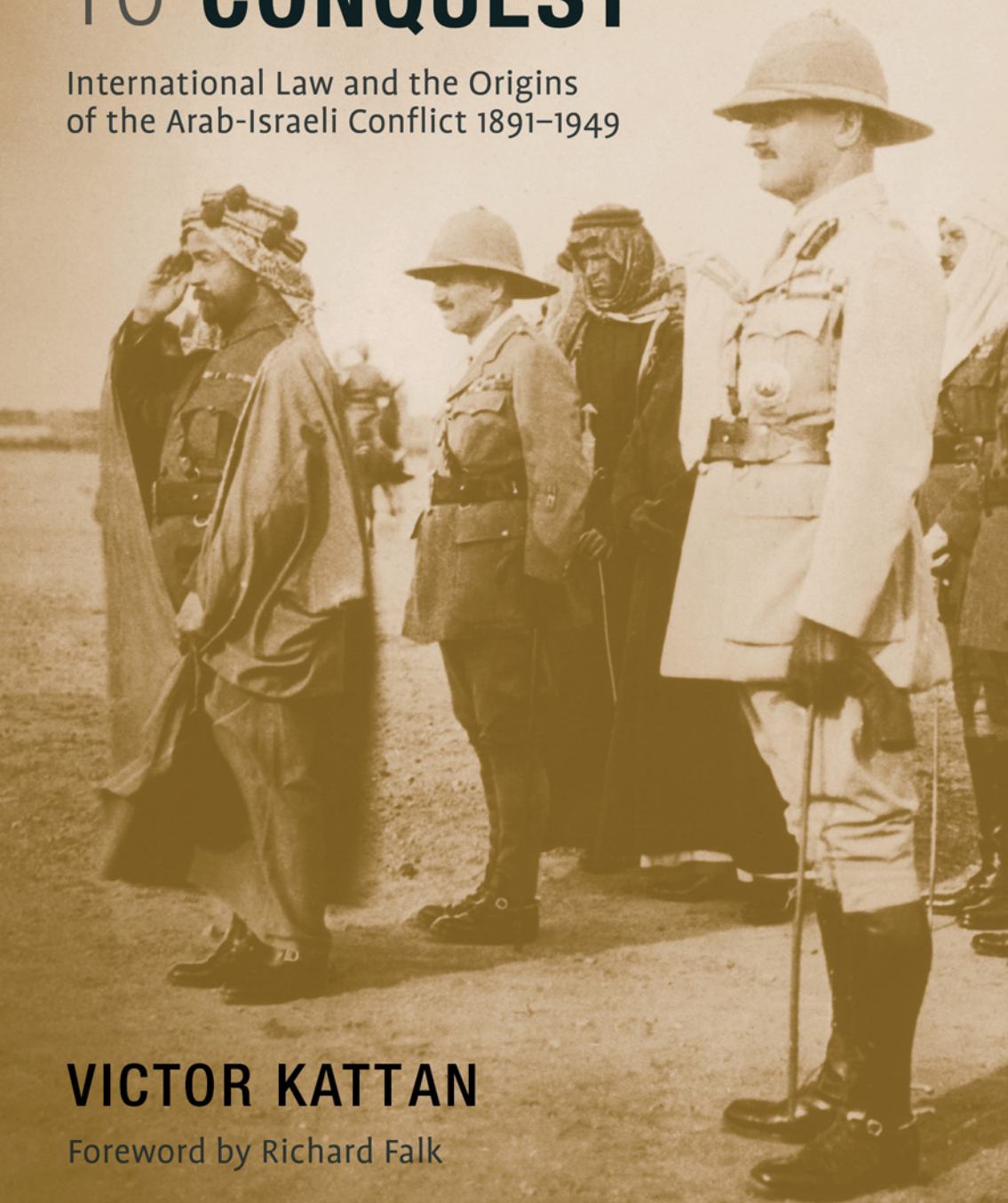


FROM COEXISTENCE TO CONQUEST



International Law and the Origins
of the Arab-Israeli Conflict 1891–1949



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Foreword by Richard Falk

1

Anti-semitism, Colonialism and Zionism

'Dr. Herzl was indifferent at first whether he led them to Argentina or to Palestine, he quickly perceived the commercial value of keeping the name of the old firm on his prospectus ... And the promoters knew their public. Poor Jews, who would have preferred the fleshpots of Egypt to the unknown terrors of South America, jumped at the sound of Jerusalem.'

Aspects of the Jewish Question by a Quarterly Reviewer with a Map
(London: John Murray, 1902), p. 20

'The Congo State has land enough which we can use for our settlement. We can take over part of the responsibilities, that is, pay an annual tax, which may be fixed later, to the Congo State, in return for which we naturally lay claim to self-government ... If King Leopold turns a willing ear to the matter, I shall go to see him at once.'

Theodor Herzl, 12 July, 1903 in Raphael Patai (ed.),
The Complete Diaries of Theodor Herzl, Vol. IV
(New York: Herzl Press, 1960), pp. 1511–12

'There is only one cure for this world-evil, and that is for all the Christian white races to combine and to repatriate to Palestine and the neighbouring territories every Jew, male and female, and to take the most drastic steps to see that, once they have founded their Zionist state in their own Promised Land, they permanently remain there.'

The Jews' Who's Who: Israelite Finance. Its Sinister Influence,
Popular Edition (London: The Judaic Publishing Co.,
H.H. Beamish, Proprietor, 1921), p. 43

'What the French could do in Tunisia, I said, the Jews could do in Palestine, with Jewish will, Jewish money, Jewish power and Jewish enthusiasm.'

Dr Chaim Weizmann, *Trial and Error*
(New York: Schocken Books, 1966), p. 244

If there were three words which could explain the success which lay behind the creation of Israel and the conquest of Palestine in 1948 they would be anti-Semitism, colonialism and Zionism. Not only do these words end with the same suffix, but they all contributed directly to the decision by Britain to support Jewish colonisation in Palestine. And law, being the end product of politics, was there every step of the way providing legitimacy and a legal framework through which Jewish immigration into Britain would be controlled and restricted in 1905, before being redirected into Palestine after the Balfour Declaration of 1917, and regulated thereafter through the implementation of a League of Nations Mandate from September 1923 until May 1948. It

therefore becomes necessary to take a closer look at the history behind these three inter-related phenomena, as well as the colonisation of Palestine that had already begun in the nineteenth century, before analysing the big international legal issues, with which the rest of this book is devoted.

ANTI-SEMITISM

Anti-Semitism, that is, hostility towards Jews as Jews,¹ is a phenomenon, which manifested itself in its most extreme form in Nazi Germany in the 1930s where the Jews were stripped of all civil and political rights before being subjected to the extermination camps and the gas chambers during the Final Solution (1942–45).² This form of racism and religious and ethnic persecution was not, however, new. It had been around for over a millennium, particularly in Christian Europe where Jews were expelled from England³ in the thirteenth century, and from Spain and Portugal⁴ in the fifteenth century. Indeed, many of the Jews expelled from the Iberian Peninsula, the *Sephardim*, would find refuge in North Africa and the Middle East. Then, it was the Muslims who welcomed them and the Roman Catholics who drove them from their homes. But the maltreatment of Jews did not end in the fifteenth century. In the nineteenth century, Jews were not only expelled from their places of origin, but they were killed in organised pogroms in Russia and Romania which led to a Jewish exodus westwards, primarily into Britain, France, Germany, and the United States, as well as into Palestine where a very small number of Russian Jews established colonies.⁵ Yet, even after all the appalling atrocities the Jews had been subjected to in those countries they were not always welcomed, even in the ‘enlightened’ states of Western Europe.⁶ Indeed, today it is common to blame the Germans, and almost they alone, for the scourge of anti-Semitism – and for good reason. After all, German intellectuals from the nineteenth and twentieth centuries, like Johann Gottlieb Fichte, Eugen Dühring, Heinrich von Treitschke, Heinrich Class, Ludwig Woltmann, Wilhelm Marr, Konstantin Frantz, Johannes Scherr, Adolf Stoecker, Wilhelm Stapel, Hans Blüher, Richard Wagner, Max Wundt, and Johannes Pfeffrkorn, among many others,⁷ were all self-professed anti-Semites who argued that there was no place for the Jews in modern Germany.⁸ They considered anti-Semitism as a natural reaction of the German *Volksgefühl* (popular consciousness) against a ‘foreign element’ that they claimed never intended to assimilate.⁹ They had a particular dislike for the *Ostjuden*, those Jews who had been arriving in Germany and other places from the ghettos of Eastern Europe and Russia in an area called the Pale of Jewish Settlement created by Catherine the Great in 1791 (see Map 1).¹⁰ Ultimately these German intellectuals provided the political and philosophical foundations that would give succour to the crazed conspiracy theories of Alfred Rosenberg who incorporated it into Nazi dogma, and which ultimately influenced the policies of Adolf Hitler.¹¹

