even outright errors could be undone, so long as the Custodian had acted "in good faith." The law defined an absentee so broadly that "every Arab in Palestine who had left his town or village after 29 November 1947 was liable to be classified as an absentee under the regulations," regardless of when, where, why, or for how long he had left his "ordinary place of residence in Palestine." The validity of the classifications rests on the Custodian's report, based on the Resolution of 13 May 1948, which finally declared is published . . . . (19 May 1948) has ceased to exist . . . ." To this date, the state of emergency still exists.

The Custodian, regarded as the legal holder of absentee's property, was empowered to transfer it to an authority created shortly thereafter by the Development Authority (Transfer of Property) Law, 1950. The Authority in turn was empowered to sell these properties, but only to (1) the state, (2) the Jewish National Fund, (3) municipal authorities, providing the land had first been offered to the Jewish National Fund, and (4) an organization engaged in settling Arab refugees who had remained in Israel. Such an organization was never established, and virtually all of the land was "sold" to the state and to the Jewish National Fund.

While these measures effectively deprived the Arabs of their lands by preventing them from cultivating them, the laws generally say nothing about ownership. Instead they speak of possession or use. See the Land Transfer and Regulations published in February 1940, effective as of May 1939. The increased food production, the right of usufruct, and authorization for requisitioning for specified purposes, including that of security—a very large "minor in Israel. Technically, therefore, these measures left the legal ownership in the hands of the original owners. This was clearly not the intent, and it was remedied by the Land Acquisition (Validation of Acts
and Compensation) Law, 1953. It empowered the Minister of Finance to transfer the ownership of lands taken over under earlier measures to the state via the Development Authority. Its purpose and justification were succinctly put by the Minister in the Knesset debates on it: it was intended "to legalize certain actions taken during and after the war." He added that "there are reasons connected with the security of the state and the execution of essential development projects which make it impossible to return these lands to their owners." The law stipulated that compensation was to be paid the former owners, and the Minister of Finance was empowered to determine the amount. This was fixed as the value of the land on 1 January 1950. With rapid inflation in Israel, even by 1953 this was less than minimal compensation; today such compensation cannot possibly or justice be considered anything other than a thin veneer of legality for outright expropriation. Nonetheless, for those squeamish about such things, the deprivation of the Palestinians of their lands—which they had refused to sell—was by such measures made "legal." The lands so acquired have been designated national (or Israeli) lands, which in Israel means not "Israeli" but "Jewish" lands, which cannot be leased to non-Jews and on which non-Jews cannot be legally employed.

In spite of the effectiveness of these measures in depopulating the Arabs in Israel of their lands, various developments have militated against the intended outcome—to "encourage" the remaining Arabs to leave. Among these were the stubborn refusal of the Arabs to leave, the high rate of natural increase among them (now some 15 per cent of the population in pre-1967 Israeli territory), and the unavailability of land for this growing minority. Tawfiq Zayyad, mayor of Nazareth, notes that as a consequence of Israel's "confiscation policy" that "the average area belonging to Arab villages in 1948 was 16,500 dunums; in 1974, this area was down to 5,000 dunums." Among the examples he cites is Nazareth, which "was deprived of most of its land, while the population tripled (from 15,000 to 45,000);" as for the rural population, he points out that "the average area of arable land of the Arab village was in 1948, . . . 9,136 dunums; in 1974, this area was down to 2,000 dunums."

These developments, coupled with the unavailability (for a variety of reasons) of adequate numbers of Jewish farmers and farm workers, and the fact that Arab workers are paid lower wages, resulted in increasing employment by Jewish settlers of Arabs as laborers; some settlements have even entered into sharecropping arrangements with Arabs. These practices have been denounced by the Ministry of Agriculture as "a cancer." To eliminate this "plague," the Ministry of Agriculture and the Settlement Department of the Jewish Agency launched a "vigorous campaign," warning settlements that such practices are in violation of the acquired with clandestine government assistance, although the former went to a so-called British company. The only concession which remained in Arab hands was the Himmah Hot Springs. Soleiman Nasif, the concessionaire, told one of the authors (Hadawi) that he was under great pressure to sell off if he did not want his concession canceled.

