

THE ANNALS

*of The American Academy of Political
and Social Science*

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PALESTINE A Decade of Development

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Monograph

THE FRENCH SOCIAL INSURANCE ACT

By Paul H. Douglas, Ph.D.
University of Chicago
Chicago, Illinois

PHILADELPHIA

1932



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FOREIGN AGENTS

AUSTRALIA: Melbourne University Press, The University, Carlton, Victoria.
ENGLAND: P. S. King & Son, Ltd., 2 Great Smith Street, Westminster, London, S. W.
FRANCE: L. Larose, Rue Soufflot, 22, Paris.
GERMANY: Mayer & Müller, 2 Prinz Louis Ferdinandstrasse, Berlin, N. W.
ITALY: Libr. Intern. Fratelli Treves, Galleria Vitt. Em. 66-68, Milan.
SPAIN: E. Dossat, 9 Plaza de Santa Ana, Madrid.
SWITZERLAND: Librairie Kundig, Place du Lac, 1, Geneva.
CHINA: The Chinese-American Publishing Company, 78 Nanking Road, Shanghai.

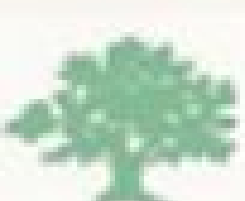


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The articles appearing in THE ANNALS are indexed in the *Readers' Guide to Periodical Literature*, and the *Industrial Arts Index*.



FOREWORD

A WEEK without some printed message about or from "The Land of Three Faiths" is exceptional. During a recent month there appeared a book on *England in Palestine*, a statistical work on economic resources of and developments in Palestine, an economic monograph on the Arab peasant, and a pamphlet on Arab-Jewish relations. Besides the regular and special Government reports and the annual reports submitted to the Mandates Commission, there have been a number of special reports of investigations made by His Majesty's Government, such as the Shaw report on the August 1929 riots, the much criticized Hope-Simpson report on economic conditions, and the special White Papers on the British statement of its policy in Palestine, the Dead Sea concessions, and the pipe-line concession granted the Iraq Petroleum Company. Why then a special issue of THE ANNALS on Palestine?

Thus far, the so-called "open forum" method of treating the problems of Palestine has not been used. Practically all books, pamphlets, and articles, with the possible exception of a number of agricultural economic monographs of the Palestine Economic Society, have been written from some special point of view. This volume of THE ANNALS attempts to present different views on the same questions. The topics, the selection of contributors, and other questions raised in the preparation of the volume have been jointly decided by us as special editors, one an Arab and the other a Jew. The inclusion of a number of topics on which there exists a difference of opinion between the two communities has made the treatment of these topics necessary from an "Arab" as well as from a "Jewish" point of view, a procedure which may with some justification be open to criticism. Some topics which are not of a controversial nature, such as health, agricultural potentialities in Palestine, and so forth, have been dealt with by a single writer, either Arab, Jew, or Gentile, and from a strictly Palestinian standpoint.

We are especially glad to be able to present articles on a number of problems which, because they lack the dramatic features of real or imaginary racial conflicts, have hitherto received little attention, such as educational questions, the machinery of the Government, and the principles of the Arab Federation. We have also tried to bring to the attention of the readers of THE ANNALS questions, such as the interpretation of the Mandate and the commercial and industrial developments of Palestine, which hitherto have been treated largely in books or articles intended for the specialist instead of for the intelligent general reader who is interested in foreign cultures and relations. On two questions there are no contributions. The religious problem has for obvious reasons not been dealt with, and on the topic of the place of Palestine in the "imperialistic" scheme, no specialist invited was willing to write. Certain problems have rightly or wrongly been given no consideration, either because of the lack of reliable data, the space limitations imposed, or our own difficulties in arriving at editorial agreements on certain topics to be included or manuscripts to be accepted.

The contributors to this volume either reside in Palestine or have been there. They possess specialized and first-hand knowledge and direct contact with the problems they discuss. It is, of course, understood that the opinions expressed by the contributors to this volume are their own, and that they do not represent our opinions nor those of the organizations with which we are connected.

HARRY VITELES
KHALIL TOTAH





PALESTINE

This map has been prepared by the Palestine Railways. For the sake of convenience it has been somewhat shortened. The East and West boundary lines continue about sixty miles farther south to points about ten miles apart on the Gulf of Akaba, the northern coast line of that Gulf forming the southern boundary line of the country. The black lines represent railways, the broken lines permanent main roads.

Constitutional Aspects of the Mandate for Palestine

By S. D. MYRES, JR.

I. GENESIS OF PALESTINE MANDATE

THE Mandate for Palestine is the outgrowth of extensive negotiations which began during the World War and had as their object the settlement of the Near Eastern question. First of importance in the present connection was the Sykes-Picot agreement of May 1916 between France and Great Britain. It divided Asia Minor into: a "red" zone, including southern Mesopotamia with Baghdad, to be administered by the British; a "blue" zone, embracing Cilicia and a part of Syria and central Anatolia, to be administered by the French; and two areas between, lettered "A" and "B" respectively, in which the signatories were "disposed to recognize and protect an independent Arab State or Confederation of Arab States." Finally, central Palestine was to be placed under an international administration, the form of which should "be decided after consultation with Russia, with the other Allies and with the representatives of the Sherif of Mecca." This accord was essentially imperialistic in nature. Its purpose was to insure the claims of Great Britain and France in the region, while giving at least a partial recognition to the demands of Arab leaders for independence from Turkey.

Since 1908, when the Young Turks began their policy of centralization and "ottomization," the Arabs of both Syria and the Peninsula had been increasingly restive. In 1913, Hussein, Sherif of Mecca, sent envoys to Lord Kitchener, British High Commissioner in Egypt, protesting against the acts of the Constantinople Government.

During the following year, when hostilities between Great Britain and Turkey were imminent, Kitchener and his staff determined, if possible, to turn the Arabs against their rulers. Conversations were accordingly opened with Abdullah, second son and representative of Hussein, which led to the assurance that the Sherif would not aid the Turks. Pledges of a similar nature were secured by the Government of India and the Aden Administration from other Arab chiefs.

In August 1915 began the now famous correspondence between Hussein and Sir Henry McMahon, which became the basis of an Anglo-Arab alliance continuing throughout the War. In return for military aid, Great Britain agreed in general to the Sherif's plan for an independent Arabia, but stated that "The districts of Mersina and Alexandretta and the portions of Syria lying to the west of the districts of Damascus, Hama, Homs, and Aleppo cannot be said to be purely Arab, and should be excluded from the proposed limits and boundaries." Whether or not Palestine was to become a part of the projected Arab State, in spite of the provisions of the Sykes-Picot agreement that it should be internationalized, has aroused much discussion. Arab leaders in the country insist that it was to be included; the British Government denies the claim. Since the correspondence has never been published in full, it is impossible to arrive at an exact conclusion in the matter.

ACTIVITIES OF THE ZIONISTS

The exigencies of war led the Allied



Powers to further commitments—in this instance, to world Jewry. The Zionist Organization, founded by Theodor Herzl in 1897, had for its essential aim the creation for the Jewish people of “a home in Palestine secured by public law.” Only slight headway, however, had been made toward the realization of this object. As the War progressed, certain English Zionists led by Dr. Chaim Weizmann, Reader in Chemistry in Manchester University, recalling the traditional friendship of Great Britain for the Jews and reasoning that the Allies would welcome their good will and financial support, began informal negotiations with members of the Government.

By February 1917 the way had been prepared for a formal meeting with Sir Mark Sykes of the British Foreign Office. Soon thereafter, Mr. Nahum Sokolow, representative of the Zionist Organization, opened discussion with the French and Italian Governments. In July, the Zionists submitted a memorandum to the British Cabinet, suggesting the formula to be used in an official pronouncement of sympathy for their cause. It stated that His Majesty's Government accepted the principle that Palestine should be recognized as the national home of the Jewish people, and that the means of achieving this end should be internal autonomy for the Jewish nationality in Palestine, freedom of immigration for Jews, and the establishment of a Jewish colonizing corporation for the resettlement and the economic development of the country. But owing to protests from prominent Jews opposed to the Zionist idea, and because also of the need to protect Arab rights in the territory, the draft was amended by the Government.

After the lapse of some time, the well-known Balfour Declaration was issued. It was in the form of a letter

from Balfour to Lord Rothschild, dated November 2, 1917, in which it was said:

His Majesty's Government view with favor the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country.

GOVERNMENTAL DISPOSITION OF PALESTINE

With the termination of the War in their favor, the Allied Powers were confronted with the responsibility of determining the governmental régime to be established in Palestine. The first step in this direction was taken by the Paris Peace Conference the latter part of January 1919, when the decision was reached to sever the territory from the Ottoman Empire and to place it, along with other regions formerly held by Germany and Turkey, under mandate.

A system of international administration, proposed by General Smuts of South Africa and indorsed by President Wilson, was established by Article 22 of the League Covenant, which was to be incorporated into the peace treaties. During the month of February, the Conference heard the representations of Feisal, speaking for his father, Hussein, who favored an Arab federation in the regions predominantly of Arab population, and the claims of the Zionists, led by Weizmann, who wanted to develop an essentially Jewish Palestine. No decision, however, was reached on this and other issues; further negotiations were required to arrive at an agreement.

The San Remo Conference of April 1920 allocated Palestine to Great



Britain as a mandate, subject to the conclusion of the treaty of peace with Turkey. The Treaty of Sèvres in Articles 94-97 duly provided for the transfer of the territory and the establishment of the mandates system, but its non-ratification on account of the Turkish national movement caused further delay. It was not until the Treaty of Lausanne was signed in July 1923 that the formal relinquishment required of Turkey was secured.

A task giving rise to additional difficulties was the adoption of the Mandate under which Palestine was to be administered. The drafting of this document had been left to Great Britain, the mandatory power, but the approval of the League Council was necessary before it could go into effect. Various obstacles were raised by the United States, Italy, and France, postponing its confirmation by the League until July 1922. The British had previously occupied the country, setting up a military administration in the southern part as early as 1917. On July 1, 1920 the civil administration, with Sir Herbert Samuel as High Commissioner, came into existence.

Thus by a very complicated process, the juridical basis of the Palestine Mandate was laid down. For all practical purposes, the Palestine Constitution, which has international as well as strictly local aspects, consists of three instruments: Article 22 of the League Covenant, which sets out certain general principles underlying the mandates system; the Mandate proper, which contains more particular provisions concerning the obligations of the mandatory power; and the Order in Council of 1922, as amended in 1923, which deals principally with local administrative authority and its exercise. These instruments must be considered as a whole and in relation to one another. For convenience, their provi-

sions may be analyzed under three headings: (1) with respect to the mandated territory and its inhabitants; (2) with respect to the League of Nations and its members; and (3) with respect to the Jews by reason of the provision for the Jewish national home.