Yet we forget just how widespread anti-Semitism was. Germany was not the only country to produce intellectuals and politicians who viewed these Eastern European Jews with suspicion. For instance, the ‘Jewish Question’,

coined by Bruno Bauer,¹² which, among other things, concerned the question as to whether members of the Jewish faith could be ‘true patriots’, if they refused to assimilate with non-Jews, was also something debated quite openly in Britain especially amongst the educated elite.¹³ Indeed, there was a certain commonality between the anti-Semites and the Zionists. For those same German intellectuals, mentioned earlier, who considered the Jews alien to Germany, were, in fact, the most ardent Zionists, because Zionism supported their philosophy of encouraging the Jews to remove themselves from Germany and into Palestine.¹⁴ In the words of the eighteenth-century German idealist philosopher Johann Fichte: ‘I see no other way to protect ourselves from the Jews, except if we conquer their promised land for them and send all of them there.’¹⁵ The Zionist concept of the Jews as a distinct national or racial community, deserving its own homeland or state, coincided with the anti-Semitic view of the Jews as a ‘foreign body’. Its appeal to them lay in the Zionists’ ultimate acceptance of the exclusion of the Jewish people from the German *Volksgemeinschaft* (racial community) and the necessity of a Jewish homeland in Palestine or elsewhere overseas, capable of drawing Jews away from Europe.¹⁶ Theodor Herzl, the Austro-Hungarian journalist and founding father of political Zionism, was well aware of this paradox and realised that his movement could expect considerable support from the anti-Semites.¹⁷ ‘The anti-Semites will have carried the day’, Herzl confided in his diary in 1895.¹⁸ ‘Let them have this satisfaction’, he wrote, ‘for we too shall be happy. They will have turned out to be right because they *are* right.’¹⁹ Herzl’s alliance with the anti-Semites did not, however, pass without comment. He was attacked quite vociferously in liberal Jewish quarters:

Dr. Herzl and those who think with him are traitors to the history of the Jews, which they misread and misinterpret. They are themselves part authors of the anti-Semitism they profess to slay. For how can the European countries which the Jews propose to ‘abandon’ justify their retention of the Jews, if the Jews themselves are to be the first to ‘evacuate’ their position, and to claim the bare courtesy of ‘foreign visitors’?²⁰

Zionism’s ‘dark side’ is that it was the twin of anti-Semitism.²¹ As Herzl told the First Zionist Congress in his opening address in Basel on 29 August 1897, ‘Anti-Semitism ... is the up-to-date designation of the [Zionist] movement.’²² Instead of struggling for equal civil and political rights with Europe’s Christian majority, and by accepting the premise that the Jews were, in fact, a separate ‘race’ in need of their own state, Herzl and his Zionists were giving succour to the anti-Semites who were essentially making the same argument.²³ It also affirmed the prejudices of Adolf Hitler, who in *Mein Kampf*, made the following observation about Jews and Zionism whilst wandering the streets of Vienna:

Yet I could no longer very well doubt that the objects of my study were not Germans of a special religion, but a people in themselves; for since I had

begun to concern myself with this question and to take cognisance of the Jews, Vienna appeared to me in a different light than before. Wherever I went, I began to see Jews, and the more I saw, the more sharply they become distinguished in my eyes from the rest of humanity. Particularly the Inner City and the districts north of the Danube Canal swarmed with a people which even outwardly had lost all resemblance to Germans.

And whatever doubts I may still have nourished were finally dispelled by the attitude of a portion of the Jews themselves.

Among them there was a great movement, quite extensive in Vienna, which came out sharply in confirmation of the national character of the Jews: this was the *Zionists*.²⁴

In Hitler's eyes Zionism reconfirmed his pre-existing bigoted and racially narrow-minded views about the Jews not being 'true' Germans and being responsible for all that was wrong with his vision of what Germany should be. Therefore, like Fichte and the other German anti-Semites, Hitler supported the emigration of the Jews to Palestine as one way of solving Germany's Jewish Question. Indeed, today, it is all too often overlooked that Hitler, who greatly admired the British Empire throughout most of his adult life, and lamented the loss of Germany's colonies in Africa and the Pacific at the end of the First World War, supported the policy of encouraging the Jews to immigrate to Palestine for almost a decade prior to the Final Solution. Indeed, once in power, he probably did more than anyone else to encourage Zionism and the largest influx of Jewish immigrants into Palestine (1932–36) occurred when he was the Fuehrer of the Third Reich (see Table 1).

Table 1 Annual Immigration into Palestine, by Race, 1931–36

Year (September–October)	Recorded Immigration	
	Jews	Non-Jews
1931	4,075	1,458
1932	9,553	1,736
1933	30,327	1,650
1934	42,359	1,784
1935	61,854	2,293*
1936	29,727	1,944†

* Of these 903 were Arabs.

† Of these 675 were Arabs.

Source: Palestine Royal Commission Report, July 1937, Cmd 5479, p. 279.

As the commission which compiled these statistics noted, by 1936 immigration from Russia had almost entirely ceased, its place being taken over by Germany which supplied the largest proportion of immigrants overall after Poland and Russia.²⁵ These statistics did not include illegal Jewish immigration into Palestine, however, and so the true figures were higher.²⁶ That immigration peaked in 1935 was no coincidence. In that year on 15 September, Germany

passed the Nuremberg Law for the Protection of German Blood and Honour, which, among other things, prohibited marriages between Germans and Jews as well as extramarital intercourse and the flying of the Reich flag by Jews.²⁷ With regard to Zionism, the introduction accompanying that law included the following statement:

If the Jews had a state of their own in which the bulk of their people were at home, the Jewish question could already be considered solved today, even for the Jews themselves. The ardent Zionists of all people have objected least of all to the basic ideas of the Nuremberg Laws, because they know that these laws are the only correct solution for the Jewish people.²⁸

In 1937, the Palestine Royal Commission Report was published, which for the first time envisaged establishing a Jewish state in Palestine. The report provoked intense debate within the German Foreign Ministry where the pros and cons of encouraging Jewish emigration from Germany into Palestine were debated.²⁹ Finally, the ministers involved decided to ask Hitler for a final ruling, and he, in turn, asked Rosenberg for a special report. After studying the document he received from his racial expert, Hitler's decision was communicated by the Foreign Affairs Office of the Nazi Party to all the Ministries concerned. They were told that the Fuehrer had decided again that: 'Jewish emigration from Germany shall continue to be promoted by all available means. Any question which might have existed up to now as to whether in the Fuehrer's opinion such emigration is to be directed primarily to Palestine has thereby been answered in the affirmative.'³⁰ Although Jewish immigration into Palestine fell significantly after 1937, the number of German immigrants as a proportion of the total number of immigrants entering Palestine was still high and increased appreciably in 1939.³¹ According to *A Survey of Palestine* prepared in 1945–46 for the information of the Anglo-American Committee of Inquiry, emigration from Germany overtook that of Poland in 1938 and surged in 1939.³² However, by that time Britain had decided to restrict Jewish immigration into Palestine.

Table 2 Annual Immigration into Palestine, by Race, 1937–42
(Total number of persons registered as immigrants)

<i>Year</i>	<i>Total</i>	<i>Jews</i>	<i>Arabs</i>	<i>Others</i>
1937	12,475	10,536	743	1,196
1938	15,263	12,868	473	1,922
1939	18,433	16,405	376	1,652
1940	5,611	4,547	390	674
1941	4,270	3,647	280	343
1942	3,052	2,194	423	435

Source: *A Survey of Palestine*, December 1945–January 1946, p. 185.

In 1961, Adolf Eichmann was indicted before the District Court of Jerusalem on 15 charges, which included crimes against humanity, crimes against the Jewish people, and being a member of an outlawed organisation.³³ At the trial he attempted to defend his horrendous actions when he was working for the Department of Jewish Emigration, which was responsible for deporting hundreds of thousands of Jews to their deaths, which led, after 1942, to the mass murder of millions, by claiming that the initial *emigration* policy of the National Socialist Party was consistent with Zionism. He told the District Court that Theodor Herzl's *Der Judenstaat* ('The Jewish State') and Adolf Böhm's *Die Zionistische Bewegung* ('The History of Zionism') were required reading by the employees of that Department.³⁴ Eichmann also told the Court that he protested the desecration of Herzl's grave in Vienna in 1939 and that he even commemorated the 35th anniversary of his death.³⁵ During the cross-examination he told the presiding judge, to the bemusement of those sitting in the gallery, that in Vienna he regarded the Jews as opponents with respect to whom a 'mutually fair solution' had to be found:

That solution I envisaged as putting firm soil under their feet so that [the Jews] could have a place of their own, soil of their own. And I was working in the direction of that solution joyfully. I cooperated in reaching such a solution, gladly and joyfully, because it was also the kind of solution that was approved by movements among the Jewish people themselves [that is, the Zionists], and I regarded this as the most appropriate solution to this matter.³⁶

Eichmann was essentially echoing what Hitler wrote in *Mein Kampf*; that Zionism was compatible with the emigration policy of the National Socialist Party in Germany, although obviously not with the extermination of European Jewry that became part of official Nazi policy at the House of Wannsee Conference in 1942.³⁷ In its judgment, the District Court of Jerusalem referred to Eichmann's testimony, just quoted, which formed a part of the Madagascar Plan.³⁸ In short, this plan entailed the total deportation of the Jews from German-ruled territory, which at that time numbered four million, to Madagascar where they could create their own 'homeland'. However, it was not to be as 'joyful' as Eichmann had rather disingenuously suggested to the Court. According to the judgment:

... even deportation to Madagascar would have been preferable to the physical extermination which later befell European Jewry. But ... the Madagascar Plan must be viewed in terms of the pre-extermination period. It is sufficient to glance at the details of the written plan in order to discover its true significance: the expulsion of four million Jews – the whole of European Jewry at that time under the rule of the Hitler regime – within four years into exile, and their complete isolation from the outside world. It was stated explicitly that the organization of the Jews as an independent State was out of the question and that this would be a 'police state' supervised

by RSHA [the Reich Main Security Office] men ... the economic living conditions of millions of Jews in their new abode did not particularly worry the authors of the plan. They had in mind employing them for many years on public works such as draining swamps and building roads, that is to say, on forced labour under the supervision of the German masters of the island ... as for finance, this in part would come from the property of the Jews themselves, which would be confiscated on their leaving their places of residence and transferred to 'a central settlement fund', while the rest would be raised by imposing a tax on Jews of the Western Powers, payment to be guaranteed by the peace treaty. Western Jewry would also pay for the transport of the deportees to Madagascar, as 'reparations for damage caused to the German nation by the Jews economically and otherwise as a result of the Versailles Treaty'.³⁹