Apart from substantive matters such as these, measures were adopted which, while largely symbolic in significance, were irritants and reminders to the Arabs of their subordinate role and ultimate dispossession. A stamp issued in Palestine in October 1920 bore in surcharge the word Palestine in Arabic at the top, in English in the center, and in Hebrew at the bottom. The latter was followed by the Hebrew letters aleph and pe, signifying Erets Israel. As related by Bentwich, in this way "Samuel ingeniously gave official recognition to the Jewish traditional name." Bentwich adds that an Arab nationalist group tried to challenge this action in the courts, but "the court refused to interfere with the administrative action."

In addition to positive actions in furtherance of Zionist objectives, the administration did nothing to prevent open and outright discrimination against the non-Jewish Palestinians. Thus the Jewish National Fund (Keren Kayemeth Leisrael) was allowed to purchase land and place totally restrictive covenants on it, making it inalienable in perpetuity and prohibiting its leasing to non-Jews; a Jewish lessee had to agree in the lease not to employ or to do business with non-Jews. The Jewish Agency, provision for which as a quasi-governmental body was made in the mandate (articles 4, 6, 11), and which was simply "another name for the Zionist Organization," adopted a constitution in August 1929 which stated (article 3):

Land is to be acquired as Jewish property . . . (and) held as the inalienable property of the Jewish people. The Agency shall promote agricultural colonization based on Jewish labor, and in all works or undertakings carried out or furthered by the Agency, it shall be deemed to be a matter of principle that Jewish labor shall be employed."

Similarly, the repayment agreements entered into by Jewish colonists for capital advanced by the Palestine Foundation Fund (Keren Hayesod) specified (article 7) that "the settler hereby undertakes that . . . if and whenever he may be obliged to hire help, he will hire Jewish workmen only." And the General Federation of Jewish Labor (the Histadrut), at that time, not only did not represent Arab workers, but prohibited them from joining a union belonging to the Federation and did its best to prevent their employment by pressuring Jewish non-Zionist employers to replace them with Jewish workers. In the words of Uri Avnery, editor of Ha'dam Hasek, Israel's leading weekly:
the Zionists' interests. Consistent with such a policy, the civil administration was straddled with Zionists, both Jewish and non-Jewish. Among the former were the High Commissioner, Herbert Samuel, 11 one of the founding authors of the mandate, 12 and the Attorney-General, Norman Bentwich, (whose wife was Samuel's niece, and) whose responsibilities included being legal advisor to all government departments, supervising the courts and the land registration offices, and drafting legislation. In addition were the Director of Immigration, Albert Hirschson; an official in the same department, Dennis Cohen (a former employee of the Zionist Organization in Britain); the Principal Assistant Secretary to the government, Max Nurock; the Director of Commerce and Industry, Ralph Harari; and the Controller of Stores, Harold Solomon. Among the non-Jews, the Chief Secretary to the government, Wynham Deeds, and his successor Gilbert Clayton, are described by Bentwich as 'steadfast friends of the Jewish national home.' 13

Among the first actions of the new government were a new Immigration Ordinance is July and a Land Transfer Ordinance in September, the effect of which was to facilitate the purchase of land by Jews, and was later judged to have been a contributory cause of the May 1921 Palestinian Arab uprising. 14 The Land Registry Offices were reopened in October, permitting transfer of ownership, and a new system of settlement of land titles—a highly intricate matter in Palestine and difficult to disentangle—was introduced. The effect of this was to make it easier, faster, and less costly for the Zionists to acquire land.