II. PROVISIONS RELATING TO PALESTINE AND ITS INHABITANTS

Article 22 of the League Covenant states that the well-being and development of the peoples to be placed under mandate form a sacred trust of civilization, and that the most practical method of giving effect to this principle is to intrust their tutelage to advanced nations which can best accept the responsibility. It adds that "Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone."

In accepting the mandate for Palestine, Great Britain assumed obligations of a dual nature, in part negative and in part positive. On the one hand, it may not assimilate the territory and its inhabitants as its possession; on the other hand, it is required to administer the country and to insure the well-being and development, both social and political, of the people thereof.

Palestine is not a British colony; it is in a position of semi-independence. Though not a state in the full sense of the word, it is in the process of becoming such, possessing at present most of the necessary elements of statehood—territory, population, and public authority. It may be described as an infant state under the guardianship of the Mandatory. It is governed not by the authority of Parliament but by that



of the Crown under the British Foreign Jurisdiction Act of 1890—an arrangement which emphasizes its separateness from the home government.

The permanent inhabitants of Palestine are not British nationals, but are citizens of their own country. The treaties of Sèvres and Lausanne in Articles 123 and 30, respectively, stipulated that Turkish subjects resident in the areas detached from that power should *ipso facto* become the nationals of the states to which such areas were transferred, the term “states” in this instance referring to the mandated territories. Furthermore, Article 7 of the Mandate called for the enactment of a nationality law; in accordance therewith, the Palestine Citizenship Order in Council of 1925 was promulgated, containing regulations with respect to Palestine nationality, which can be acquired by birth, marriage, or naturalization.

Several other considerations indicate the special position of the territory. For example, it is not bound automatically by treaties and conventions entered into by Great Britain. Ordinarily, international agreements of a mother country are binding as a matter of course on her colonies unless the latter are specifically exempted by the terms of the agreements. The contrary is true in the present case; Palestine is held to British commitments only if it is specifically named therein.

The principle of distinct status for the mandated territory likewise extends into the fiscal field. In keeping with the spirit of Article 22 of the Covenant, the Mandates Commission, duly seconded by the League Council, has concluded that while a mandated territory may be expected to pay its way, it may not be burdened with obligations not directly connected with its own administration. A separate budget is maintained for Palestine, all

revenues being credited to the local account and all expenditures going for local purposes.

An additional indication of the line dividing Great Britain from the territory is found in the distinction frequently made in the Mandate between the mandatory power and the Administration. It is regarded by some students as the first step toward complete separation of the two, the local Administration forming the basis of the future independent Government of Palestine.

BRITISH ADMINISTRATION IN PALESTINE

Among the positive obligations imposed by the Mandate, the first is that of governing the territory. Article 1 states that “The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.” In the conduct of local affairs, the British follow precedents and methods applied in their Crown colonies, with such adaptations as Palestine conditions require. Administrative functions are discharged in the name of the King through the Colonial Office.

The representative of the Crown in the country is the High Commissioner. In the exercise of executive powers, which are conferred by the Palestine Order in Council and by Letters Patent, he acts in conjunction with an Executive Council, constituted in accordance with instructions received from London. This body, which serves in an advisory capacity, at present consists of the Chief Secretary, the Attorney-General, the Treasurer, and the Director of Development. Legislative authority likewise resides in the High Commissioner, but he confers with an Advisory Council before promulgating ordinances. This Council was originally composed equally of



official and nonofficial members. Of the latter, four were Moslems, three Christians, and three Jews.

In 1923, efforts were made to institute a Legislative Council, twelve of whose twenty-two members were to be popularly elected. Owing, however, to a boycott of the Arab population, the plan could not be carried out. The Advisory Council was revived, but Arab leaders refused to serve on it. It was therefore constituted this time, as it remains today, entirely of official members. It consists of heads of departments and the two District Commissioners, and acts under the presidency of the High Commissioner.

The judicial authority, resting on Article 9 of the Mandate and Part V of the Order in Council, is exercised through a hierarchy of tribunals, ranging from the Magistrate Courts in each district and subdistrict to the Supreme Court. In addition are courts concerned with land questions and tribal affairs. Moslem, Jewish, and Christian religious tribunals exercise jurisdiction in matters relating to the personal status of their respective communities. In the more important cases, appeal lies to the Judicial Committee of the Privy Council in London. Ottoman law is applied in Palestine, as amended or supplemented by local ordinances and British Orders in Council.

The Mandate, in Article 17, implies the duty to preserve peace and order in the territory by the organization of necessary armed forces. Disturbed conditions have sometimes made the discharge of this obligation difficult. Whether the Administration has done all that is reasonably required of it is a controversial subject, as shown by the conflicting conclusions of the Shaw Commission and the Mandates Commission following the riots of 1929. By Article 5 the Mandatory is charged

with guaranteeing the territorial integrity of Palestine, while Article 12 enjoins it to give diplomatic and consular protection to Palestinians abroad.

Article 2, in conformity with the League Covenant, calls for the development of self-governing institutions, but it has not yet been possible to devise a scheme of representation meeting the demands of both Arabs and Jews and commanding British support. Some progress, however, has been made in developing communal autonomy and local political organs with limited powers. The Jewish population has taken advantage of the opportunity afforded by the Administration to organize itself into a community with an elected Assembly having control over matters of peculiar interest to Jewish residents. Discussion is still proceeding with respect to the establishment of a similar Assembly for the Moslem community. Elected councils in the towns and villages discharge a number of municipal functions.

COMMUNITY REGULATIONS

Article 2 also makes the Mandatory responsible for safeguarding the civil and religious rights of all inhabitants of Palestine, regardless of race and religion. Article 15 insures complete freedom of conscience and worship, subject only to the maintenance of public order and morals, and forbids discrimination between the inhabitants of the territory on the ground of race, religion, or language. An interesting judgment—*The Attorney General v. Abraham Altshuler*—was rendered by the Supreme Court of Palestine on this clause. A by-law had been passed by the Local Council of Tel-Aviv (Jewish) forbidding the opening of shops on the Sabbath, but excluding Moslems and Christians from the restriction. The Court, in a divided decision, concluded that the act discriminated against the



Jewish population and was therefore null and void under the Mandate.

When the Jewish Community Regulations were being framed, the ultra-orthodox group complained that one of the provisions would restrict liberty of conscience and worship and would endanger religious autonomy of the minority as guaranteed by Article 83 of the Order in Council. Their protests led the Government, on the recommendation of the Mandates Commission, to adopt suitable amendments.

Paragraph 2 of Article 15 of the Mandate permits each community to maintain separate schools for the education of its members in their own language, subject to such educational requirements of a general nature as the Administration may impose. The Jews in particular have availed themselves of this privilege, having their own distinct school system, which extends from the kindergarten to the university. Article 22 makes English, Arabic, and Hebrew the official languages of the country.

Article 23 states that "the Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities." The country therefore has three Sabbath days—Friday for the Moslems, Saturday for the Jews, and Sunday for the Christians.

III. PROVISIONS RELATING TO THE LEAGUE AND ITS MEMBERS

Palestine is of international interest for several reasons: first, on account of its Holy Places; second, for its antiquities; third, for economic reasons; and, finally, as a trust being carried out under the auspices of the League of Nations.

The Mandate, in Article 13, places upon the Mandatory all responsibility in connection with the Holy Places and

religious buildings or sites. Free access thereto and the free exercise of worship in connection therewith are to be guaranteed. Article 14 provides for the appointment by the Mandatory, with the approval of the League Council, of a special commission to define and determine rights and claims relating to the Holy Places and to the different religious communities in Palestine. On account of the inability of the interested states to agree upon the composition and the powers of this body, it has never come into existence. However, the controversies between Jews and Arabs over the Wailing Wall, which led to the disturbances of August 1929, caused the British Government, with consent of the League Council, to appoint a special *ad hoc* commission of three non-British nationals to hear evidence presented by the interested parties and make regulations governing the use of property. Its report was rendered in December 1930.

The antiquities of Palestine may be considered a heritage of all nations, particularly of those whose religious and secular history is closely connected with the country. Article 21 of the Mandate therefore provides for the enactment of an antiquities law; forbids the disposition of antiquities, except with the consent of a competent Department to be created; prohibits exportation without license from the Department; establishes penalties for the destruction or the damaging of antiquities; and in general regulates excavations. In conformity with this Article, an ordinance has been promulgated dealing with the subject in detail. A Department of Antiquities has been created with a director, who is advised by an archæological board.

By Article 18 of the Mandate, the Government is required to see that there is no discrimination against the nationals of any state member of the



League in matters of taxation, commerce, or navigation, or in the exercise of industry and commerce, or in the treatment of civil vessels or aircraft. Likewise, it must see that there is no discrimination against goods originating in or destined to any state member, and that there is freedom of transit under equitable conditions across the mandated area. The Administration, however, may impose such taxation and custom duties as it considers necessary and take such steps as it thinks best to promote the development of the natural resources of the country and safeguard the interests of the population. It may also conclude special customs agreements with any state, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

The open-door policy is thus not fully applicable to Palestine, but economic and commercial equality is fairly assured. With practically no exceptions, the discriminations which exist are made in the interest not of the mandatory power but of Palestine itself, and for this reason appear to be justified. However, the recent grant of a pipe-line concession to the Iraq Petroleum Company has raised doubts in the minds of certain members of the Mandates Commission. The case is now pending before the League.

According to the League Covenant, the territory and the inhabitants of Palestine constitute a trust which is being discharged on behalf of civilization. Great Britain and the League act jointly as guardians of the ward placed in their charge. As already indicated, administrative authority vests immediately in the mandatory power, but it is in turn accountable to the League for the proper fulfillment of its commitments.

Five League organs are concerned with the task of supervision. The

Assembly exercises a certain indirect control by reason of its authority under Article 3 of the Covenant to deal with any matter within the sphere of action of the League. It serves essentially to focus public opinion on mandate questions and to secure the observance of obligations by means of discussion and publicity. The Permanent Mandates Commission, a technical, nonpartisan body of eleven members, examines the annual reports of the Mandatory, hears the statements of its official representatives, and advises the Council concerning the way the Mandate is being carried out. The Council officially determines the attitude of the League respecting the administration of the territory. Annual reports of the Mandatory are addressed to it, and all recommendations to the Government are made in its name and under its authority. The League Secretariat, particularly the Mandates Section, carries on important routine work. The Permanent Court of International Justice interprets the mandate when cases are referred to it, and may give advisory opinions to the Council.

FUNCTIONS PERFORMED BY THE LEAGUE

Through these organs, the League performs three functions. The first respects the drafting and termination of the Mandate, the second concerns its interpretation, and the third relates to the supervision of administration. In the Council was placed the authority of drafting the Mandate or of confirming the instrument submitted by the Mandatory. For the sake of convenience, it followed the latter procedure. According to Article 27 of the Mandate, the Council's consent is required for any modification of the provisions thereof. This is regarded necessary not only to insure the stability of the system, but also to guarantee the rights



of all member states of the League and the full discharge of the obligations imposed on the Mandatory. As provided in Article 28, the Mandate may be terminated only after the Council has made arrangements to safeguard all rights in respect to the Holy Places and to honor the financial obligations legitimately incurred by the Government of Palestine. The action recently taken toward admitting Iraq to full statehood indicates that the Council may impose such additional conditions as circumstances require.