Eichmann and others devised the Madagascar Plan in the Nazi bureaucracy after Hitler's blitzkrieg against France in May 1940. Madagascar was a French colony. The Nazis envisaged a 'peace treaty' with France whereby the latter would cede its colony to Germany so that they could carry out their 'Master Plan'. As the District Court noted in its judgment, the Madagascar Plan was occasionally referred to in government circles in Germany as the 'Final Solution of the Jewish problem'.⁴⁰ The plan according to Eichmann was compatible with Zionism, a view which was condemned in the most stringent terms by the District Court.⁴¹ In 1939, Britain had restricted Jewish immigration into Palestine and German citizens as well as those persons in German-occupied territory were considered 'enemy nationals'. The Nazis therefore had to find another outlet to solve its 'Jewish problem' and this is where the Madagascar Plan came in. Had Germany not lost its colonies at the end of the First World War, when they were confiscated by the Entente and turned into B- and C-class League of Nations mandates, it is not entirely implausible that the Nazis might have encouraged Jewish emigration from Germany to one of its former colonies, such as South-West Africa, the Cameroons or Tanganyika, and claimed that this was consistent with political Zionism. The problem was that Zionism, like other political ideologies of that era such as capitalism, communism, fascism and socialism, was capable of being interpreted *differently* by different actors. After all, in *Der Judenstaat*, Herzl specifically listed Argentina, and not only Palestine, as an ideal location for establishing his Jewish state – and the Jewish Territorial Organisation led by Israel Zangwill was advocating creating a state elsewhere other than Palestine.⁴² In other words, Zionism, as a political creed, could be appropriated by others and used for their own selfish ends. Indeed, Britain, Germany, and the Soviet Union, produced their own versions of Zionism; in Britain, it was, initially, the 'Uganda Plan', in Germany it was the 'Madagascar Plan' and in the USSR it was 'Birobidzhan' in the Soviet Far East, which still exists today as the Jewish Autonomous Region.⁴³

But how was it that two very different visions of Zionism, the British theory, advocated by A.J. Balfour, more of which is described below, and

the German one, advocated by Hitler and his acolytes, have originated from the same source, that is, Theodor Herzl's *Der Judenstaat*? The fundamental flaw was a central tenet of Herzl's thesis. It was his suggestion that anti-Semitism was inevitable wherever there were Jews in significant numbers, that if the Jews were to be 'honest' with themselves they could not be Frenchmen, Englishmen or Germans, and that there was no other way to combat anti-Semitism other than to agree with the anti-Semites that the Jews were a 'foreign body' who needed to sever their links with their countries of origin in favour of a territorial solution based upon nineteenth-century notions of nationality and race.⁴⁴ In the eyes of a sociopath like Hitler, saying this was tantamount to treason. As many Jewish anti-Zionists in the early twentieth century tried to stress time and time again this was an inherently flawed and extremely dangerous thesis that would be used and abused by the anti-Semites. This is why Edwin Montagu, Lucien Wolf, Laurie Magnus, Claude Montefiore, and many other Western-educated Jews who were content with their status as Englishmen vigorously opposed Zionism. As they noted, the anti-Semites were always very sympathetic to Zionism. This would explain why, for instance, many statesmen who supported Zionism in its early days, such as Sir Mark Sykes⁴⁵ and Colonel Richard Meinertzhagen⁴⁶ were anti-Semitic, even in Britain, which was widely seen as a bastion of liberal democracy. This is also why, in addition to a safeguard clause protecting Arab rights there was a safeguard clause specifically protecting the rights and political status of *Jews* inserted into the Balfour Declaration in 1917, which is examined in detail in the next chapter.

Although this book is principally concerned with the Arab–Israeli conflict, it is important to stress that Jews, and not only Arabs, were victims of European colonialism, imperialism and nationalism as well as anti-Semitism. One cannot understand Edwin Montagu's vehement opposition to Zionism, as explained in more depth in the next chapter, without comprehending the political and social situation of the Jews in Europe at the dawn of the twentieth century. Likewise, one cannot determine whether the establishment of a Jewish state in 1948 breached the safeguard clauses inserted into the Balfour Declaration as it was incorporated into the Mandate without taking into account the fate of German Jews and those who lived in Nazi-occupied Europe during the Second World War. As it happened, at the turn of the twentieth century, a very small number of Jews, mostly from Eastern Europe and Russia, who called themselves the 'Zionists', and who at the time represented less than 1 per cent of Jewish opinion in the world, were quite prepared to allow themselves to be manipulated by the Great Powers in their quest to colonise the Holy Land.⁴⁷ As a result, they were pitted into a conflict with that country's indigenous inhabitants, a conflict that shows no signs of abating. Of course, anti-Semitism did not only exist in Germany. It was also widespread in Britain. However, British anti-Semitism was peculiarly connected to xenophobia and the question of alien immigration.⁴⁸ It was not based on warped Germanic racial theories.

BRITISH ANTI-SEMITISM AND ALIEN IMMIGRATION

In Britain, at the dawn of the twentieth century, an acrimonious debate raged over the question of alien immigration into the country and whether restrictions should be placed upon it. Those who argued in favour of restrictions justified their position quite openly and had no qualms about using intemperate language. Two extracts from a book entitled *Alien Immigration: Should Restrictions be Imposed?*⁴⁹ published a year before the British Government, under the leadership of A.J. Balfour, who successfully passed the Aliens Act 1905 through Parliament, left little to the imagination of the reader:

The 'two nations' of Disraeli were never more separate than to-day in London, and the weaker nation – England's poor – are face to face with a third nation whose rivalry threatens to deprive them of the result of fifty years of struggle for human conditions of labour ... Alone among the nations of the world we allow the scum of the earth to enter our land, and, naturally, taking the line of least resistance, they come to us in ever increasing numbers, since the rest of the world is closed to them.⁵⁰

Such sentiments were perhaps common to much racist literature, and the extract just quoted could have referred to any immigrant community. Its author was alluding to Prime Minister Benjamin Disraeli's novel *Tancred: Or, the New Crusade* whose hero is an English Lord who strongly reacts to the social conditions of the 'Two Nations', in Britain, the rich and the poor, after returning from a visit to the Middle East.⁵¹ Yet, if there were any doubts regarding the target for the author's racial outburst in the passage quoted above, it becomes clear from a second extract from the same book which particular community its author sought to vent his ire:

It is an unfortunate fact that the alien immigrant is generally a Jew, for anything savouring of religious intolerance is sure of condemnation to-day. And yet we are experiencing in England on a small scale what Russia has endured for centuries on a large scale – the evils due to the presence in a State of a body of men alien in thought, sympathies, and beliefs to the mass of their fellow citizens.⁵²

Racial stereotypes of Jews were rife in Britain in the early twentieth century, and common amongst men and women from all walks of life.⁵³ A book published in 1900, called, *The Jew in London: A Study of Racial Character and Present-Day Conditions being Two Essays Prepared for the Toynbee Trustees*,⁵⁴ to which a Member of Parliament⁵⁵ and a clergyman⁵⁶ were quite happy to have their names associated, spoke of the Jews as being 'self-assertive and loud' and going 'after money as if it were his god'.⁵⁷ However, it was not the assimilated Jew that concerned the clergyman and the many who thought like him, but the *Ostjuden* who so infuriated German anti-Semites:

The Jew, who is by nature spiritual, tends to become material or sensuous, and in East London is sometimes notable for his coarseness and vulgarity. Altogether he has not popular qualities. His virtues raise him above his neighbours, his ability enable him to pass them in the race for wealth, and his manners give him the appearance of superiority. The immigrant Jew has, moreover, habits of living acquired in other countries which offend the prejudiced Englishman, who is apt to call 'dirty' whatever is foreign.⁵⁸

As Herzl noted in his diary, it was the emancipation of the Jews in the nineteenth century that was causing anti-Semitism.⁵⁹ He made this prescient observation in 1895 when he was walking in the 'green meadows' philosophising with his friend Speidel. Whilst pontificating, Herzl provided the following explanation for what he thought caused the anti-Semitism that he was experiencing as a journalist with the *Neue Freie Presse*:

We Jews have maintained ourselves, even if through no fault of our own, as a foreign body among the various nations. In the ghetto we have taken on a number of anti-social qualities. Our character has been corrupted by oppression, and it must be restored through some other kind of pressure. Actually, anti-Semitism is a consequence of the emancipation of the Jews. However, the peoples who lack historical understanding – that is, all of them – do not see us as an historical product, as the victims of earlier, crueller, and still more narrow-minded times. They do not realize that we are what we are because they have made us that way amidst tortures, because the Church made usury dishonourable for Christians, and because the rulers forced us to deal in money.⁶⁰

Unfortunately, most anti-Semites did not understand this, or care to comprehend it. To them the Jews were considered a foreign and unwanted element in their societies, whether they were in France, scandalised by the Dreyfus affair, Germany, or even the United States, which experienced the Saratoga incident, and Britain where the Marconi scandal took place, in which Herbert Samuel, Sir Rufus Isaacs, and other prominent British Jews were accused of insider trading, which fuelled allegations of anti-Semitism.⁶¹

At the turn of the last century, most of the Jews inhabiting the East End of London had emigrated there from Eastern Europe and it was in this context that an attempt was made to curb Jewish immigration into Britain, which quintupled between 1880 and 1920 from an original 60,000.⁶² In 1903, amidst complaints regarding the effects of immigration on the working conditions and loss of employment in Britain's largest cities, the Report of the Royal Commission on Alien Immigration was published.⁶³ Its Terms of Reference had been to inquire into – (1) The character and extent of the evils which are attributed to the unrestricted immigration of Aliens, especially in the Metropolis; and (2) The measures which have been adopted for the restriction and control of Alien Immigration in Foreign Countries, and in British Colonies. The Commission cited the May Laws enacted in Russia in