All of these measures, in effect if not always in intent, served to further Zionist objectives. A good example of this is the Land Transfer Ordinance, ostensibly intended to protect tenant-cultivators from eviction by landlords. It had in fact the opposite effect mainly because most of the large tracts of land were owned by absentee landlords. Whereas relations between landowner and tenant bud, until then, been relatively good, the new law gave the tenant the impression (encouraged by Zionist landbrokers) that he no longer needed to pay the rent, since the law gave him certain 'tenancy rights' under antiquated laws. The landlord, placed in the unenviable position of owning land but realizing little return from it, and burdened with taxation, found himself in a difficult situation. The Zionist land-broker would then step in, offer to buy the land and rent the landowner of his troubles. Other measures favoring the colonists were the granting to Jewish companies of concessions over state lands and the natural resources of the country, such as irrigation, electricity, and the extraction of potash and other minerals from the Dead Sea. No concession of any kind was granted to a non-Jew, and those which existed prior to the mandate—e.g. the Jerusalem Electricity, and the Hulah Concessions—were eventually

law, and some settlements have been fined. 14 An attempt, apparently not wholly successful, to deal with this problem was the Agricultural Settlement (Restrictions on the Use of Agricultural Land and of Water) Law of 1967. 15 The intent of this law was to prevent any non-Jew from leasing or holding any rights—tenancy, sharecropping—in national lands, including those owned by the Jewish National Fund. It needs to be kept in mind that this law and similar restrictive and discriminatory policies adopted by the state from the Jewish National Fund apply to 'over 90 per cent' 16 of the land in pre-1967 Israel.

By measures such as these outlined above, the Palestinian Arabs have been 'legally' deprived of their lands, and those displaced have been prevented from returning. Although the situation is somewhat less clear, and complicated because of their status under international law, all available evidence supports the conclusion that Israel is following similar policies in the territories occupied since 1967, especially in the so-called West Bank and the Gaza Strips. 17 These actions are of course in clear violation of the 1949 Geneva Conventions, to which Israel is a signatory but which thus far she has honored mainly in the breach. In the words of Felicia Langer, an Israeli attorney, "It is an address in New York in October 1976:

Israeli authorities confiscated more than a million and a half dunums in the West Bank, more than one-sixth of the total area of the West Bank, one-third of the Gaza Strip. Thousands of hecatoins were forcibly evicted from their land. The total area confiscated there is around 100,000 dunums. The so-called 'thanking-out' policy in the refugee camps entailed mass expulsion of refugees and many thousands of destroyed homes... The same activity of the occupiers is shown also in Arab Jerusalem—confiscation of 22,000 dunums of Arab land in the city and in suburbs and forcible eviction of tens of thousands of Arabs who used to live and work there. I shall never forget the old widow Salome who said that she preferred to die in her house rather than leave it. After the demolition of 100 Arab buildings, 13 new Israeli sectors were built, encircling Jerusalem, reaching Beit Jala and the road to Jericho—a ring around Jerusalem as the authorities usually worded provisions. The calling it as a result, a serious demographic change has occurred—a forcible decrease in the number of Arab inhabitants from 140,000 in 1948 to 70,000 in 1976. 15

In 1920 Jews owned 2.5 per cent of the land in Palestine. By 1948, as a result of purchases during the mandate period, this fraction had grown to 6.7 per cent. After the establishment of Israel in 1948, large acquisitions were made, some by purchases, most by virtual expropriation in the wake of military conquest. Today the state of Israel, in the name of 'the Jewish people,' owns about 75 per cent of the land in pre-1967 Israel and the Jewish National Fund and private Jewish landowners together own

15
FOOTNOTES

11. Ibid.
15. "Ibid., pp. 278, 304.
16. Henry Cattan argues that since the mandate was in clear contradiction to article 22 of the League Covenant, the mandate itself was invalid under international law; Palestinian and International Law: The Legal Aspects of the Arab-Jewish Conflict (London, 1961), no. 10 of the mandate, pp. 176-81.
17. For the full text, Cattan, p. 175.
of consultation about their homes and lands and future. In a long memorandum dated 11 August 1919, Arthur James Balfour, then British Foreign Secretary, discusses with disarming candor the mandates system and article 22 of the League of Nations' Covenant which declared that "the wishes of these communities [formerly belonging to the Turkish Empire] must be a principal consideration in the selection of a mandatory," and notes that as far as Palestine is concerned,

the contradiction between the letter of the Covenant and policy of the allies is . . . flagrant . . . For in Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants . . . The four great powers are committed to Zionism. And Zionism, be it right or wrong, good, or bad, has a life of its own, is rooted in age-old traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land. In my opinion that is right.