The Mandate is interpreted by the Permanent Mandates Commission, the Council, and the Permanent Court of International Justice. The Commission and the Council acting together, with the Commission taking the initiative, are, through their decisions, gradually building up a body of precedents and principles giving meaning and force to the provisions of Article 22 of the Covenant, and to the Mandate. In the seventeenth report of the Commission, duly confirmed by the Council, a striking example of interpretation occurred. The duties of Great Britain in Palestine, in respect to both social and political phases, were set out rather fully. Article 26 of the Mandate provides that in the event of a dispute between the Mandatory and another member of the League over the interpretation of the Mandate, which cannot be settled by direct negotiations, it is to be submitted to the Permanent Court for a legal decision. The jurisdiction of the Court over the Mandatory, acting in its capacity as such, is thus compulsory. It extends to disputant states and not to individuals. In the *Mavromatis* case, however, the Court held that a state (Greece) could present the claims of one of its subjects against the mandatory power and secure relief on his behalf.

The *raison d'être* of League action regarding mandates is the supervision of administration, which is carried on chiefly by the Mandates Commission, with the aid and support of the Council and the Assembly. Contacts between the League and Great Britain are maintained by means of annual reports submitted by the Mandatory. Petitions from responsible individuals or associations within or without the territory may be used to lodge complaints against the Government. Both reports and petitions are regularly examined by the Mandates Commission in the presence of a representative of the mandatory power, who is commonly a ranking official. He gives additional information required by the Commission and defends the policy followed by the Palestine Administration. Petitioners may not appear before the Commission, but its members may hear them privately. The Commission's conclusions and recommendations are presented to the Council in the form of a report, which is transmitted, with such changes as the Council may make, to the Mandatory.

For the most part, the surveillance exercised by the League has been of a general nature. It has wisely chosen to collaborate with the Administration rather than to attempt direct control of local affairs. Nevertheless, in certain cases it has taken a firm position concerning the duties which the Mandatory is pledged to perform. Thus, after the Palestine riots of 1929, the League, acting through the Mandates Commission, conducted an intensive inquiry which led it to criticize the British Government for its failure to deal more effectively with the situation. The recommendations made by the League in this instance are doubtless responsible in a large measure for the development policy which is now being undertaken in the country.



IV. PROVISIONS RELATING TO THE JEWISH NATIONAL HOME

By recognizing the right of the Jewish people to a national home in Palestine, the Mandate gave effect to a theory which had long been developing. Since the French Revolution, it was increasingly felt that each nationality should be accorded an independent status. The World War, by releasing liberal theories of self-determination, greatly stimulated the movement in this direction. Among other questions confronting the Peace Conference was the position of the Jews, who had long suffered from disabilities and discriminations, especially in Central and Eastern Europe. One means of granting them relief was by treaties protecting minorities; another was by extending to them special privileges in Palestine.

The preamble of the Mandate mentions "the historical connection of the Jewish people with Palestine" as a fundamental reason for the reconstitution of their national home in the territory. It has been argued that this phrase recognizes that the forcible dispersions of the Jews from their native country did not extinguish their claim to it, and that the acknowledgment of their unbroken claim is an effort to correct one of the wrongs of history. But while the phrase may tend to explain the motives which led to the granting of the national home, it should not receive undue emphasis. It is, in fact, a somewhat weak substitute for the formula proposed by Zionist leaders when they asked that the "historical title" of the Jews to Palestine should be recognized. Even so, the British Government has indicated that the words used have special significance. The 1922 interpretation of the Mandate by the Colonial Office stated:

But in order that this [the Jewish] community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection.

MEANING OF "NATIONAL HOME"

But what is meant by the term "national home"? As a juridical concept, it is quite novel and finds no counterpart in international law. To be sure, reference was made at the Peace Conference to a possible national home for the Armenians, but it was to be established within a region already held by the Armenian people; whereas the Jewish national home is being created in a territory largely occupied by another race. The uniqueness of the idea has been pointed out by a leading authority, Mr. Norman Bentwich, who has concluded that "a national home connotes a territory in which a people, without receiving the rights of political sovereignty, has nevertheless a recognized legal position and receives the opportunity of developing its moral, social and intellectual ideals."

The notion seems to have originated with the Zionist Congress of 1897, which favored the creation in Palestine of a home for the Jewish people guaranteed by public law. The negotiations which resulted in the Balfour Declaration throw some light on the meaning of the term. While the Zionists insisted that Palestine should be assigned "as the national home of the Jewish people," the Government changed the words to read, "the establishment in Palestine of a National Home for the Jewish people." Both in the Balfour Declaration and in the



Mandate, it was provided that nothing should be done to "prejudice the civil and religious rights of existing non-Jewish communities in Palestine." In 1922 the British Colonial Office issued a statement, to which reference has been made, setting forth its interpretation of the rights to which the Jews are entitled under the Mandate. This interpretation has been repeatedly reaffirmed and is substantially followed today. It explained that His Majesty's Government did not accept the view that Palestine was to become wholly Jewish; there would be no subordination of the Arab population, language, or culture. It was not contemplated that Palestine in its entirety should be converted into a Jewish national home, but that such a national home should be founded *in* Palestine. The matter was summarized as follows:

When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a center in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride.

ESTABLISHMENT OF NATIONAL HOME

Several provisions of the Palestine Mandate relate to the Jewish national home. Article 2 makes the Mandatory responsible for its establishment according to the terms of the Balfour Declaration, which are included in the preamble of the Mandate. Article 4 provides for a Jewish agency, which is to be recognized as a public body for the purpose of advising and coöperating with the Administration of Palestine in questions affecting the establishment of the national home and the interests

of the Jewish population. The Zionist Organization originally served in that capacity, but in 1929 an enlarged agency was created by the Jews, including both Zionists and non-Zionists. According to Article 6 of the Mandate, the Administration of Palestine, while insuring the rights and position of other sections of the population, is required to facilitate Jewish immigration and to encourage the close settlement of the Jews on the land, including state lands and waste lands not required for public purposes. Article 7 obligates the Administration to enact a nationality law and to devise provisions facilitating the acquisition of Palestine citizenship by Jews who take up their permanent residence in Palestine.

Section 2 of Article 11 states that the Administration may arrange with the Jewish agency to construct or operate, upon fair and equitable terms, any public works and services, and to utilize and develop any of the resources of the country, in so far as those matters are not undertaken by the Administration. Any such arrangements, however, must provide that no profits distributed by the agency directly or indirectly shall exceed a reasonable rate of interest on the capital invested; any additional profits must be utilized for the benefit of the country in a manner approved by the Administration. As yet, no agreements of the character mentioned have been made. Finally, Article 25 permits the Mandatory to exclude the provisions of the Jewish national home from the territories east of the Jordan River. The region has been accordingly set aside for the Arab inhabitants.

AMBIGUITY OF THE MANDATE

The application of the Mandate, especially the parts relating to the Jewish national home, has been beset by grave difficulties. The conflict of the



Jewish and Arab races in the country has placed an unusual strain on the constitutional system. Unfortunately, the Mandate is not free from ambiguity; certain of its clauses are all but inconsistent. The High Court of Palestine was at least partially correct in referring to it as "a political and not a legal document . . . likely to contain the expression of good intentions which are more easy to write than to read." Article 2, for example, calls for the establishment of the Jewish national home, the development of self-governing institutions, and the safeguarding of civil and religious rights of all inhabitants. Again, Article 6 provides that while insuring the rights and position of other sections of the population, the Mandatory is to facilitate Jewish immigration under suitable conditions and to encourage close settlement on the land.

It has not been an easy task to reconcile all these provisions so that they may be carried out concurrently.

Their wording has supplied the Jews with arguments to the effect that the creation of their national home is of paramount importance; it has enabled the Arabs to contend that their interests come first; it has furnished the British with a constitutional basis for their so-called "dual policy," which has given satisfaction to neither group. Attempts have recently been made by the Mandates Commission, by Lord Passfield, and by Mr. Ramsay MacDonald to give interpretations which will meet the just demands of all parties. Such efforts, however, have not been entirely successful.

The issues in Palestine are deep-seated. While they frequently masquerade behind legal phrases, they are in reality social and political in character. An understanding of the Palestine problem thus requires more than a knowledge of the Constitution. The basic questions confronting the territory and its people will be discussed by other contributors to this volume.

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The Balfour Declaration

By AOUNI BEY ABDUL HADI

THE nineteenth century and the first decade of the twentieth witnessed the spectacle of a pack of hungry European wolves gnawing steadily at the vitals of an impoverished and a decadent Turkey. France despoiled the Turkish Empire of Algeria and Tunis; Italy, with one fell swoop, coolly appropriated Tripoli in 1912; and Great Britain occupied Egypt in 1882 and annexed it in 1914. Bulgaria, moreover, and later Serbia, Greece, and Montenegro, severed their connection with and declared their independence of the Turks. Not to be outdone by its neighbors, Austria-Hungary seized Bosnia and Herzegovina only a few years before the Great War.

Thus, from about 1800 to 1914, Turkey was being continually led to the slaughter and came within an ace of being sacrificed on the altar of European greed. It was only international rivalry and the ever-present jealousy that kept the Sick Man of Europe from being devoured by his voracious neighbors.

Two causes were responsible for this helpless condition of Turkey, viz.: (1) its administration, which was based on the absolute authority of the Sultan, whose chief aim was to maintain it; and (2) the absence of a bond of loyalty on the part of the several disgruntled races within the empire, to their rulers.

ARAB NATIONALIST MOVEMENT

The Arabs were more loyal to the Turks than were the other subject races, on account of their common religion. Strong as it was, however, this

religious sentiment could not withstand the fire of Arab nationalism which began to be strongly felt a short time before the outbreak of the Great War. At that time, Arab leaders were organizing a serious nationalist movement which grew and spread as time went on. It found open and public expression in the Arab Congress which was held in Paris in 1911 with delegates from all parts of the Arabic-speaking world, then under Turkish domination, as well as from Europe and America. The Congress reviewed the political situation in Turkey with special reference to Arab rights. Its meetings were attended by Frenchmen who were eminent in public life, and the discussions were reported in the foremost journals in Europe and America. The result was that Turkey woke up from its long slumber and came to the realization that it might have to face an extensive and well-organized movement, the object of which was to give the Arab his former position of political ascendancy in the Near East. To avoid such a possibility, Turkish statesmen hastened to mend matters and made attempts to reconcile Arab leaders.