1882 and the oppressive measures taken in Romania as the main reasons causing the Jewish exodus.⁶⁴ Regarding the nature of the Aliens, several allegations were submitted, including:

- (1) That on their arrival they are (a) in an impoverished and destitute condition, (b) deficient in cleanliness, and practicing unsanitary habits, (c) and being subject to no medical examination on embarkation or arrival, are liable to introduce infectious diseases.
- (2) That amongst them are criminals, anarchists, prostitutes, and persons of bad character, in number beyond the ordinary percentage of the native population.
- (3) ...
- (4) That on their arrival in this country they congregate as dwellers in certain districts, principally in the East End of London, and especially in the Borough of Stepney, and that when they so settle they become a compact, non-assimilating community.⁶⁵

Point nine singled out one group of persons in particular:

- (9) In addition to these allegations it was complained in respect to immigrants of the Jewish faith (a) that they do not assimilate and intermarry with the native race, and so remain a solid and distinct colony; and (b) that their existence in large numbers in certain areas gravely interferes with the observance of the Christian Sunday.⁶⁶

It was Balfour, who, as Prime Minister, steered the passage of the Aliens Act through Parliament in 1905 that restricted this westward movement of Jewish immigration into Britain which was used by many as a point of embarkation for the United States which in turn restricted immigration from Europe in 1921.⁶⁷ Between 1.5 and 2 million Eastern European Jews made the United States, not Palestine, their destination of choice, and a further 350,000 chose to go to Western Europe.⁶⁸ During the debates, Balfour told the Commons that the oppression of Jews tarnished the fair fame of Christendom and said that it was their duty to do anything that could diminish its effects.⁶⁹ This is why he thought the British Government's decision to offer land for Jews to settle in British East Africa in 1903 would make a 'good asylum'. This is what is recorded in Hansard:

Mr. A. J. BALFOUR said that he did not intervene in order to reply to some of the very singular attacks which had been made upon him in the course of the last two hours, although he might well have asked permission to do so. One hon. Gentleman seemed to think that he was justly open to the charge of inhumanity, and that he was indifferent to the sufferings of the Jewish race in Russia and other Eastern countries because he did not think that their rights, or indeed any serious respect their interests, would be interfered with by the Bill ... So far as he knew, alone among the nations of the world, and

certainly alone among the Governments of this country, they had offered to the Jewish race a great tract of fertile land in one of our possessions in order that they might, if they desired it – [ironical OPPOSITION laughter] – find an asylum from their persecutors at home. He did not know whether that offer was regarded as contemptuous or derisory, he could only say that such an offer had never yet been made by any country to the people on whose behalf the hon. Gentleman spoke.⁷⁰

Balfour's 'humanitarian gesture' was, however, very contradictory and some might say rather disingenuous which would explain the ironical opposition laughter and the singular attacks made upon him by his colleagues.⁷¹ On the one hand he was calling on Parliament to do all it could to help the Jews, and at the same time he was persuading them to restrict Jewish immigration into the country. On the other hand the solution he envisaged for these poor Jews fleeing Russian persecution was not the chance to make a new start in Britain but to send them to mosquito-ridden East Africa. It did not occur to him that these Jewish immigrants wanted to actually reside in Britain and that their integration and assimilation into British society would take time. In the debate on the Second Reading of the Aliens Bill, which was passed by a 211 majority vote, with only 59 MPs opposing it (including Herbert Samuel and L.W. Rothschild), Balfour told the House of Commons that although serious national danger from these foreigners was still remote, in the future

... a state of things could easily be imagined in which it would not be to the advantage of the civilisation of the country that there should be an immense body of persons who, however patriotic, able, and industrious, however much they threw themselves into the national life, still, by their own action, remained a people apart, and not merely held a religion differing from the vast majority of their fellow-countrymen, but only intermarried among themselves.⁷²

In other words, even if the Jews were indeed patriotic, which many anti-Semites in Britain and Germany questioned, Balfour still did not want them in England because they refused to assimilate with his fellow Anglo-Saxons, for example, through intermarriage. This did not suit his conception of what an Englishman was. As one historian aptly put it, in early twentieth-century Britain, '[t]he patriotism of a Gentile Englishman formed a congruent hierarchy – loyalty to England, to Britain, to the British Empire, to the Anglo Saxon race, to Western civilisation, to humanity. How did Jewish race patriotism fit into this?'⁷³ It is therefore not surprising that contemporary historians have called Balfour an anti-Semite.⁷⁴ Indeed when Balfour was Foreign Minister in 1917, he refused to intercede with Russia to ameliorate conditions in the Pale of Jewish Settlement because he did not want to interfere in the domestic affairs of an ally. This is what he is alleged to have said:

... it was also to be remembered that the persecutors had a case of their own. They were afraid of the Jews, who were an exceedingly clever people ... wherever one went in Eastern Europe, one found that, by some way or other, the Jew got on, and when to do this was added the fact that he belonged to a distinct race, and that he professed a religion which to the people about him was an object of inherited hatred, and that, moreover, he was ... numbered in millions, one could perhaps understand the desire to keep him down ...⁷⁵

It is in this context that the declaration which bears Balfour's name, and which is examined in some detail in the next chapter, should be properly understood. It was not merely a propaganda document, or born of strategic necessity, but a potential solution, in Balfour's eyes, to stem the flow of European Jewish immigration into Britain. It must be remembered that in the years 1905–14 there was an intensification of hostility towards Jewish immigrants, particularly those from Eastern Europe and Germany who were seen to be sympathetic to the Kaiser, and that during the First World War the British Government deported 20,000 'aliens' and interned a further 32,000, which included many Jews.⁷⁶

Ultimately, Zionism provided a pretext for people like Balfour to justify the removal of these unwanted people from England's shores by arguing that they were not being anti-Semitic because the Jews themselves supported it. This was one of the reasons, in addition to considerations of *realpolitik*, and his religious upbringing, why Balfour found Zionism so appealing.⁷⁷ However, the vast majority of British Jews were either ambivalent about Zionism or indifferent.⁷⁸ Some, however, such as Edwin Montagu, and others, were outright hostile to it, and opposed Zionism and the 'Balfour Declaration' when it was issued in November 1917.⁷⁹ To them, Judaism was a religion and not a nationality. They argued that they were not a separate race, as Balfour saw them, and this was one of the primary reasons Montagu would draft the first of three memoranda which he submitted to the British cabinet in 1917, when Balfour was Foreign Minister, provocatively entitled 'The Anti-Semitism of the Present Government.'⁸⁰ It is quite telling that the only Jew in the British Government responsible for the affairs of India, which was then Britain's largest colony, and whom his colleagues specifically consulted about the declaration, thought that the government he served was initiating a policy, the effect of which would be anti-Semitic. As Montagu recognised, Zionism actually provided Balfour and those who thought like him with the perfect pretext to reduce Jewish immigration into Britain whilst portraying themselves, falsely, as 'humanitarians' concerned about their welfare. This is what Balfour wrote in the conclusion to his introduction to Nahum Sokolow's epic book, *the History of Zionism, 1600–1918* (1919):

If [Zionism] succeeds, it will do a great spiritual and material work for the Jews, but not for them alone. For as I read its meaning it is, among other things, a serious endeavour to mitigate the age-long miseries created

for western civilisation by the presence in its midst of a Body which it too long regarded as alien and even hostile, but which it was equally unable to expel or absorb. Surely, for this if for no other reason, it should receive our support.⁸¹

That Balfour had the gall to write this in a book on Zionism was foreboding. One can only imagine what he wrote about the Jews in private or in correspondence that was destroyed or lost. But there is little reason to doubt that his views, even then, would have been regarded as anti-Semitic. At least this is how Herzl would have described it. For Herzl anti-Semitism was not to be associated with 'the old religious prejudice'.⁸² Rather, '[f]or the most part it is a movement among civilized nations whereby they try to exorcize a ghost from out of their past'.⁸³ If this was how anti-Semitism, as opposed to Philo-Semitism, was understood to be at the dawn of the twentieth century, then those who described Balfour as an anti-Semite, then and now, must surely be right.⁸⁴

Zionism, however, had another aspect to it. Not only was it intricately linked to anti-Semitism but it appealed to a certain type of Briton, Balfour included, because it was an essentially imperialist project that provoked excitement in those who were sent to 'redeem' and 'rebuild' the Holy Land which they had read about in the Bible.⁸⁵ Indeed, already during the nineteenth century, anti-quarianism, the passion for authenticating the Bible, and Evangelical hopes for the conversion of the Jews, had all inspired British visitors and missionaries to Palestine.⁸⁶ Moreover, many nineteenth-century philanthropists who donated money to colonise Palestine were from England, France and Germany, the very countries where anti-Semitism was at its most virulent.

COLONIALISM AND ZIONISM

In early twentieth-century Britain, not only was anti-Semitism acceptable, but so was colonialism, which was seen by many as an admirable venture associated with the British Empire and imperialism.⁸⁷ In fact, colonialism was looked at favourably amongst most classes of British society, and it did not have the pejorative connotation with alien subjugation, domination and exploitation, which it has been associated with since decolonisation in the 1960s.⁸⁸ It is in the context of European anti-Semitism, and the escape that colonialism offered the Zionists, that the project to create a homeland for the Jewish people as outlined by the first Zionist Congress in Basel in August 1897 should be viewed and understood.⁸⁹ And public international law, which is the law that applies between states and international organisations, as opposed to individuals, was the very vehicle through which the Zionist project was to be brought to fruition.⁹⁰ As the first declaration adopted by the Zionists in Basel in 1897 made clear: 'The aim of Zionism is to create for the Jewish people a home in Palestine secured by public law.'⁹¹ A home secured by public law, '*eine oeffentlich-rechtlich gesicherte Heimstaette*', implied that the colonisation of Palestine by the Zionists would be accomplished through legal means.