The Palestinian Arabs, in short, were presented with a Holborn's choice. If they selected Britain as the mandatory power and if they approved Britain's "national home" policy, then they would have their choice. The phrase national home typifies the dissatisfaction that is an inherent and an essential part of Zionism's claim to Palestine. It was used as an equivalent (though it is not a translation) of the German Heimatstätte, which was chosen to mask Zionist intentions and thus not to evoke opposition. In 1920 Max Nordau wrote:

I did my best to persuade the claimants of the Jewish state in Palestine that we might find a circumstance that would express all we mean; but would say it in a way so as to avoid provoking the Turkish rulers of the coveted land. I suggested Heimatstätte as a synonym for "state" . . . It was equivocal, but we all understood what it meant. To us it signified Judenschatz then and it signifies the same now.

Zionist colonization is usually seen as part of the larger European colonial movement. While this is undoubtedly correct, it tends to lose sight of several features of Zionist colonization which distinguish it from other colonialisms. First, Zionism did not seek to expand on an existing state, but to establish one for a people held to be without a state, a homeland. Second, Zionism did not seek new markets and increased resources, both natural and human, which could be profitably exploited, but a "land without a people" where a state for a "landless people" could be built. To justify or legitimize such an enterprise, to both Jews and non-Jews, Zionism emphasized (a) the notion of return—Jews were only seeking to return to a land from which they were all held to have been expelled—and (b) antisemitism, which, to serve the intended purposes, had to be pictured as inherent and immutable in all non-Jews. Antisemitism was
other than Palestine as the site of his proposed Judaeastan, and even recognized several disadvantages of Palestine—"its proximity to Russia and Europe, its lack of room for expansion as well as its climate"—Palestine had one advantage which outweighed all other considerations: "the mighty legend." The legend of Palestine as the ancestral home of all Jews was accepted generally by Christians and Jews, whose support for his proposal could thus be more easily ensured. In any event, the choice of Palestine was settled at the Sixth Zionist Congress (Bade, August, 1903) where it was decided that the Jewish National Fund was to acquire land for Jewish colonization only "in Palestine and the immediately adjoining countries."  

Hertz seems to have been much more concerned with aspects other than boundaries of his proposed state. In fact he appears to have thought little about them on his own. In April 1896 he was instructed "for hours on end" by a South-African born British Christian clergyman, William Hechler, to ask the area the Zionists should seek: "the northern frontier ought to be the mountains facing Cappadocia [in Turkey], the southern, the Suez Canal." Hechler also suggested the slogan: "The Palestine of David and Solomon."  

Hertz appears to have been an apt pupil of Hechler, for just over two years later in October 1898, he recorded approvingly the suggestion of his associate Max Bodenheim: "from the Brook of Egypt to the Euphrates."  

While the 1917 Balfour Declaration" was hailed by most Zionists, it gave no indication of the precise territory involved, only committing the British to using "their best endeavors to facilitate" the "establishment in Palestine of a national home for the Jewish people." By the time of the Paris Peace Conference in 1919, the Zionists had tempered their claim and asked only for the territory encompassed within a line running east from (in current terms) Sidon, Lebanon to close to Damascus, Syria, then south to Amman, Ma'an, and Asqalah, Jordan, then west to Al-'Arish, Egypt. As a result of negotiations, notably between Britain and France, with the concurrence of the USA, the boundaries of Palestine were in due course established, and the Mandate for Palestine" was approved by the League of Nations' Council in July 1922. The following year, under authority granted in article 25 of the mandate, Britain limited the area in which the Jewish "national home" provisions were applicable to that west of the Jordan River, a territory significantly smaller than that claimed by the Zionists, and which thereafter alone was known as Palestine. Therewith the "charter," long but unsuccessfully sought by Hertz, was in the hands of the Zionists, and thus the stage was set for large-scale Jewish colonization of Palestine.