At this juncture it may be apropos to point out what share the Arabs had in Turkish government. In the first place, they had their representatives in the Parliament at Constantinople. They were represented in both the lower and the upper chambers. Arabs were found in the Sultan's cabinet, in high administrative posts such as a vali (governor of a province), and in minor positions of responsibility. These officials were appointed in



Arab and non-Arab territory. Worthy of note was the award of the post of prime minister in 1909 to the Arab Mahmud Shawkat Pasha. Besides participation in the central government, the Arabs had considerable share in the administration of their local communities, whether they were provincial or municipal. Thus it is seen that the Arabs under Turkish rule enjoyed a measure of internal autonomy and did not feel that they were under the oppression of a foreign yoke. The only exception may have been the matter of language, as the Arabs spoke Arabic and the Turks spoke Turkish.

Liberal as this participation of the Arabs in Turkish administration may seem, it did not wholly satisfy their aspirations when they pondered over their glorious past. To a race that once dominated the Near East including the Turks themselves, North Africa, and Spain, this autonomy seemed but a pittance and a mockery. What the Arabs desired was political independence and complete freedom from Turkish control. The outbreak of the Great War found them in this mood. They took advantage of the conflagration in Europe, redoubled their energies, consolidated their forces, and made a grim resolve to attack the Turks and wrest their full liberty from them. The Turks, however, were aware of these designs on the part of the Arabs, and dispatched the "butcher" Jamal Pasha to Syria in order to nip the revolt in the bud and keep Arab lands within the Empire. He inaugurated his infamous régime as General of the Fourth Army Corps and dictator in Syria and Palestine by proclaiming martial law, by sending Arab leaders to the gallows set up for them in the public squares of Beirut and Damascus, and by deporting their families to the interior of Anatolia. By such harsh measures

Jamal Pasha thought he would make an end of all Arab nationalism.

THE PROPOSED ARAB STATE

In 1915 the Turks suspected but little of the negotiations which were going on between the Sherif Hussein of Mecca and Sir Henry McMahon, the British High Commissioner in Egypt. The plan was for the Arabs to join the Allies in their campaign of driving the Turks out of Palestine, Syria, and Arabia. For their coöperation the Arabs were to secure British assistance and recognition of an independent Arab State. It is quite clear from the Sherif's letter of July 14, 1915 to Sir Henry McMahon that the Arab State under discussion was not to include Hejaz only, but all Arabic-speaking territory in the Near East, which naturally meant Palestine.

The boundaries were to run as follows: on the north by Mersina-Adana up to the thirty-seventh degree of latitude, on which degree fall Birejih, Urfa, Mardin, Midiat, Omadiat, and Jehira, as far as the borders of Persia; on the east by the frontiers of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the Colony of Aden; on the west by the Red Sea and the Mediterranean Sea up to Mersina. On October 24, 1915 and on behalf of the British Government, Sir Henry McMahon accepted these boundaries with the exception of the two districts of Mersina and Alexandretta plus some of the territory to the west of the districts of Damascus, Hama, Homs, and Aleppo. The reasons for this exception of an Arabic-speaking country were French interests in these parts and the claim that the people were not purely Arab.

In order to save precious time and to seize the opportune moment for launching the attack on the Turkish



forces, King Hussein accepted in principal Great Britain's pledge for the establishment of an independent Arab Kingdom with the above-mentioned frontiers, and left the disputed points for future settlement. Accordingly, the Arabs declared war on Turkey, joined the Allies, and played an important rôle in freeing their country from Turkish rule. For verification of this statement one is referred to the utterance of General Allenby himself.¹

CONTRADICTORY AGREEMENTS

Unfortunately, however, Great Britain did not attach any great weight to her promise to the Arabs; for before the ink of the Hussein-McMahon negotiations was dry, Mark Sykes signed on her behalf an agreement with France, generally called the Sykes-Picot treaty, which excluded Palestine from the proposed Arab State and placed it under an international administration. The strip of coast near Haifa and Acre was to be under British influence. This treaty was signed in March 1916 and was ratified by Sir Edward Grey and Monsieur Cambon in May of the same year. Thus, it is clear that Great Britain had stifled the new creature before it drew breath. Not contenting itself with that, the British Government went a step farther, and on November 2, 1917 the late Lord Balfour sent his famous letter to

Lord Rothschild with the following Declaration:

His Majesty's Government view with favor the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country.

From this declaration the contradictory nature of British pledges is quite apparent; for Palestine, Syria, and Iraq cannot form an independent Arab State according to British promise to King Hussein in 1915 and at the same time have in Palestine a national home for the Jews. On reviewing the diplomacy of Great Britain, however, one is not surprised, as it is full of similar incidents.

It is often argued that Sir Henry McMahon excluded the parts lying west of Damascus, Homs, Hama, and Aleppo from the Arab State. For this reason Palestine was not added to the Arab Kingdom. The reason given for the exclusion of these districts was France's interest in Syria, which developed only a few decades ago and specifically since the Lebanon troubles of 1860. From that time on, France began to subsidize Jesuit schools in Syria, and it was that which gave France her claim of protecting Christianity and the Christians living there.

It is not the intention to discuss here French pretensions regarding the protection of the Lebanon, but it is certain that though France made claims on Syria it never made any on Palestine. Supposing it is admitted, moreover, that the territory west of Damascus was excluded from the Hussein-McMahon agreement and allotted to France, surely Palestine is

¹ "The Arab Army has rendered valuable assistance, both in cutting the enemy's communications, before, and during, the operations, and in coöperating with my cavalry during the advance on Damascus. By throwing itself across the enemy's line of retreat, north of Deraa, it prevented the escape of portions of the Fourth Turkish Army, and inflicted heavy casualties on the enemy." *A Brief Record of the Advance of the Egyptian Expeditionary Force* under the Command of General Allenby. London: His Majesty's Stationery Office, 1919. p. 36.



not west of Damascus, but to the south and southwest of it.

THE HUSSEIN-McMAHON CORRESPONDENCE

In this connection it may be relevant to remark that no British Cabinet of any party since the War has dared to publish this Hussein-McMahon correspondence, in spite of the fact that many members of both Houses of the British Parliament often demanded it so as to know exactly what promises were given to the Arabs by Great Britain. Neither can it be said that Sir Henry McMahon was not explicit and definite in speaking on behalf of his Government; because he was. Moreover, Lord Curzon, who was then the Minister for Foreign Affairs, sent a detailed statement to King Faisal (then Prince Faisal) on October 9, 1919 in connection with the withdrawal of British troops from Syria, and referred to the letters which were exchanged between King Hussein and Sir Henry McMahon. The Curzon memorandum (which has not yet been published and a copy of which is in possession of the author) among other things said:

From the annexed correspondence² it will be apparent to your Highness that His Majesty's Government made it clear from the outset that, in their opinion, the districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs and Aleppo, cannot be said to be purely Arab and should be excluded from the proposed limits and boundaries within which they were prepared to recognize the independence of the Arabs, and in which Great Britain is free to act without detriment to the interests of her ally, France.

This quotation, Lord Curzon said, in the above-mentioned memorandum

² This refers to all the Hussein-McMahon correspondence, a copy of which was attached to the memorandum.

was taken from a letter of Sir Henry McMahon to King Hussein under date of October 25, 1915. Continuing, Curzon said:

On the 5th of November, His Highness, Sherif Hussein replied to this letter stating that he renounced his insistence on the inclusion of the Vilayets of Mersina and Adana in the Arab Kingdom but declared that the provinces of Alexandretta and Beyrouth and their sea coasts were purely Arab provinces. To this letter His Majesty's High Commissioner in Cairo replied on the 14th of December welcoming His Highness' agreement to exclude the Vilayets of Mersina and Adana from the boundaries of Arab territories. He went on, however, to say that with regard to the Vilayets of Alexandretta and Beyrouth, the Government of Great Britain have taken careful notice of your observations, but as the interests of our ally, France, are involved, the question will require careful consideration and a further communication on the subject will be addressed to you in due course.

Then it is quite clear from the above that Palestine was not mentioned in this correspondence, as there was no doubt in the mind of either the Arabs or the British about Palestine's constituting a part of the Arab Kingdom.

With Great Britain, however, all pledges and agreements seem to be dependent on expediency and interest. The British Government seems ever ready to change, modify, and reinterpret her agreements to suit the emergency. As is well known, the Government of Great Britain accepted the Fourteen Points of President Wilson, the twelfth point of which proclaimed the independence of Arab lands. It also agreed with the four points announced in President Wilson's speech at Mount Vernon on the Fourth of July 1918, the second point of which ran as follows:

The settlement of every question, whether of territory, of sovereignty, of



economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

Article 22 of the Covenant of the League of Nations was based on the principles laid down by President Wilson as shown above. This same article put the territory which was lost by Turkey and Germany during the Great War into three categories—A, B, and C. Arab countries, including Palestine, were placed in the first category.

From Paragraph 4 of Article 22 it is plain that Palestine, like Syria and Iraq, falls in this category, and therefore in principle should be considered as independent, "subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone." The inconsistency of this with the pledge of the British Government to create in Palestine a national home for the Jews is only too apparent.

The Balfour Declaration, which grants the Jews a national home in Palestine, is absolutely contradictory to Article 22, which gives Palestine an independent status subject to the advice of a mandatory until such time as it is able to stand alone.

THE MANDATE SYSTEM

The underlying principle of an international mandate does not differ from that of guardianship, the function of which is the carrying out of duties on behalf of a minor. Article 22 speaks of "mission"—a sacred mission of guidance and assistance to a nation which has not yet attained the standards of an advanced state. The mandatory system, moreover, differs radically from that of a protectorate

in that the former is calculated for the sole interest of the "backward nation," while the latter is intended for the benefit of the colonizing power. There is nothing in the principle of the mandate to justify the political domination of one country over another. It is only a question of guidance and advice in matters of administration; and even that is of a temporary nature.

Should we subject the mandatory system to a careful scrutiny, we would be bound to make the following conclusion: the mandatory power is not supposed to do anything to jeopardize the national interest and aspirations of a mandated people. On the contrary, its main business is to develop and insure national consciousness. In the light of this principle, one can judge for oneself how opposed the Balfour Declaration is to this conception.

Again, Paragraph 4 of Article 22 starts by speaking of certain communities which were detached from Turkey. From this it is clear that the Mandate was designed to protect the interest of the inhabitants of the land rather than the land itself. The expression "some communities" indicates that it was the communities that were intended and not the country inhabited by them.

An international mandate is a sort of legal guardianship which concerns persons more than it does things, and in case "things" are affected, they are so affected for the sake of persons. The Balfour Declaration is putting Palestine in a situation which is utterly inconsistent with the spirit and the terms of the mandate.

At first it seemed to the Arabs that the British Government would undoubtedly set the Balfour Declaration aside on account of its conflict with Paragraph 4 of Article 22. The Arabs expected Great Britain to recognize the principle established by the League



of annulling all agreements which had been previously made and which were later found to be in conflict with the provisions of the League of Nations. Nothing of the kind has happened, however, and at the present time one finds the British Government attempting to carry out the Balfour Declaration in spite of the fact that it is in direct opposition to the article in question.