And yet, the Zionist project was, from its inception, mired in controversy. Herzl originally wanted to hold his first Zionist congress in Munich, but the rabbis there told him that they did not like his political Zionism and they forced him to relocate his congress to Basel instead.⁹² ‘Judaism obliges its followers’, they wrote, ‘to serve the country to which they belong with the utmost devotion, and to further its interest with their whole heart and all their strength.’⁹³ They also thought that Herzelian Zionism was ‘antagonistic to the messianic promises of Judaism as contained in the Holy Writ and in later religious sources’.⁹⁴ But this did not stop Herzl. According to the ‘Basel Program’ adopted by the first Zionist congress in 1897:

The aim of Zionism is to create for the Jewish people a home in Palestine secured by *public law*.

The Congress contemplates the following means to the attainment of this end:

1. The promotion, on suitable lines, of the *colonization* of Palestine by Jewish agricultural and industrial workers.
2. The organization and binding together of the whole Jewry by means of appropriate institutions, local and international *in accordance with the laws of each country*.
3. The strengthening and fostering of Jewish national sentiment and consciousness.
4. Preparatory steps towards obtaining government consent, where necessary to the attainment of the aim of Zionism.⁹⁵

International law was pivotal to the development of the Jewish national home. Without it, Israel would not exist today. Nor should there be any doubt about the colonial origins of the Zionist project as the Zionists themselves frequently referred to it in this light in their founding document and in their literature.⁹⁶ In fact, from its very inception, the institutions and character of Jewish settlement in Palestine were an imitation of other colonial models.⁹⁷ For instance, in the late nineteenth century, Baron Edmond de Rothschild, who financed settlements for the first wave of Jewish immigrants into Palestine, recruited French colonial agronomists from North Africa to reorganise the failing settlements of the first *aliyah* by copying the model of colonial agriculture in Algeria, Egypt and Tunisia.⁹⁸ In Argentina, Baron Maurice de Hirsch and his Jewish Colonisation Association spent 50 million francs towards the mass resettlement of Jews there because of its cheap arable land, plentiful rainfall, and relatively well developed transportation system.⁹⁹ Hirsch’s colonisation of Argentina was similar to Palestine where private capital was also used to settle the colonists and indeed his Jewish Colonisation Association provided financial aid to those Jewish colonies in Palestine that were not receiving aid from Rothschild.¹⁰⁰ However, neither of the Barons were Zionists in the political sense, at least not initially. They did not set out to create a Jewish state in Palestine as advocated by Herzl and indeed their relationship with

the Austrian journalist was often tense and at times acrimonious.¹⁰¹ Although Baron Edmond de Rothschild met Herzl and his associates several times, he told his colleague Max Nordau that his brand of Zionism was dangerous because he was ‘rendering the patriotism of the Jews suspect’.¹⁰² In Germany, by contrast, many of the founders of the Jewish National Fund, the body tasked with providing capital to purchase land in Palestine on behalf of the Zionist movement for Jewish settlement, were directly influenced by Herzlian Zionism. Most of them were involved in the German colonisation of Posen, which was then in German-occupied Poland.¹⁰³ The leaders of the Zionist Organisation, such as Adolf Böhm, Franz Oppenheimer, Arthur Ruppin, and Otto Warburg, were familiar with the national conflicts within the Habsburg Empire, where large peasant populations of various nationalities threatened the dominance of the German-speaking elite.¹⁰⁴ The German Zionists, in contrast to the Barons, were state builders. Their colonisation efforts were not philanthropic but nationalistic and they sought to lay the foundations for ultimately establishing a Jewish state in Palestine. They found the Barons tiresome and irksome (as did the Barons find the Zionists) and questioned the wisdom of relying on private capital alone to colonise Palestine.¹⁰⁵ This is why they decided to establish the Jewish National Fund to purchase land in Palestine and hold it in trust for the Jewish people.

Although Rothschild sought to emulate the French colonial model in North Africa he was not necessarily concerned with their *mission civilisatrice*, and only hired Arab peasants to work in the fields of the Jewish settlements due to the colonists’ lack of farming experience and familiarity with local conditions.¹⁰⁶ The German Zionists also sought to avoid the use of Arab labour through the strategy of ‘conquest of labour’, which aimed to create a homogeneous labour market in which Arab workers would be excluded from working with Jews.¹⁰⁷ Although the German Zionists saw this strategy as a doctrine that was essential for national revival, it was resented by the Arabs, and caused friction between the two communities in Palestine. When some Jewish-owned companies actually decided to ignore the ban and employ Arab labour, because it was less expensive and more productive, the Arabs being accustomed to local conditions, they often met with opposition from the Jewish workers they employed who refused to till the fields with the Arabs.¹⁰⁸

By the turn of the twentieth century, the colonisation of Palestine gathered pace. At the Second Zionist Congress in Basel in 1898, the Jewish Colonial Trust, the parent company of the Anglo-Palestine Bank, was established, which became the ‘Bank Leumi Le-Israel’ following the establishment of the state of Israel.¹⁰⁹ Herzl saw the establishment of the Jewish Colonial Trust as a financial tool for the realisation of the idea of the Jewish state, which would serve the political and economic activity of the Zionist Organisation.¹¹⁰ By raising capital in this way, he wanted to implement a programme of large-scale immigration, retraining, and rapid economic development in Palestine that would entail large investments in infrastructure, agriculture, and industry.¹¹¹ Herzl sought to emulate the great European colonial companies and investment banks of his day through the Anglo-Palestine Bank.¹¹² Then in 1900, due to a lack of

return on his investments, Rothschild decided to turn over his vast property portfolio, holdings, and financial assets in Palestine and hand it over to the Jewish Colonisation Association that was being run by Hirsch.¹¹³ In his later years, it was said that Baron Edmond de Rothschild started to sympathise with the political Zionists, although his memories of Herzl remained unpleasant, but he nevertheless preferred to create a Jewish homeland in Palestine by quiet immigration and settlement.¹¹⁴ In short, the colonisation of Palestine was progressively being institutionalised and nationalised.

But Herzl remained restless. He still wanted his charter to legalise his colonisation efforts. In 1900, in furtherance of his aims, Herzl drafted a Charter for a Jewish-Ottoman Land Company, which he intended to present to the Grand Vizier, who was the representative of the Ottoman Sultan in Istanbul, in the hope of persuading him to support the creation of a Jewish homeland in Palestine.¹¹⁵ According to Adolf Böhm, a confidant and a member of the Zionist hierarchy, Herzl wanted to emulate the successes of the British and Dutch East India Companies in colonising the Holy Land.¹¹⁶ This is why he was intent on drafting a charter that would legalise the whole expedition. In this regard, some of the principal clauses of his draft, translated from German from the Herzl Archive in Vienna, are of interest, and included the following principal provisions:

AGREEMENT¹¹⁷

concerning the privileges, rights, liabilities, and duties of the Jewish-Ottoman Land Company (JOLC) for the settlement of Palestine and Syria.

His Majesty the Sultan grants and guarantees the JOLC the following special rights and privileges for the purpose of settling Palestine and Syria with Jews who assume Ottoman citizenship [in order to enable them] to open up the natural food and occupation resources of these countries under the following conditions, and in return for assuming the obligations listed below.

- I. A special right to purchase large estates and small farms, and to use them for agriculture, horticulture, forestry, and mining ... On these areas [the JOLC] may build all installations, roads, bridges, buildings and houses, industrial and other facilities, which it considers appropriate, without being restricted in the choice of means to be used, and without having to apply for special permits. [The JOLC is entitled] to drain and utilize swamps (if there are any) by planting or any other way, to establish small and large settlements, and to settle Jews in them.
- II. The limited proprietorship of all estates and landed properties belonging to His Majesty the Sultan in the above mentioned 'Privileged Territories.' [The JOLC shall express its] eternal recognition of his supreme proprietorship through a permanent annual payment of 3 Turkish Piasters per dunum.¹¹⁸ This refers to the areas which

[the company] has the right to utilize according to article I of this agreement. Likewise, a special right to occupy all those areas for which nobody can prove legal title or the right of ownership ...

- III. ...
- IV. ...
- V. The JOLC will take over taxation in the 'Privileged Territory,' stipulating that it [the company] is entitled to reform taxation and make it more efficient ... if it imposes customs duties, it has to respect the international treaties of the Ottoman government, adhering to the customary procedures and amounts ...
- VI. Within its 'Privileged Territory,' and under the protection of His Majesty the Sultan, the JOLC has complete autonomy, guaranteed by the Ottoman Empire. But it is obliged to ensure on its territory the maintenance of law and order, as well as the personal security and the property of both of the inhabitants and of peaceful visitors and groups of pilgrims from foreign countries ...
- VII. A. All Jews whom the JOLC has settled in the 'Privileged Territory' become subjects of His Majesty the Sultan by virtue of their acceptance as colonists or their employment as functionaries; they enjoy full Ottoman citizenship. By joining the JOLC as colonists or as its functionaries they ipso facto abandon their former citizenship. The same applies for Jews who are already settled in Palestine and Syria, who consider themselves protégés of the JOLC, and who sign a certificate of admission of the Company.
 B. Every protégé of the JOLC is subject to military service in the Imperial Ottoman Syrian-Palestinian Land [IOSPL] or Navy [SPN] division: Upon reaching the age of 19 he is subject to a year-long service in the standing army and a 1/2-year long cadre service [*Cadredienst*]; until he reaches 26 he serves in the militia [*Lanwehr*], including three weeks of manoeuvre per year; finally, between the age of 27 and 35 he is part of the general levy [*Landsturm*]. The two divisions mentioned above are to be entirely composed of Jewish soldiers, and foreign nationals can only be accepted temporarily as instructors and trainers ...