The ignored people in all of these negotiations and machinations were the indigenous Arabs of Palestine, unrecognized as a people and unworthy
intersected by the Plain of Esdraelon, with the hills of Galilee to the north and those of central Palestine to the south. South of Hebron the plateau falls and blends into the southern desert. The Jordan valley extends from Lake Hula in the north to the Dead Sea in the south; most of the valley is below sea level.

The land area comprises 26,322,023 dunams (4.5 dunams equal 1 acre), of which approximately 2.5 million are hilly wilderness and 12.5 million are desert. The balance of the land varies widely in agricultural potential. In general, the plains consist of good and the plateaus of medium land. The Jordan valley varies from medium to poor, except south of Lake Tiberias where the land is good.1

Reliable population statistics for Palestine prior to the mandate do not exist. And however inadequate Turkish and British figures may be, they are still our best source of information and subject to less bias than estimates from more partisan sources. A 1914 Turkish census2 shows a total population of 689,275; whether or not the nomads were included in this is not clear. Of this total, Arthur Ruppin, an official of the Zionist Organization and hence not unbiased, estimated that 57,000 to 62,000 (i.e. 8.3 to 9 per cent) were Jews.

The first census using modern demographic techniques was conducted by the British as of 31 December 1922. This census (in which the nomads were not counted) shows a total of 757,182 persons: 590,890 Muslims, 83,794 Jews, 73,024 Christians (including British and other Europeans), and 9,474 "others," mainly Druze. Since virtually all of the Muslims and the "others," and the overwhelming majority of the Christians were Arabs (persons whose mother-tongue is Arabic), these figures can be fairly summarized as 673,388 (89 per cent) Arabs and 83,794 (11 per cent) Jews. Of the latter, about 75 per cent were concentrated in the urban areas of Jaffa and Jerusalem,3 hence neither farmers nor engaged in other rural pursuits (Zionist claims about "Jewish farmers" and "tilting the ancient soil" notwithstanding).

Reliable information on landownership for this period is even more difficult to obtain.4 The mandate government accepted the figure of 650,000 dunams for total Jewish ownership prior to October 1920; noting that this estimate "is generally accepted." This represents 2.47 per cent of the land of Palestine.

Thus on the eve of the award to Britain of the Mandate for Palestine by the League of Nations, Jews constituted 10-11 per cent of the population of Palestine and owned about 2.5 per cent of the land.

Zionism's Claim to Palestine

Although Theodor Herzl appears to have given some thought to locations

---


2 Excerpts in Association of Arab American University Graduates Newsletter (Detroit), 5 December 1976.

---
## The International Organisation for the Elimination of All Forms of Racial Discrimination (EAFORD)