The statement regarding the communities which were detached from Turkey no doubt refers to the Arabs and the Armenians. The Arabs inhabit the Hejaz, Syria, Palestine, and Iraq. The Hejaz is already recognized as independent, while Palestine and Iraq were placed under a British Mandate, and Syria, including the Lebanon, under a French Mandate.

In apportioning mandated territory, the Supreme Council carried out the terms of the Sykes-Picot treaty except in the case of Mosul and Palestine. According to that treaty, Mosul was to go to France and Palestine was to be given an international administration. Instead, however, both Mosul and Palestine were placed under a British Mandate. In return, France was given 25 per cent interest in the Mosul oil.

THE TREATY OF SÈVRES

Thus Palestine was definitely put under a British Mandate as provided for by the terms of the Treaty of Sèvres, August 20, 1920. Articles 94 and 95 of that treaty state (94):

The high contracting parties agree that Syria and Mesopotamia shall in accordance with the fourth paragraph of Article 22 Part I of the League of Nations be provisionally recognized as independent states, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. . . . [Article 95] The high contracting

parties agree to entrust by application of these provisions of Article 22 the administration of Palestine within such boundaries as may be determined by the Principal Allied Powers to a Mandatory to be selected by the said powers. The Mandatory will be responsible for putting into effect the declaration originally made on the second of November 1917 by the British Government and adopted by the other allied Powers in favor of the establishment in Palestine of a National Home for the Jewish People, it being clearly understood that nothing shall be done that may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.

The Mandatory undertakes to appoint, as soon as possible, a special commission to study and regulate all questions and claims relating to the different religious communities. In the composition of the commission the religious interests concerned will be taken into account. The chairman of the commission will be appointed by the Council of the League of Nations.

The contradiction of Article 94 to Article 95 is clear. Moreover, the inhabitants of all these lands are Arabs having in common religion, speech, traditions, and political and social aspirations. The reason for the inconsistency is to be found in Article 95, which makes the Mandatory power in Palestine responsible for the carrying out of what is called the "Balfour Declaration." To carry out the stipulations of this Declaration it is necessary to violate the terms of Article 22 of the Covenant, because Palestine, like her sister states, Syria and Iraq, should certainly have been dealt with as territory detached from Turkey as mentioned in Paragraph 4 of the Article in question. Moreover, to give the Mandatory power a direct administration of Palestine instead of furnishing it with advice and guidance is an open violation of Article 22 as well



as the principles which were announced by the Allied Powers. In other words, Article 95 of the Treaty of Sèvres abrogates Article 22 of the League of Nations Covenant, so far as Palestine is concerned.

THE ZIONIST VIEWPOINT

Jewish writers have attempted to prove that no such contradiction exists between the different articles. Perhaps the strangest example of such attempts is to be found in the words of Stoyanovsky in his book entitled *The Mandate for Palestine*. On pages 41 and 42 we read:

In the opinion of the Mandatory it was impossible to recognize the above provisions with the granting of unqualified autonomy to the present population of Palestine, since such an autonomy would imply the right to dispose of the country by legislative and administrative measures even against the obligations assumed by the Mandatory. The present population of Palestine is indeed only a part of the much larger population whose connection with Palestine has been internationally recognized. The Jewish people as a whole may be considered, for this particular purpose, as forming virtually part of the population of Palestine. The Mandate System has been applied to Palestine not merely on account of the inability of its present population to stand alone as is the case with the other mandated territories, but also, and perhaps chiefly, on account of the fact that the people whose connection with Palestine has been recognized is still outside its boundaries. The Mandatory power thus appears not only as a Mandatory in the sense generally given to this term but as a kind of provisional administration in the interest of an absent people. In this capacity the Mandatory has assumed an obligation not toward the actual but the virtual population.

According to this author, who reflects the sentiment of those who defend the Zionist policy, there is no conflict between Article 22 and the

present practice of a direct administration of Palestine by the Mandatory power; because the true inhabitants of Palestine are the Jews who are today living all over Europe and America. Thus, in his opinion, the real aim of Article 2 of the Mandate is to make it possible for the Jews to return to their national home. And in case they did return and constitute the majority of the population, then the British Government would be obliged to enforce the terms of Article 22. At present, however, the British Government endeavors with all the means at her disposal to put the country in such a condition as will facilitate the implications of the above-mentioned article.

Zionists go a step farther when they attempt to reconcile Article 22 with their policy of a national home. Stoyanovsky again says:

It has been alleged that the obligations undertaken by the Mandatory for Palestine with a view to carrying out the national-home policy are inconsistent with those of the Mandatory in his capacity as such. In other words, it has been said that the Mandate for Palestine in its present form is incompatible with Article 22 of the Covenant, because the mandates system as contemplated in that Article is instituted in the interests of the actual inhabitants of the mandated territories while the Palestine Mandate contemplates the interests of a people actually outside the territory. The criticism is thus concerned with the underlying principle of the mandate system as applied to Palestine. But the main object of this system is to guide towards the independence and self-government of those races, peoples or communities who for various reasons are not yet able to stand alone. This is also the very object of the national-home policy which aims at giving the Jewish people the necessary assistance to form in Palestine an independent and self-governing community. The underlying principles not only of the mandate system but of the Covenant as a whole, are thus giving effect to the



national-home policy. There seems to be no valid reason for doubting that this policy in itself follows directly from the principles of nationality and self-determination upon which the Covenant of the League of Nations largely rests.

In defense of the theories for the national home, some writers know no bounds, as is shown by the following:

The real point and the only point appears to me to be whether it can be said that the scheme contained in Article 2 [of the Palestine Mandate inaugurating the National Home policy] is inconsistent with Article 22 of the Covenant. I am clearly of opinion that there is no such inconsistency. Article 22 of the Covenant does show that the general object is to secure the well-being and development of mandated territories. Article 2 of the Mandate of course deals with a special scheme of immigration and settlement, viz., that of the Jewish people. But I see absolutely no inconsistency between the two. It may well be that a judicious scheme of immigration is the best possible method of developing the resources of Palestine and securing the well-being of that country.³

According to this curious logic we may well say that the bringing of Armenians to crowd out Syrians in Syria and Persians to jostle Iraqians in Iraq and thus make the former a national home for the Armenians and the latter a national home for the Persians is not inconsistent with Article 22 so long as Armenian and Persian immigration adds to the prosperity of those countries. It may as well be argued that it is a desirable thing to undermine the national existence of any people provided such an action brings prosperity to it.

As is stated by Professor Berriedak Keith, the policy of a Jewish national home in Palestine is nothing short of a fatal blow to the principle of self-

determination. Stoyanovsky asks why the Jews are not entitled to self-determination. But supposing the Jews were able to organize a state which would be recognized by international law, would they have the right to organize such a state at the expense of another people's existence? What would the Irish people say, for instance, should the Jews choose Ireland for their national home? What would be the Spaniards' reply to an Arab demand for a national home in Spain?

AUTHORITY OF THE MANDATORY

In truth, the Mandate for Palestine gives the British Government absolute power over the country. Article 1 says: "The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this Mandate." No doubt such a provision is also at variance with Article 22, as it confers on the mandated power all the authority which is needed for legislation and administration. The Mandate, under these circumstances, becomes nominal; for if the mandated power possesses all the rights of legislation and administration in Palestine, the country becomes a mere dependency without political rights.

Surely Paragraph 4 of Article 22 was never intended to deprive the Arabs of their rights in Palestine and to subject the country to the absolute authority of the mandated power, which is now Great Britain. It is said that such authority was granted to the mandated power by the Supreme Council of the Principal Allied Powers. But who gave those powers the right to dispose of Palestine as they pleased and turn it over to Great Britain? One might venture the reply that Palestine was a part of the Ottoman Empire, and according to Article 119 of the Treaty

³ Statement by Sir William Finlay on the Palestine Mandate (O. J. July-August, 1921, p. 444).



of Sèvres, Turkey ceded Palestine to the Principal Allied Powers, which cession transferred the sovereignty to them. But it must not be forgotten that the Treaty of Sèvres was abrogated, which left Turkey without any legal control over Arab countries.

Moreover, how can the Turks claim any sovereignty over the Arabs who joined the Allies and drove the Turks out of Arab territory with the sole intention of securing their independence from them? Under those conditions, were the Turks entitled to make a gift of Palestine to the Principal Allied Powers to do what they wished with it as if it were nothing but chattel?

The truth is that European diplomacy deceived the Arabs on three different occasions. In the first instance the Arabs were promised independence if they would join the Allies in their attack on the Turks. And when the Turks were defeated through the co-operation of the Arabs their reward was Article 22 of the Covenant of the League of Nations, placing portions of former Turkish territory under a Mandate, which was anything but the promised liberty and independence. Not content with this blow, the Allies inflicted a foreign government which has shattered all Arab hopes of independence. As a coup de grâce, the Allies devised the obnoxious "Balfour Declaration" which is in utter disregard of Article 22 and, if continued to be carried out, will wipe out the Arab nationality in Palestine and replace it by the national home for the Jews.⁴

⁴Cf. *Palestine Statement of Policy by His Majesty's Government in the United Kingdom*, Oct. 1930 (Cmd. 3692). "... His Majesty's Government ... will not be moved ... from the path laid down in the Mandate, and from the pursuit of a policy which aims at promoting the interests of the inhabitants of Palestine, both Arabs and Jews, in a manner

THE GOVERNMENT OF PALESTINE

As to the government which was instituted in the Holy Land, one might remark that it is made up of officials appointed by His Majesty's Government. Article 5 of the Palestine Constitution, which was drafted by Great Britain in 1922 and about which the people of Palestine were not consulted, states:

The High Commissioner shall do and execute in due manner all things that shall belong to the said office, according to the tenor of any Orders in Council relating to Palestine and of such Commission as may be issued to him under His Majesty's sign manual and signet, and according to such instructions as may from time to time be given to him, for the purpose of executing the provisions of the Mandate, under His Majesty's sign manual and signet, or by Order of His Majesty in Council or by His Majesty through one of his Principal Secretaries of State, and to such laws and Ordinances as are now or shall hereafter be in force in Palestine.

The High Commissioner, then, who is appointed by His Majesty according to Article 4 of the Covenant of the League of Nations "acting by and with the advice of the Executive Council" constitutes the government of Palestine. The above-mentioned Council today consists of officials appointed by the High Commissioner, viz., Chief Secretary, Attorney-General, and Treasurer, who are all British. The heads of all departments of the government of Palestine are either Britishers or Jews,⁵ and are likewise appointed by the High Commissioner.

which shall be consistent with the obligations which the Mandate imposes" (p. 5).—H. V.

⁵There is only one Jew at the head of a Government department. All heads of departments are from the British Civil Service, and their appointment is subject to the approval of the High Commissioner.—H. V.



In the light of all this, therefore, can one say that the Balfour Declaration and the Mandate for Palestine are not inconsistent with Article 22 of the

Covenant of the League of Nations? Indeed, one has to be totally blind in order to deny that the sun is shining.