Although Herzl decided against showing this draft to the Grand Vizier, it gives an indication of his intentions in colonising Palestine for the Zionist movement.¹¹⁹ When Herzl mentioned orally to the Vizier's officials his desire to set up a company to facilitate Jewish immigration to the Ottoman Empire, he was told in reply that the Grand Vizier was happy for them to settle wherever they liked in his empire, with the sole exception of Palestine, as long as they became Turkish subjects. Herzl, however, rejected this.¹²⁰

As regards the text of Herzl's draft agreement, it is apparent that he was not only interested in Palestine, but Syria too, which then included what we know today as Lebanon and Jordan. Indeed, in his diaries, Herzl described the area of the Jewish state he envisioned as stretching 'from the Brook of

Egypt to the Euphrates'.¹²¹ Herzl evidently did not give much consideration to the indigenous inhabitants of the land he desired to colonise. He does not mention them at all, although he certainly knew they were there. Herzl probably realised that his request for substantial autonomy in his 'Privileged Territory', would attract controversy in the Porte, particularly as he wanted to go about setting up an army and a navy to protect it. Interestingly, in view of subsequent events (see the section on nationality in Chapter 8), all Jews who became citizens of this territory or signed a certificate of admission to the Jewish-Ottoman Land Company were to acquire their new citizenship *ipso facto*, and lose their former one. Indeed, in view of the substantial powers Herzl was proposing to ask the Ottoman Government to bestow upon his Company, it seems that what he was really asking for was a permit to lay the legal foundations for ultimately creating a Jewish state.

THE BRITISH CONNECTION

It was only when Herzl's venture with the Ottoman Vizier failed that he turned to Britain, the greatest imperial power at the time, for support.¹²² There, the Zionists would have more success and again anti-Semitism enters the picture with British statesmen associating the Jews with money. For instance, in 1840, Lord Palmerston, the Foreign Secretary, wrote to his Ambassador in Istanbul about the financial benefits that would accrue by encouraging the Jews to go to Palestine: 'It is well known that the Jews of Europe possess great wealth; and it is manifest that any country in which a considerable number of them might choose to settle, would derive great benefit from the riches which they would bring into it ...'¹²³ Many Western clergymen, statesmen and diplomats, supported the establishment of a Jewish homeland in Palestine, with Lord Shaftesbury, Lord Palmerston, Napoleon Bonaparte, Edward Mitford, George Gauler and Charles Henry Churchill being some of the outstanding gentiles who favoured returning the Jews to Palestine.¹²⁴ However, their support was rarely altruistic. They saw commercial and strategic advantages in encouraging Jewish immigration into Palestine.¹²⁵

In the years 1874–75, an opportunity presented itself for greater British involvement in the Near East, when the governments of Egypt and Turkey both went bankrupt. The Khedive of Egypt, Ismail Pasha, had little choice but to sell his shares in the Suez Canal Company.¹²⁶ The British Government under the leadership of Benjamin Disraeli subsequently purchased 44 per cent of the shares to the tune of £4,000,000¹²⁷ (equivalent to 8.3 per cent of the entire British budget net of debt charges) loaned to it from the British branch of the Rothschild family.¹²⁸ Although Britain did not own an outright majority of the shares, it gave it an additional interest in the Suez Canal Zone, which gave it further leverage to expand its sphere of influence in the Middle East.¹²⁹ The Rothschilds too, benefited enormously from the deal, financially and politically, coming to the assistance of a Government which needed a large sum of money at very short notice and which could not be acquired from other sources such as the Bank of England without attracting unwarranted

attention from rival French and German banks (and their governments).¹³⁰ In a letter to the Prince of Wales, Disraeli wrote the following:

Our friends, the Rothschilds, distinguished themselves. They alone cd. have accomplished what we wanted, & they had only 4 & 20 hours to make up their minds, whether they wd, or could, incur an immediate liability of 4 millions. One of their difficulties was, that they cd. not appeal to their strongest ally, their own family in Paris, for Alphonse is si francese that he wd. have betrayed the whole scheme instantly.¹³¹

This convergence of interests between the Rothschilds and the British Government was, however, not restricted to the Middle East. The Rothschilds also financed the activities of Cecil Rhodes in southern Africa and sponsored his wars against the Matebele in what would become known as Rhodesia (named after Cecil Rhodes), the southern part of which is today known as Zimbabwe.¹³² As one of Britain's leading historians has noted: '... like that other very different visionary of the period, Theodor Herzl – Rhodes saw the legendary Lord Rothschild as the one man with resources capable of making his dreams a reality'.¹³³ It is therefore, perhaps, not in the least surprising that the Balfour Declaration promising the Jews a national home in Palestine would be addressed to a member of the Rothschild family. In fact, by the First World War, Lord L.W. Rothschild (although he was a minority within his family) viewed British imperialism and Zionism as complementary.¹³⁴ But the connection between British imperialism and Zionism went deeper than mere finances, which was an unfortunate fact in and of itself because it was used by the anti-Semites who saw in it grand plans for a Jewish conspiracy to take over the world as had been predicted in that scandalous forgery *The Protocols of the Elders of Zion*.¹³⁵ It was lamentable that some Zionists such as Herzl sought to play on the connection between Jews and money because they thought it would impress upon the British Government their scheme to colonise the Holy Land. It was to prove disastrous.

In an entry dated 23 October 1902, Herzl writes in his diary of his first meeting with Joseph Chamberlain.¹³⁶ Herzl had requested the meeting so that he could introduce the Colonial Secretary to Zionism, the movement he led. Herzl told Chamberlain that he wanted England to give him Cyprus, El Arish, and the Sinai Peninsula for Jewish colonisation.¹³⁷ Chamberlain replied by saying said that as Colonial Secretary, he could only speak about Cyprus, which fell under his mandate, whereas Egypt was under the responsibility of the Foreign Office.¹³⁸ He then told Herzl that Greeks and Muslims lived in Cyprus and that 'he could not crowd them out for the sake of new immigrants'.¹³⁹ Rather, it was his duty to stand by them.¹⁴⁰ He then told Herzl that if he could show him a spot in the English possessions where there were no white people, he would be happy to talk to him about utilising it for Jewish colonisation.¹⁴¹ But Herzl pressed Chamberlain:

Once we establish the Jewish Eastern Company, with 5 million pounds capital, for settling Sinai and El Arish, the Cypriots will begin to want that golden rain on their island, too. The Moslems will move away, the Greeks will gladly sell their lands at a good price and migrate to Athens or Crete.¹⁴²

Herzl writes that Chamberlain 'seemed to take the idea'.¹⁴³ But he remained non-committal and told him to go and speak to Lord Cromer, then Consul-General of Egypt. In anticipation of his meeting with Cromer, Herzl drafted a memorandum, which made the following connection between British imperialism and the Jewish Question:

Milord:

In accordance with your kind oral request I have the honor to submit herewith a brief sketch of my plan.

It is a matter of solving the Jewish Question of Eastern Europe in a way that redounds to England's honour, but also to her advantage.

The stimulus for the British government to occupy itself with this question is supplied by the immigration to the East End of London.

It is true, this is still no calamity worth mentioning, and I hope it will never become one to the extent that England would have to break with the glorious principle of free asylum. But the fact that a Royal Commission was appointed for the matter will make it sufficiently plausible in the eyes of the world if the British government considers itself *impelled to open up a special territory for the Jews who are oppressed everywhere and thus gravitate to England ...*

To the southeast of the Mediterranean England has a possession which at present is worthless and almost uninhabited. It is the coastal area of El Arish and the Sinai Peninsula.

This area could be made the place of refuge, the home, of the Jews hard-pressed all over the world, if England permits the establishment of a Jewish colony there.¹⁴⁴

Prior to meeting Chamberlain, Herzl had appeared as an expert before the Royal Commission on Alien Immigration in 1902, which he alluded to in his memorandum to Cromer.¹⁴⁵ The Commission, of whom Lord Rothschild was a member, allowed Herzl to read out a pre-prepared speech. Herzl did not hesitate to tell the Commission what he thought was the real motive underlying the convening of a commission on alien immigration:

... I cannot regard the question before the Commission as a small one in comparison – a question, for instance, of local housing or local overcrowding. As to these I know little so far as they affect the districts of the East End of London. The most I know is what I have read of the evidence placed before the Commission; and that evidence tells me quite plainly that questions of

overcrowding and of housing are at most incidental, that the forces at work are the identical forces at work against our people elsewhere – the forces which I have denominated ‘Forces of common trade jealousy, of inherited prejudice and of pretended self-defence.’ These forces are at work here, and, mask it in any way you choose, the cry for restricting alien immigration arrives from the presence here of a perceptible number of Jews, and the desire that that number shall not be perceptibly increased.¹⁴⁶

In so many words, Herzl was essentially telling the Commission that behind their façade was the curse of anti-Semitism. All the other factors, such as overcrowding, loss of jobs, ‘interfering’ with the Christian worship on Sundays, were just a masquerade. Herzl then presented the Commission with his ‘solution’ to the Jewish Question:

... the solution of the Jewish difficulty is the recognition of Jews as a people, and the finding by them of a legally recognised home, to which Jews in those parts of the world in which they are oppressed would naturally migrate, for they would arrive there as citizens just because they are Jews, and not as aliens. *This would mean the diverting of the stream of emigration from this country and from America*, where so soon as they form a perceptible number they become a trouble and a burden to a land where the true interest would be served by accommodating as many as possible.¹⁴⁷