### Publications Available

<table>
<thead>
<tr>
<th>Title</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Documents of the International Organizations for the Elimination of All Forms of Racial Discrimination (EAFORD)</td>
<td>Free</td>
</tr>
<tr>
<td>Zionism and Racism (Proceedings of International Forum 1986)</td>
<td>£1.50</td>
</tr>
<tr>
<td>South Africa &amp; Israel — B. P. Siven &amp; A. M. Ehrismann</td>
<td>£1.50</td>
</tr>
<tr>
<td>Treatment of Palestinians in Israel-Occupied West Bank and Gaza — Report of the National Lawyers Guild (USA) 1977 Middle East Delegation</td>
<td>£1.00</td>
</tr>
<tr>
<td>Zionism: Le Racisme Ar Quatre (Quebec: Movement to Combat Racism)</td>
<td>£1.00</td>
</tr>
<tr>
<td>The International Organisation for the Elimination of All Forms of Racial Discrimination by Dr. T. Arafat</td>
<td>Free</td>
</tr>
<tr>
<td>La Relation et les Relations entre Israel l'Afrique du Sud by Elisabeth Mathis</td>
<td>50p</td>
</tr>
<tr>
<td>A Questión of Identity and Self-Establishment by Anis Al-Qanoum and Dr. Robert Cardoso de Oliveira</td>
<td>50p</td>
</tr>
<tr>
<td>Israel and South Africa — Ideology and Practice by Dr. A. Maleh</td>
<td>50p</td>
</tr>
<tr>
<td>The Structure of the Zionist Movement in the United States by Rabbi Dr. Elazar Berger</td>
<td>50p</td>
</tr>
<tr>
<td>The Case in South Africa by Dr. T. Arafat</td>
<td>50p</td>
</tr>
<tr>
<td>Sanctions Against South Africa: The Lessons of Sanctions Against Rhodesia by Dr. A. Maleh</td>
<td>50p</td>
</tr>
<tr>
<td>The Autonomy Platt: Israeli Colonisation Under a New Name by Elisabeth Mathis (trans. by EURABIA, Paris)</td>
<td>50p</td>
</tr>
<tr>
<td>Le Racisme en France (in French) par un Groupe de Sagesse Quebecois</td>
<td>Free</td>
</tr>
<tr>
<td>An International View of Racial Discrimination by Anis Al-Qanoum</td>
<td>50p</td>
</tr>
<tr>
<td>Zionist Ideology — Obstacle to Peace by Rabbi Dr. Elazar Berger</td>
<td>50p</td>
</tr>
<tr>
<td>Zionism and the Lands of Palestine by Sami Hadawi and Walter Lehn</td>
<td>50p</td>
</tr>
<tr>
<td>Jewish National Fund: an Instrument of discrimination by Walter Lehn</td>
<td>50p</td>
</tr>
<tr>
<td>The Indigenous Personality of the Palestinians through their Arms by Dr. T. Arafat</td>
<td>50p</td>
</tr>
<tr>
<td>Israeli Use of Palestinian Waters and International Law by Dr. T. Arafat</td>
<td>50p</td>
</tr>
<tr>
<td>Canada's Morality: The Struggle for their Homeland by Charlie Beck</td>
<td>50p</td>
</tr>
<tr>
<td>Racism Regimes and the Land of the Indigenous Peoples by Anis Al-Qanoum</td>
<td>50p</td>
</tr>
<tr>
<td>The Canaan and their Colonsmen: the Problem of Land presented by Chief Hilary Frederic</td>
<td>50p</td>
</tr>
<tr>
<td>Zionism and Apartheid: The Neglect of Human Rights by Dr. A. Maleh</td>
<td>50p</td>
</tr>
<tr>
<td>Zionism, a System of Apartheid by Elisabeth Mathis</td>
<td>50p</td>
</tr>
<tr>
<td>Human Rights vs Self-Righteousness in the State of Israel by Rabbi Dr. Elazar Berger</td>
<td>50p</td>
</tr>
<tr>
<td>Racism and Racial Discrimination defined by Dr. Faysal Saadgh</td>
<td>50p</td>
</tr>
<tr>
<td>Israeli and Norwegian: are Israel's leaders guilty of war crimes? by John Redway</td>
<td>50p</td>
</tr>
<tr>
<td>Internal Conflict in Israel and South Africa: The Mechanisms of General-Setter Regimes by Christopher Maurer and Richard P. Siven</td>
<td>50p</td>
</tr>
</tbody>
</table>

The above publications are available from EAFORD's London Office at Agriculture House, Knightsbridge, London SW1

---

**Zionism and the Lands of Palestine**

by Sami Hadawi and Walter Lehn