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The Proposed Palestine Constitution

By JAMAAL BEY HUSSEINI

IT HAS been announced in the Statement of Policy of the British Government with regard to Palestine that the Palestinian Constitution will generally follow the lines of the Constitution of 1922, that has been duly rejected by the Arab inhabitants who form the overwhelming majority of the population.

A detailed survey of this Constitution does not fall within the scope of this concise statement, but a brief description of the outlines is necessary.

THE EXECUTIVE

The executive powers of the Government of Palestine are totally and exclusively vested in the British High Commissioner, who, with his Executive Council of three British members under his chairmanship, is supposed to see that the provisions of the Mandate are properly executed in the manner prescribed to him from time to time by the Government of His Britannic Majesty.

The High Commissioner and the British officers of the Government, who invariably hold the responsible posts in the Administration, are appointed by His Majesty's Government; and the High Commissioner, subject to the directions of the Secretary of State for the Colonies, appoints all other Government servants and prescribes their duties. He moreover, according to the directions of the Secretary of State, suspends or dismisses any person holding a public post.

All rights pertaining to public lands and all other public properties, such as mines, minerals, and so forth, are vested exclusively in the High Commissioner in the capacity of trustee for

the Government of Palestine; and he defines the boundaries and divides the country into districts for all administrative purposes. Public funds are administered by the High Commissioner in the manner he thinks fit, without control by any representative body.

The High Commissioner is both the Governor and the Commander-in-chief, and the final responsibilities of public security rest with him. Thus the responsibilities of the High Commissioner in Palestine do not correspond to, but are much greater and wider than the responsibilities of the High Commissioner in any of the mandated territories that fall within the same category as Palestine, such as Syria, Iraq,¹ and Trans-Jordan. Here he holds the responsibilities and executes the functions of the governor of a lower-grade colony under the control of the Secretary of State for the Colonies.

THE JUDICIARY SYSTEM

The judiciary system provides for the existence of magistrate courts in most subdistricts and all districts. District courts sit in the more important towns as courts of first instance and as appellate courts for the magistrate courts. A Court of Criminal Assize deals with offenses punishable with death, and special land courts deal with questions concerning the titles to immovable property. A Supreme Court of Justice sits to hear

¹ Since this article was submitted, arrangements have been completed to admit Iraq as a member of the League of Nations, and for Great Britain to give up its Mandate over that country.—H. V.



appeals from district courts and land courts or Courts of Criminal Assize. The Supreme Court also sits as a High Court of Justice to deal with petitions not within the jurisdiction of any other court. Certain appeals may be submitted for final decision to the Privy Council, London.

Questions concerning personal status are dealt with on the whole by the religious courts of the different communities.

The High Commissioner may deport any person from Palestine whom he thinks to be dangerous to peace and public security of the country.

Any religious community or considerable section of the population may send in petitions to the League of Nations if it wishes to complain that any term of the Mandate is not being carried out by the Mandatory.

English, Arabic, and Hebrew are to be upheld equally as the three official languages, and all official forms and proceedings may be conducted in any or all of these languages.

It should be borne in mind that the principal judges in all the courts are Britishers. This is a quite different procedure from that adopted in the other "A" mandated territories, where a few foreign judicial advisers or inspectors assist in the departmental administration of justice.

Furthermore, the existence of three official languages incurs great expense in order to provide for a swarm of interpreters and translators, three sets of linguistic clerks and typewriters, and the consequent sundry expenses.

LEGISLATION

The Constitution provides for the establishment of a Legislative Council composed of the High Commissioner as chairman, and twenty-two members, of whom twelve are to be popu-

larly elected in a rough proportion to the numbers of the followers of each of the three communities, and ten are to have seats *ex officio* as heads of departments, all of whom are Britishers, Christians, or Jews.

The franchise extends to all male Palestinians above the age of twenty-five, with certain usual exceptions, as those who have lost their civil rights, and so forth. The elections, following the Turkish system known in the country, are indirect; they consist, in the first stage of the election, of secondary electors in the proportion of one to every two hundred of the primary registered voters. The secondary electors are divided into twelve colleges and grouped by communities. Each college is to elect one council member. The Christian and Jewish communities are to have at least two members each.

All legislation pertaining to the financial functions of the Government, including the imposition of taxes and the appropriation of public funds, is to be initiated by the High Commissioner only, who also may render any legislation passed by the council inoperative by his dissent. All legislation to be passed must be in accord with the provisions of the Mandate, and any legislation to the contrary will be ruled out by the veto of the High Commissioner. His Majesty the King reserves for himself the right to legislate, if and when necessary, on questions relating to peace, order, and good government in Palestine, and His Majesty may, within a period of one year, abrogate any legislation that has been assented to by the High Commissioner.

The council members are elected for a period of three years, but the High Commissioner may by proclamation or prorogue dissolve the council at any time.



A committee of at least one half of the unofficial members of the Legislative Council will be formed to confer with the High Commissioner upon all matters concerning immigration. In case of any difference of opinion between the High Commissioner and this committee, the question will be forwarded for final decision to the Secretary of State for the Colonies, London.

With this restricted representation in this council of restricted powers, the Arabs of Palestine were far from being satisfied. They argued that the official members of the council, who are naturally bound to execute the Zionist program as embodied in the Balfour Declaration, together with the Jewish members would form a majority to apply the terms of that Declaration by legislation in the name of the whole country. To find themselves in a position to accept legally and execute actually the terms of the Balfour Declaration is a thing the Arabs of Palestine—Moslems and Christians—could not countenance. On the other hand, to the Arabs, who had enjoyed the benefits of a democratic rule during the preceding few years under the Turks, the jurisdiction of the council appeared to be scanty and finally of no avail. This led them to take a negative attitude, and in 1923 they boycotted the elections for the council so successfully that the Mandatory found himself obliged to annul the elections and establish an Advisory Council of official members.

THE CONSTITUTION—MADE IN ENGLAND

The mandatory system of government is an innovation following the Great War that was so terribly felt during its ravages and so terribly forgotten thereafter, and is based upon

Article 22 of the Covenant of the League of Nations, paragraph 4, which reads as follows:

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

This provision governs the "A" mandated territories, of which Palestine, according to the Mandate, is one.

It is difficult to read this basic provision without being impressed by the fact that inhabitants of the "A" mandated territories are meant to lay down their own constitutions with the advice of the Mandatory. This is actually the case in the other "A" mandated territories of Iraq, Syria, and Trans-Jordan. The Constitution of Palestine, however, was cooked and canned in London and dispatched to Palestine for consumption.

It is obvious that the British Government evaded the usual procedure in laying down the Palestinian Constitution in order to give full protection to the Balfour Declaration, which would be very roughly handled and finally abrogated by a democratic government. The Secretary of State for the Colonies (Mr. Churchill) in 1922 stated that "the Balfour Declaration precludes, at this stage, the establishment of a National Democratic Government." It may be argued, however, that if the creation of a democratic government in this age of democracy falls within the sphere of the meaning of the term "civil rights," then these rights must preclude the execution of the Balfour Declaration, which lays down the condition that "nothing shall be done which may prejudice



the civil and religious rights of existing non-Jewish communities in Palestine."

The term "mandate" and the provisions of Article 22 of the Covenant of the League of Nations which defines it, particularly with regard to the territories that have been released from Turkey, both import the existence in a mandate of two distinct governments—the foreign mandatory and the local government under his mandate—the one as a master to teach, and the other as a pupil to learn. The legal meaning involves two persons, a guardian and a minor.

There is scarcely any relation between this actual conception of a mandate and the mandate that the Palestinian Constitution recognizes. For here the Mandatory is His Majesty's Government, and the government under its mandate is His Majesty's Government which actually directs, and its British nominees who actually execute the Mandate. In this combination the people of Palestine have no political existence other than that of a very low-grade colony. They are not the pupils to learn until "such time as they are able to stand alone," because they have no responsibility; and they are not the minors to gain experience, because according to this Constitution they are offered no real opportunities to do so.

Conditions in Iraq and Trans-Jordan, both "A" mandated territories and both under the Mandate of Great Britain, present a very different aspect in this question. Both have local responsible governments assisted technically by British advisers nominated by the Mandatory. The duration of the Mandate in these territories seems to be limited in the case of Trans-Jordan, and in the case of Iraq its life seems to be only a question of days.

CONFLICTING PRINCIPLES OF THE CONSTITUTION

The preamble of the Constitution lays down as a basic principle that the Mandatory is bound (1) to give "effect to the provisions of Article 22 of the Covenant of the League of Nations," and (2) to put "into effect the declaration originally made on the 2nd November, 1917, by the Government of His Britannic Majesty, . . . in favor of the establishment in Palestine of a national home for the Jewish people" (the Balfour Declaration).

In the reconciliation and the execution of these two provisions crouches the stubborn problem of Palestine. While the one is based on the principle of self-determination, as later interpreted by the League of Nations in Article 22 of the Covenant, the other is based on the old right of conquest. The Arabs will not agree to anything short of independence that will be realized sooner or later; the Jews will have nothing less than that the country should be placed in "such political, administrative and economic conditions as will secure the establishment of the Jewish national home." Under the stress of these two conflicting impressions the clash was and will ever be inevitable. The interpretations of the Mandatory have convinced neither the Arabs nor the Jews.

THE CONSTITUTION VERSUS THE MANDATE

The Constitution is considered to be based on the Mandate for Palestine and is regarded as its legal enforcement. According to this Mandate, the Mandatory is made responsible for "the development of self-governing institutions." It should be noted that the word "institutions" is in the plural. In the political and civil sense the word "institutions" could



never mean anything less than the executive, judicial, and legislative establishments of a government. But the Palestinian Constitution does not provide for the establishment of such executive and judicial institutions, and in the case of legislation the provision is scanty and does not correspond to the requirements of a people who are supposed to be independent, "subject to administrative advice and assistance by a Mandatory," in accordance with Article 22 of the Covenant of the League of Nations.

During the Turkish régime the inhabitants of Palestine enjoyed wide measures of self-government.² Palestinians, therefore, find in the proposed Constitution, with all its restrictions and deprivations in its different institutions, a very poor substitute for all that they possessed before they were "liberated" by the great democratic nations of this world.

It has been repeatedly stated by the different authorities that this Constitution, with its Legislative Council, is the first step in the way to self-government. This assertion is not corroborated by the facts that: (a) the inhabitants of Palestine have had long experience in the management of self-governing institutions, and the Mandate is supposed to push them forward in the way to democracy and not to pull them backwards; and (b) ter-

² See article by Aouni Bey Abdul Hadi, "The Balfour Declaration," in this issue.

ritories under similar mandates, as Syria and Iraq, the inhabitants of which are not higher in the grades of civilization nor have they had more experience in democracy than the inhabitants of Palestine, are now enjoying much wider measures of self-government than this Constitution gives to Palestinians.