In essence, Herzl was trying to sell Zionism to the British Government as a form of immigration control. Anti-Semitism according to Herzl was a ‘natural phenomenon’ that occurred wherever there were Jews in large numbers. The only way to solve this ‘problem’, was to establish a legally recognised home for these people:

... I felt very strongly that nothing will meet the problem the Commission is called upon to investigate and advise upon except a diverting of the stream of migration that is bound to go on with increasing force from Eastern Europe. The Jews of Eastern Europe cannot stay where they are – where are they to go? If you find they are not wanted here, then some place must be found to which they can migrate without by that migration raising the problems that confront them here. These problems will not arise if a home be found them which will be legally recognized as Jewish.¹⁴⁸

When Herzl met with Cromer in Cairo he tried to stress his ties to the Rothschild dynasty in an attempt, most probably, to play on the connection between Jews and money, by showing him a letter and a telegram from Lord Rothschild supporting his scheme.¹⁴⁹ But Cromer reacted coolly to the proposal and interjected when Herzl started to talk about building a railroad unaware that at the time there was a serious confrontation between Britain and Turkey over the Sinai Peninsula, the Suez Canal and the Hejaz railway.¹⁵⁰ But he assented to Herzl’s proposal to send a commission there to examine

its suitability for Jewish colonisation. Cromer, however, warned Herzl not to speak to the Turkish commissar about it and told him instead to go and speak to the Egyptian Prime Minister Boutros Ghali, which he did.¹⁵¹ But Ghali, in Herzl's words, 'flatly refused' to accede to a Charter providing for El Arish and the Sinai to be colonised by Jewish immigrants from Eastern Europe, although he did not oppose the scheme in principle so long as they became Ottoman subjects.¹⁵² The technical commission then returned from the Sinai. Its conclusions were summarised in a letter that Herzl wrote to Lord Rothschild:

My whole Sinai plan has broken down. Everything was ready. It now depended simply and solely on Sir William Garstin's verdict as to whether we could get the Nile water that we needed. However, after his return from Uganda Sir William questioned the calculations of our engineer, Stephens. He declared that we would need five times as much Nile water as Stephens had calculated, and Egypt could not spare this much. With this the whole project collapsed.¹⁵³

But Herzl's hopes were not completely dashed. On 24 April 1903, he met Chamberlain for the second time. On this occasion Herzl described meeting the Colonial Secretary 'like an old acquaintance'.¹⁵⁴ Chamberlain referred to the Sinai commission report calling its conclusions 'not favourable' for Jewish colonisation due to the scarcity of water there.¹⁵⁵ He then said: 'I have seen a land for you on my travels, and that's Uganda.'¹⁵⁶ He told Herzl that although it was hot on the coast (he was actually referring to what we now know as Kenya), further inland the climate became excellent, 'even for Europeans'.¹⁵⁷ He said that one could raise sugar and cotton there. However, he knew that Herzl really desired Palestine, then under Turkish sovereignty. The conversation then became political. This is how Herzl recalled it:

'In Asia Minor,' Chamberlain said, 'we have fewer and fewer interests. Some day there will be a showdown over that region between France, Germany and Russia – whereas we are increasingly drawn to more distant points. I am wondering, in such a case, what would be the fate of your Jewish colony in Palestine, supposing you have succeeded in establishing it in the meantime?'

I said: 'I believe that then our chances would be even better. For we shall be used as a small *buffer-state*. We shall get it not from the goodwill, but from the jealousy of the powers! And once we are at El-Arish under the *Union Jack*, then Palestine too will fall into the *British sphere of influence*.'

That seemed to make quite a bit of sense to him.¹⁵⁸

However, for the time being, Palestine was out of bounds because it was not a British possession or yet within its sphere of influence. Accordingly, Herzl decided to take Chamberlain up on his offer of establishing a Jewish colony in East Africa. The task for drawing up a Jewish colonisation scheme

there was given to David Lloyd George, who was then a solicitor with the law firm of Lloyd George, Roberts & Company as well as being a Member of Parliament.¹⁵⁹ The British Government's legal expert C.J.B. Hurst subsequently examined the document drafted by Lloyd George.¹⁶⁰ The memorandum Lloyd George prepared was far more elaborate than Herzl's original draft for a Jewish-Ottoman Land Company, which was akin to a treaty with an elaborate preamble, articles and clauses. It also provided for arbitration in case of any disagreement between the concessionaires and the Government.¹⁶¹ Article 1 provided:

1. That the Jewish Colonial Trust (Juedische Colonialbank) (hereinafter called 'the Concessionaires') may and are hereby authorised to enter into and upon the lands comprised in His Majesty's dominions in British East Africa for the purpose of inspecting and examining the same and of ascertaining the condition thereof and the suitability of the same or any part thereof for the establishment of Jewish Settlement or Colony ... with full power to use for any of the purposes aforesaid any road or ways constructed therein and to plot out and survey the same to the intent that a portion thereof ... if and when found suitable may be identified and with the boundaries and abuttals thereof duly determined by the Concessionaires may be submitted to His Majesty's Secretary of State for the approval of His Majesty's Government.¹⁶²

More controversially, Article 5 included the following provisions:

5. THAT at any time subsequent to the approval of the said lands and before the said 31st December 1909 the Concessionaires may submit to His Majesty's Government for approval by the said Government the terms of a Constitution for the regulations administration and good government of the Settlement whereby provision shall be made *inter alia* for the following matters and things:--
 - (a) FOR the introduction and establishment of a form of popular government in the territory which shall be Jewish in character and with a Jewish Governor to be appointed by His Majesty in Council.
 - (b) FOR the granting to the settlement all necessary and proper powers to make ordinances and regulations for the internal administration and all matters necessary for the welfare and good government of the Jewish community and others persons in the said settlement.
 - (c) FOR the levying in and upon the said territory all such tax or taxes and assessments as the settlement may decide for the said purposes of administration and good government ...
 - (d) FOR defining the relationship and status of the settlement and all persons therein with any other part or parts of His Majesty's

dominions beyond the seas and with any Foreign State and with the Chief of independent tribes in British East Africa ...

- (e) ...
- (f) ...
- (g) ...
- (h) FOR granting to the settlement power to exclude from the said territory any person or persons proposing to enter or settle in the same who shall or may be deemed to be opposed to the interests of the settlement or the governments thereof or the dignity of His Majesty the King and the power ... to expel from the territory without being liable for compensation or otherwise any person not fully and completely abiding by the ordinance rules and regulations for the time being in force in the territory or committing or conniving at a breach of the Constitution of the settlement.
- (i) ...
- (j) ...
- (k) FOR the preservation of the customs and laws of the native people of the territory with respect to the holding possession transfer and disposition of interests in lands and goods and the succession thereto ...
- (l) FOR the non-interference by the Settlement (except insofar as may be necessary in the interests of humanity and for the preservation of peace) with the religion of any class or tribe of the native peoples of the territory and all forms of religious worship and ordinances as heretofore exercised and practised in the territory.
- (m) ...
- (n) FOR calling of the said settlement by the name of 'New Palestine'
...¹⁶³

As will become evident in later passages of this book, there is continuity between Herzl's initial draft for a JOLC, Lloyd George's draft for a Jewish colonisation scheme in East Africa, and the mandate for Palestine that would eventually be drafted by the Zionists in collusion with the British Foreign and Colonial Office. And each time, the draft drawn up by the Zionists was 'watered down' by officials at the Foreign and Colonial Office, but their essential objective remained the same throughout: they wanted ultimately to create a Jewish state in Palestine where they would encourage Jews from all over the world to settle so as to solve the Jewish Question and alleviate Britain's 'immigration problem'. In short, Britain was using the Zionists. There is no other way they could have had such intimate and close access to British officials high up in the Foreign and Colonial Office unless the British Government saw some benefit to be gained from it.

According to Lloyd George's draft the main colonisation vehicle was the Jewish Colonial Trust, which then had a capital of £2,000,000. Its principal object was 'the settling of Jews under conditions favourable to their retention

and encouragement of the Jewish national idea'. The preamble stipulated that Great Britain's dominions in East Africa 'would be greatly enhanced in value by the foundation there of a Jewish settlement and the creation and direction of public works and the promotion therein of commercial enterprises and the establishment of commercial relationships with neighbouring districts'. It was envisaged that the Jewish Colonial Trust would be the vehicle through which an investigation of East Africa would be financed to inspect the land to ascertain whether it was adequate for Jewish colonisation.¹⁶⁴

In commenting on the preamble, the Foreign Secretary, Lord Lansdowne noted in the margin that it was 'superfluous, and it contains some objectionable passages'. The Government lawyer C.J.B. Hurst did not comment on the preamble but he objected to the proposal to create a constitution for the Jewish settlement that would give it the right to define its relationship and status with other parts of the British Empire, with any other foreign state or with the chiefs of independent tribes in British East Africa. 'Any such provision quite impossible', he noted in the margin. He added, 'foreign relations must remain entirely in the hands of the Crown and without any fetters imposed by previous definition'.¹⁶⁵ It is noteworthy that one of the conditions for statehood in modern international law is the capacity to enter into relations with other states.¹⁶⁶ Evidently, the British Government did not agree to allow the Zionists to create a state in East Africa; they were to remain subject to the laws and regulations of the British Crown at all times.