The Palestinian Constitution that is now in effect, excluding the legislative part, has, after a lapse of nine years, entailed disastrous economic and political consequences. In the words of Sir John Hope-Simpson, who composed the most exhaustive and illuminating official economic report on Palestine, in 1930, "the Arab fellah is little if at all better than he was during the Turkish régime." Furthermore, the riots of 1929, which filled the world with harrowing details, show that the political atmosphere has never before been poisoned so much as during these few years. Again, it is appalling to read in the official reports that crimes perpetrated in Palestine, excluding political disturbances, have increased year by year, from 11,000 in 1920 to 27,000 in 1929.

The two conflicting principles that are laid down in the preamble of this Constitution as well as the Mandate, are bound to make of Palestine a battlefield, real or political, until the policy based on one of these two principles is radically altered.

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Local Autonomy in Palestine¹

By ISAAC BEN-ZWI

AUTONOMOUS institutions for the inhabitants of Palestine were on the way to being established during the Turkish régime. To understand the present situation adequately, therefore, it is imperative to compare it with the state of affairs here before the World War.

Autonomy may in general be classified as of three kinds—national, regional and municipal. Under the Turks the internal autonomy of subject communities and peoples was developed to a far greater degree than in any other country, be it in the East or in the West. District and municipal autonomy, however, were of an extremely rudimentary and primitive nature. The internal organization of the religious-cum-national communities was the fruit of precedents and a tradition stretching back unbroken for centuries. As a rule, the Turkish Government did not attempt to abrogate or whittle away the inner privileges of such communities as the Greek Orthodox (Rum Milleti), the Armenian (Armeni Milleti), the Jewish (Yehudi Milleti), and so forth. Any prerogatives and rights they possessed were confirmed by the Ottoman authorities, and their authority remained unchanged, unchecked, and unchallenged until the declaration of the new Turkish Republic.

Self-government of the regional or municipal type, however, is a fresh manifestation among the Turks and cannot be found earlier than the latter half of the nineteenth century. There is thus a basic line of demarcation consisting in this: The group autonomy

of religious-cum-national communities is the result of an experience that has been fashioned over a period of centuries, whereas the district and municipal autonomies are no more than an artificial product intended to serve as a shield against more radical desires for an entire separation from the Ottoman Empire, which were to be found among the inhabitants of provinces near and far.

SEPARATIST ASPIRATIONS

Such a centrifugal tendency was to be recognized not only among the Christian peoples who inhabited the Balkans, and the Armenians of Anatolia, but also among the Moslems who dwelt in such widely differing regions as Albania, Iraq, Hejaz, Yemen, and others. To counteract this tendency, the Turks extended a limited measure of regional and municipal autonomy to the inhabitants of non-Turkish provinces, on a basis of either race or language. Not one of Turkey's measures, however, was favorably received by the non-Turkish inhabitants, each coming to grief against the latter's desire to separate themselves entirely from their stepmother, Turkey.

It should be noted that the separatist aspirations of the Moslems were entirely different in their nature from those of the Christian peoples. The ideal of the latter was to renew their independence by the revival of the national entities that had existed prior to the Turkish conquest. Armenia, Bulgaria, Serbia, Rumania, and more particularly Greece longed for freedom from the Ottoman yoke in order to

¹ Translated from the Hebrew by L. Lask.



determine for themselves the forms of their future political existence. In a very limited degree this was likewise true of the Moslem Albanians and Kurds.

In so far as the Arab peoples are concerned, however, the situation is entirely different. The conquering Turks found themselves faced not by the united Arab caliphate of the days of Omar and the Omayyads, but by a congeries of independent kingdoms and states *which had existed for centuries beside each other*, lacking both desire and capacity for union. One by one, the Turks leisurely conquered the territories that had been settled by the Arabs: Egypt, Syria with its immediately dependent Palestine, Iraq which was its own master, and all the kingdoms of North Africa, with the Arabian Peninsula. Each of these countries strove to free itself and return to its earlier state, without any united aim or purpose among them. The common element to be discovered in all these regions was that no inhabitants, wherever they might dwell, were prepared to be satisfied by this or that modicum of local autonomy so long as they willy-nilly had to remain an inseparable link in the chain of the Turkish Empire.

THE PROBLEM OF ARAB RULERS

The sudden and fundamental changes which came about as a result of the World War brought the slow process of dissolution which the Turkish Empire was undergoing to its catastrophic end; all the non-Turkish sections of the Empire dropped away. The Arab countries found themselves faced by new difficulties such as result from the endeavor to establish new states. The burning problem which had to be faced by the ruling classes of those countries was that of hegemony—of unity in a double sense, both

that of general politics and that of the internal Arabic situation. The problem first expressed itself in the debate as to who would become the leader of the Federation of Arab peoples; would he be of the Moslem Hashimite family of Hejaz, or the Wahabi ruler of the Nejd? Would he be found in the family of the imam of Yemen, or in that of the kings of Egypt?

This question was naturally of interest, foremost of all, to the upper classes, to the families of the Moslem effendis and landowners who hoped for positions and appointments in Government service; to such, of course, it was a matter of prime importance whether Hejaz, Syria, or Egypt would serve as the reservoir whence the rulers of the Arab countries would be drawn. And it is just these elements that are not interested in democracy—in the people's control over their own destiny through their representatives and delegates. On the other hand, it is to be safely assumed that the majority of the people, composed of fellahin and laborers without property, together with the rank and file of the town dwellers, are chiefly concerned to express themselves in their local representative institutions through trustworthy delegates. Experience has proven that the political independence of a state neither necessitates nor implies even the least modicum of democracy within that state. The independence of Hejaz, for example, is coexistent with a complete lack of any parliamentary institution; this applies equally to Yemen, Hadramaut, and the other kingdoms, emirates, and so forth, of the Arabian Peninsula. Nor is the situation much better in Trans-Jordan, where an assembly of "parliamentary" character is to be found which actually contains not a single representative of the toiling majority of the inhabitants, but provides an arena in



which the various tribes compete with each other for power and posts.

In Palestine, the controlling Arabian circles who approve the principle of "Arab Empire" are not concerned with the needs of the actual laboring population nor with democratic institutions; more particularly as such institutions lack all imperialist potentialities. These aspirations of the ruling classes are directly opposed to the interests of the broad masses, who are concerned first and foremost with the expression of their views concerning vital economic, cultural, and social problems.

Regarding this, the attitude of the Yishuv² is perfectly clear. All classes and sections among the Jews are concerned in strengthening the existent union between Cis and Trans-Jordan Palestine by augmenting economic opportunities and conditions, by developing social life, and by establishing local administrative institutions to serve as a firm basis and pledge for a country-wide democratic edifice in consonance with the various elements and interests present within and helping to constitute this union—these being the different classes and peoples who in the future stand to be the natural participators in this state—without in any way confusing the cultural and economic characteristics by which the peoples inhabiting this country are distinguished.

Hence it becomes clear that the Yishuv is concerned, for objective and tangible reasons, in satisfying the justified requirements of the toiling masses, including tillers of the soil, fellahin, and town dwellers, and is not attracted by the goal of power set before the ruling classes, with the unavoidable exploitation and violation of human rights involved in the attainment of

that goal. There would appear to be no valid reason for Jews to be interested in any attempt to replace the defunct Ottoman Imperialism by a similar one which may happen to be of Arab or other composition.

THE VILAYET COUNCILS

In the final phase of the Ottoman kingdom, certain administrative forms were established which allowed a limited autonomy to the inhabitants of the vilayets on the one hand and to the inhabitants of the larger towns on the other. The Temporary Ordinance regarding the General Administration of the vilayets, dated March 13, 1913, appointed a special council for every vilayet, the members of which belonged to two classes: (1) natural or ex officio members, composed of district Government officials such as the vali or his deputy, the secretary, the accountant, the director of education, the chief of police, the director of agriculture, the religious judge, the mufti, and the chiefs of the non-Moslem communities; and (2) four elected members who had to be Ottoman subjects, aged thirty or upwards, knowing how to read and write, and paying not less than fifteen piaster tax during the year. In practice, these members were not elected by the inhabitants but were appointed after an involved procedure in which the towns at the center of the vilayets took some limited part. Among the others, the vilayets of Damascus and Beirut, with the Munjab of Jerusalem, profited from this "democratization." (Here I mention the vilayets to which belong the various sections of what is now the Mandated Territory of Palestine.)

The competence of the council was limited to two functions: (a) to discuss and pass resolutions, and to make suggestions and express an opinion regarding all regional affairs as set out in

² "Yishuv" is the term used to describe the Jewish community in Palestine.



the Ordinance: and (b) to supervise the behavior of the vali and his administrative council. To the latter end, the council would hear addresses by the vali, and exercise its functions during a single session of forty days annually. Against the greater number of the council's resolutions an appeal could be lodged before the Imperial Council by the vali, while some would be certain to receive confirmation. The definitive resolutions of the council (such as neither required confirmation nor could be appealed against) could only be few and far between. Everything concerning the budget, loans amounting to more than a third of regular income, and long-term concessions, always required confirmation from higher quarters.

These general indications make it clear that the vilayet councils were first and foremost administrative institutions which neither gave nor could give satisfaction to the wish for autonomy found among the inhabitants. And far less could this institution satisfy the desire for self-government to be found among the various peoples and communities composing the Ottoman Empire.³

MUNICIPAL ADMINISTRATION

The second element of local autonomy was the ordinance of *Self-Government in the Municipalities*. Municipal administration was at first established only in Constantinople (in 1274 A.H.), but at the first session of the (first) Turkish Parliament a law was passed according to which a municipality had to be set up in every town. In practice this statute was acted on, with slight variations, as long as the Turks remained in power, and, despite the Local Council Ordinance

of 1921, which introduced very few important changes, has not been supplanted in practice under the British régime, though thirteen years have passed since the Occupation. Immediately following the British Occupation of Palestine, the personnel of the municipalities was appointed administratively by the Government. Five years ago (in 1927), elections were held in the twenty-two municipalities of Palestine for the first and only time. For various reasons the Government has decided to postpone them and extend the competence of the acting municipalities for an indefinite period.

The municipalities are competent to deal with cleaning and sanitation, security, water supply, lighting, and traffic. Cleaning and sanitation include the supervision of slaughter and so forth. The municipality has the right to levy taxes on dwellings, on slaughter, and on the issue of various licenses, payment being assured by the local police. The duties which had to be performed by the municipalities in the days of the Turks have remained entirely unaltered.

In so far as municipal elections are concerned, the right to vote is in general limited to the very select class of citizens paying the Werko (Government) or else the municipal tax. The minimum amount of the Werko tax which gives one the right to vote is fifty piasters,⁴ and of the municipal tax a hundred piasters, annually. A second limitation is that the right to vote for representatives to the municipalities is allowed only to *male citizens* of Palestine. It was thus possible that in a city like Jerusalem, which had over 90,000 inhabitants, less than 4,000 people (less than 5 per cent of all the inhabitants) were entitled to vote in 1926. This needs to be compared

³ See "Local Administration in the Vilayet," by D. Ben-Gurion, published by *Achdut*, Jerusalem, 1914 (in Hebrew).