Hurst also objected to a clause in the charter, which would have allowed the Jewish settlement the right to exclude and expel any persons entering the settlement who were opposed to the interests of the settlement. He noted that the settlement would have this power if it owned all the land as it could let it out on terms as it pleased. He wrote: 'Even the Commissioner [for East Africa] has no power conferred on him to arbitrarily exclude or expel, and it would not do to confer larger powers on a municipality'.¹⁶⁷ He further objected to a clause in the charter 'for the preservation of the customs and laws of the people of the territory', because 'the colonists would not be concerned with the natives and would not exercise jurisdiction over them'.¹⁶⁸ However, Lord Lansdowne noted that 'there might be natives within the assigned area, and it would be necessary to provide for their protection'. Undoubtedly, what was meant by Hurst's comment was that it was unnecessary to provide for such a provision since the Act of the Conference of Berlin 1884–85 already provided protection for the natives.¹⁶⁹ He was not suggesting that the natives were not to be protected; quite the contrary.

This is an important point to make, as the idea of transfer was not alien to the Zionist movement even at the turn of the twentieth century. On 12 June 1895 in an entry reflecting on his ideas of creating a Jewish state, Herzl confided in his diary¹⁷⁰ that:

... We must expropriate gently the private property on the estates assigned to us.

We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country.

... Both the process of expropriation and the removal of the poor must be carried out discreetly and circumspectly.¹⁷¹

It would seem that the British were opposed to any interference by the Zionists with the welfare of the indigenous population of East Africa. So too, presumably, were the Africans of what would become known as Kenya where the settlement was to be located on a tract of land some 200 miles in length, between Nairobi and the Mau escarpment, on the Uganda railway. The missionaries were certainly opposed to the Jewish settlement as were prominent British Jews such as Lucien Wolf who thought the proposal was 'unnecessary' and 'mischievous' and said so in a letter to the editor of *The Times* (of London).¹⁷² Upon hearing of the Jewish colonisation scheme for East Africa one Christian missionary based in Nairobi wrote to the High Commissioner Sir Charles Elliot complaining that the scheme would interfere with the white man's mission to advance Christian civilisation among the black African native heathens.¹⁷³

The Zionists tried to appeal to the British Government by arguing that their cause was advantageous for the British Empire. In a letter written by Leopold J. Greenberg, Herzl's representative in London, to Joseph Chamberlain, then Secretary of State for the Colonies, which enclosed the draft prepared by Lloyd George on the Jewish colonisation scheme, Greenberg reiterated his hope 'that it may prove in every way most desirable for the British Empire'.¹⁷⁴ The Zionists sought to use the Jewish Colonial Trust, an English registered company, which would operate under the protection of the British Empire (or any Empire which would agree to support them), to colonise a location they deemed suitable. Their preference was always for Palestine, although the Zionists seriously considered other locations such as Argentina, as well as the Sinai and Cyprus among other places. Herzl wanted to use Cyprus as a base to obtain Palestine, either through force, or by bartering for it.¹⁷⁵ Other locations Herzl considered included the Congo, Mozambique and Libya.¹⁷⁶ In a letter to a Mr Philippon, who was a member of the Jewish Colonisation Association in Brussels, he asked:

Do you have personal connections with the King? Can you sound him out? The Congo State has land enough which we can use for our settlement. We can take over part of the responsibilities, that is, pay an annual tax, which may be fixed later, to the Congo State, in return for which we naturally lay claim to self-government and a not too oppressive vassalage to the Congo State.

These are the great outlines, the principle. If King Leopold turns a willing ear to the matter, I shall go to see him at once.¹⁷⁷

When Herzl met with King Victor Emmanuel of Italy in December 1903, he raised the idea of channelling 'surplus' Jewish immigration into Tripoli, the

capital of today's Libya, which was then within Italy's sphere of influence.¹⁷⁸ In response, Victor Emmanuel politely reminded Herzl that it was 'someone else's house'.¹⁷⁹

As regards Chamberlain's idea to establish a Jewish state in East Africa, which Herzl assented to and which was the most serious proposal the latter considered and which was a real possibility, the British Foreign Office official, Sir Clement Hill, who was the superintendent in charge of the African protectorates and President of the African Society, made the following note after reading the charter drafted by Lloyd George:

I have looked at the scheme, which appears to me to contemplate the creation of an *imperium in imperio* [an Empire within an Empire] which would be anomalous and, to say the least, inconvenient. If the promoters wish to obtain a large land grant in East Africa where Jews alone should be allowed to reside, it is possible that such a grant might be made tho' [*sic*] I doubt whether it would be compatible with the free ideas of the Berlin Act.¹⁸⁰

In another note written by Hurst, reflecting on the memorandum, he wrote:

There would, I suppose, be no objection to a Jewish colony, if it was subject to the ordinary laws of the Protectorate ...

If the promoters are looking for more than this and want a petty State of their own, something more than townships and municipalities, the scheme would, I think, be open to great objection ...

The scheme they have sent in seems to me to go further than is reasonable, and I should have thought, further than was necessary for their purposes.¹⁸¹

As things transpired nothing would come of the Zionist scheme to colonise part of East Africa, as a commission that they financed to go there to inspect the land, was, on the whole, negative about prospects for Jewish colonisation.¹⁸² The only Jewish member of the three-man commission, N. Wilbusch, was dead set against the idea from the beginning.¹⁸³ In contrast to his British counterpart, Major A. St Hill Gibbons, who viewed the colonisation of East Africa in a more favourable light, Wilbusch thought that the land 'was well-adapted for cattle breeding, but by natives only'.¹⁸⁴ He also thought that industry and agriculture were out of the question and that only a few families could settle there. With this conclusion, the Zionist colonial project in Africa came to an end.

LAYING THE FOUNDATIONS FOR COLONISING PALESTINE

Despite Herzl's attempts to seek locations other than Palestine to colonise, it was always the Holy Land the Zionists really desired. In 1908, Zionist settlement activity in Palestine took formal root when the Jewish National

Fund and the Palestine Land Development Company were put into operation for the first time to purchase land in Palestine for Jewish settlement.¹⁸⁵ The Zionist Organisation held voting shares in the Jewish Colonial Trust and appointed members to the General Assembly of the Jewish National Fund, which in turn put up half the shares in the formation of the Palestine Land Development Company, which purchased land in Palestine on their behalf.¹⁸⁶ The Anglo-Palestine Bank, which was entitled to British consular protection because it was registered in London, facilitated the flow of capital from Europe to Palestine so that it could grant loans to Jews to buy land there.¹⁸⁷ Through this arrangement private capital was used to acquire land in Palestine although the Zionists never succeeded in purchasing more than 5–6 per cent of the total area of Palestine by the time Arab–Jewish hostilities escalated in the late 1930s.¹⁸⁸ A resolution adopted by the International Zionist Congress in July 1920 stipulated that the Jewish National Fund was to use voluntary contributions and private capital received from Jewish individuals and organisations to make the land of Palestine ‘the common property of the Jewish people’.¹⁸⁹ This meant that land purchased by the Fund was taken off the market and nationalised with the result that it could only be leased on a hereditary basis (that is, to Jews).¹⁹⁰ In other words, land purchased by the Jewish National Fund from Palestinian Arabs and other landowners became the perpetual and collective property of the Jewish people with the result that it could only sublet, and then only to Jews.¹⁹¹ This is why private land ownership is so rare in Israel, even to this day.

International law was integral to the Zionist movement, which was inherently linked to European colonialism, British imperialism and Western capitalism as well as European notions of nationalism, self-determination and anti-Semitism. The charters drafted by Lloyd George and by Theodor Herzl were essentially legal documents that could only be put into operation with the consent of the British and Ottoman governments. The Jewish Colonial Trust, the Jewish National Fund and the Palestine Land Development Company, were legal instruments through which private capital could be utilised effectively towards the colonisation of Palestine. In this regard it is important to note that although international law facilitated these enterprises it also placed constraints upon them. Notably, Britain did not consent to the establishment of a Jewish state in one of her colonies or to conferring powers on the Zionists that would allow them to expel indigenous Africans, because of the provisions of the Berlin Act. These factors are important to bear in mind due to subsequent events.

Ultimately, international law would give the Zionist movement legitimacy once they had succeeded in persuading the British to support them 14 years later. Although Herzl would pass away in 1904, his movement lived on. By the outbreak of the First World War they were in a much stronger position to enter into negotiations with the British Government. The Zionists were also fortunate that the very man who had drafted the Jewish Colonisation Scheme for East Africa in 1903, David Lloyd George, would become British Prime Minister in 1916, and Arthur James Balfour who was British Prime

Minister when the Zionists were negotiating with the British Foreign Office in 1903, and who along with Herzl saw in Zionism a solution to the 'Jewish Question', would be appointed Foreign Secretary in Lloyd George's cabinet in 1916. Moreover, Chaim Weizmann, who was the leader of the Zionist movement in Britain, was appointed a Professor of Chemistry at Manchester University in 1904, and the MP of his constituency happened to be none other than Arthur Balfour who he met when the latter was campaigning there in the 1906 General Election.¹⁹² It was through Weizmann that Balfour was given a 'proper introduction' to the aims and ambitions of the Zionists and Zionism although he was aware of the movement long before then. And indeed Zionism proved useful to British imperialism and vice versa: The Zionists wanted to use it to create a Jewish colony in Palestine for the millions of Jewish immigrants they envisaged emigrating there from Eastern Europe and the British realised that such a colony could help it solve its 'immigration problem', as well as serve its imperial interests in the race for hegemony over the Middle East amongst the other Great Powers, most notably France.¹⁹³ Moreover, Weizmann played on the anti-Semitic canard of global Jewish power by successfully creating amongst British leaders an identity between the Zionist movement and 'world Jewry'.¹⁹⁴ However, it was all a farce. The movement that was supposed to be a centre for world influence only occupied four small, dark rooms in Piccadilly Circus in London; its entire archives were kept in a single box in a small hotel room, under the bed of Nahum Sokolow, who was then the leader of the Zionist Organisation.¹⁹⁵