⁴ About \$2.50 at par.



with Tel-Aviv, where additional laws are in use; out of 45,000 people there were 20,000 (about 45 per cent) entitled to vote.

DEMOCRATIC AMENDMENTS HELD IN ABEYANCE

All these defects, from a democratic viewpoint, in the existent law require basic alterations. It would seem that the Government itself has become aware of these defects to a certain degree, for it has more than once informed the inhabitants that it is preparing amendments of a democratic nature to the Municipalities Ordinance. But, despite the fact that a draft Ordinance is known to have been ready for two years, such amendments have not yet been made public.

It is of interest to note that precisely during the last three or four years, when the suggestion of the creation of an elected national institution with legislative powers is once again on the agenda, there seems to be an utter standstill in the development of local and municipal autonomy. It is even possible to perceive a certain retrogression, or at least a definite tendency in certain Government circles to limit or diminish the autonomy of the towns and cities instead of expanding it. In support of the above, one need only point to the Government's energetic interference in all that concerns municipal budgets, more particularly when the details hinge on the appointment of responsible officials such as municipal engineers, accountants, and so forth. Many such instances can be cited from the practices of the Jerusalem Municipality. Likewise may be pointed out the Government's desire to take unimpeded control of the levying of taxes, as can be seen by the Municipal Properties Tax administered and collected directly by the Government. A similar tendency

may be observed in the dispute regarding certain concessions belonging to the Municipality of Tiberias, which the Government wanted to place under its own control.

A thoroughgoing contradiction may thus be seen between the familiar official declarations of the Government's desire to provide parliamentary institutions to the country and the practice which renders the limited municipal autonomy nugatory and fictional, defers the elections for an unlimited period, and trains the publicly elected municipal officers to believe that it is their main task to do nothing but refer everything troublesome to the Government.

As we have seen, there is a considerable difference between the ideas of, and aspirations towards, autonomy found among the various strata of the population. Where the upper classes among the Arabic inhabitants aspire chiefly towards political independence and freedom from control, and are prepared cheerfully to resign democratic and communal safeguards, the overwhelming majority of the inhabitants are far more vitally concerned that there should be democratic regional and municipal government on a national basis than they are with exalted problems of political freedom. The Yishuv, for its own part, is naturally concerned that there should be a true democratization of the national communities and municipalities; and for this reason their needs and demands are far closer to those of the masses than to those of the upper classes.

BRITISH EFFORTS TO ESTABLISH REPRESENTATIVE INSTITUTIONS

What was the Government's attitude in face of these divergent and even contradictory aims? In the be-



ginning of Sir Herbert Samuel's High Commissionership, immediately after the civil administration had been established, the Government proposed a national representative institution in the form of an Advisory Council composed of ten unofficial members and twelve ex officio members of the Government. The competence of this council was limited beforehand and made purely advisory. This institution, after functioning for more than a year, went to pieces under the pressure of public opinion, more particularly on the part of the Arabs. Sir Herbert Samuel's Government then attempted to establish a broader institution on the basis of real elections—the general public electing a college which in turn would elect representatives. But this concession did not help either, and the then powerful Moslem-Christian Association, which is controlled by the ruling classes, succeeded in prevailing on the elected Arabs to decline office.

This period of attempts to establish countrywide councils ended in failure, and was followed by a second period of democratization *from below up*, which was in our opinion a far more correct and realistic method. Lord Plumer, the second High Commissioner of Palestine, chose to strengthen the foundations instead of raising a countrywide institution. At the end of 1926 the Municipal Elections Ordinance was published, the towns then containing about 300,000 people, or 40 per cent of the population of the country.

In the beginning of 1927 elections were carried out for the twenty-two municipalities in the country, and everywhere both Jews and Arabs participated. There is plenty of room for complaint regarding the disorder in the administration of the municipalities, and the curtailing of the rights of the Jewish minority by the Arab ma-

jority, to say nothing of the behavior of the Government, which always took upon itself the easy rôle of satisfying the majority by crushing the minority. Yet, despite all this, experience has proved during the last five years that there is certainly scope for joint work between Jews and Arabs in the municipalities so long as the majority, with the aid of the Government, does not forcibly and more than flagrantly violate the rights of the minority. It should further be pointed out that in those places where there is coöperation between Jews and Arabs, there is a common demand addressed to the Government for the widening of the autonomous bases. Such coöperation was to be found in the municipalities of Jerusalem and Jaffa as long as Jewish representatives participated, and it is still to be found in other towns, such as Haifa, Tiberias, and Safed.

It would seem to follow that Lord Plumer's attitude with regard to forms of territorial autonomy was correct and wise, seeing that as long as he was High Commissioner the country was quiet and there were no untoward disturbances such as occurred in the days of his predecessor and his successor. The essential demand made by the inhabitants was for an increase in the powers of the municipalities and for their democratization; and no one of the Arab leaders who early and late proclaim their noncoöperation with the Government ever dreamt of uttering a ban on these autonomous institutions.

With the change of High Commissioner, the purpose at present dominant again triumphed. Instead of increasing the autonomy stage by stage, as had been the aim in the days of Lord Plumer, proposals for an autonomous territorial institution were again heard, at the same time that all attempts to introduce amendments



into the Ordinance governing the autonomy of the municipalities were deferred.

PROPOSED LEGISLATIVE ASSEMBLY

As early as 1929, before the riots, Sir John Chancellor, the third High Commissioner of Palestine, declared his readiness to establish a legislative council, and his intention was delayed only by the riots (pogroms) of August of that year. Those outbreaks proved to the High Commissioner that it was premature to rest any considerable hopes of the country's accelerated development on an institution that would hand over power to the majority at a time when that majority was utilized by the controlling classes as a weapon for destroying the property and endangering the existence of the minority. At the same time, all attempts to increase the existent autonomy of the towns were postponed, and the

Ordinance prepared for the purpose has not yet seen the light of day.

We are now in a transition period. On the one hand, the establishment of a legislative assembly has been delayed; but on the other, there is nothing to prevent its establishment any day. Even more, there is no surety that it will not be established without the imperative pledges of acceptance of the Mandate and facilitation of the establishment of the Jewish national home. Again, there is no reason to hope that such an institution, if established, will serve as a decisive factor in developing the country from both an economic and a social standpoint. It is rather to be feared that it would function in an opposite direction, and would impede the development of the sources for the growth of those productive economic and social powers and potentialities upon which depends the entire future of this country.

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Local Self-Government—Past and Present

By OMAR BEY SALIH AL-BARGHUTHI

FOR administrative purposes the Ottoman Empire was organized into "vilayets," "mutassarifliks," "kazas," and "nahiahs." The last, being the smallest unit, was made up of a few villages. As a tiny member of this great organization, Palestine comprised three mutassarifliks, viz: Jerusalem, Nablus (Samaria), and Acre. Though a mutassariflik, Jerusalem enjoyed the dignity of a vilayet and therefore dealt directly with Constantinople, while Nablus and Acre were subdivisions of the vilayet of Beirut.

Local self-government under the Turkish system corresponded to the above mentioned organization. It found expression in councils which ran in a descending scale from the dignity of vilayet rank to the humble station of a village. The following treatment will deal with these various forms of self-government and will endeavor to show the changes which have been effected since the British occupation of Palestine.

I. MAJLIS UMUMI—PROVINCIAL COUNCIL

In the last quarter of the nineteenth century the passion of Europe for constitutional government reached the Bosphorus, and the liberal forces among the Turks began to assert themselves. The result was an attempt at a parliament, which, however, met its doom at the hands of the crafty Sultan Abdul-Hamid. Undaunted, liberalism made another charge on the dark power of despotism, and the Young Turks succeeded, in 1908, in establishing a parliament in Constantinople. To this constitutional body, Palestine sent six delegates—three from the Jerusalem

district, two from Nablus, and one from Acre. This share in self-government enjoyed by Palestine, however, came to an end with the British occupation.

The Turkish scheme for the encouragement of self-government created, besides the Parliament at the Capital, a council or assembly in each vilayet or province. It was called majlis umumi—literally, a public council, but really a provincial assembly. It helped in the internal administration of a vilayet, which was the largest administrative unit in the Turkish Empire. The representatives to these assemblies were elected by the same men that elected the members for the Parliament in Constantinople. Each subdivision of the vilayet was entitled to a representative. Moslems and non-Moslems were eligible. The councils met once a year, for a period not to exceed forty days, at the seats of the vilayets, which were Beirut and Jerusalem in the case of Palestine. The body was presided over by the "vali" or governor of the province, and two thirds of the members constituted a quorum.

Thus, these councils were diminutive parliaments, similar perhaps to the State legislatures in the United States. They dealt with such administrative problems as public highways, public works, agriculture, commerce, and education. In this way the people of Palestine, besides having six members in the Parliament at Constantinople, had also considerable share in the provincial administration. No trace of this former participation in government is now left to Palestinians.



II. MAJLIS IDARAH—ADMINISTRATIVE COUNCIL

This body was an advisory council which was designed to help the governors of all grades in the execution of their duties. The vali, the mutassarif, and the Kaimakam could turn to these councils for advice. The members were *ex officio* and elected. In the first category came the mufti and gadi (religious court officials) to represent Moslem interests, and the church dignitaries to speak for the non-Moslems. The treasurer and chief clerk of the district sat on this council also. The elected members were three Moslems and a proportionate number of non-Moslems. Like the provincial councils, the administrative council was presided over by the chief official of the mutassariflik.

The duties of this council were of an administrative and a judicial nature. In the first place, it dealt with matters of finance, taxation, public works, land registry, agriculture, tobacco monopoly, tenders, and so forth. The judicial duties consisted of the investigation of accusations brought by the public against government officials, the trial of such, and the settling of differences between government departments. Members of administrative councils were elected in the following manner. The administrative officer called a meeting composed of the treasurer and the religious heads of both Moslem and non-Moslem communities. This group of men nominated candidates, who had to be Ottoman subjects, taxpayers of not less than 150 piasters per annum (approximately \$7.50), and thirty years of age. Of these candidates, two thirds were elected by the "elders" and "notables." Finally, the election was confirmed by the administrative officer.

The administrative councils during

the Turkish régime were to be found in every vilayet, mutassariflik, and kaza; but with the advent of the British all this came to an end, leaving British officers free to do what they pleased without any official responsibility to the public. The former power of the Turkish administrative council is now exercised by the district officers and the Departments of Police and Agriculture. The people of Palestine are thus left without a voice in the government of their local districts and their country as a whole.

III. MAJLIS AL-NAHIAH—DISTRICT COUNCIL

As was seen above, the nahiah was the smallest unit in Turkish administration. The chief official was the mudir, who had a council made up of four members or more, according to the need. He called four meetings a year and presided over them. Such meetings generally took about one week. The problems discussed were of a local nature, consisting of road repair, agriculture, schools, and other matters which the members chose to present.

Such was the Turkish provision for local self-government, which functioned in some districts, while it failed to operate in others. In any case, there was theoretical provision for self-government, and an enterprising and an advanced community could avail itself of it. But with the British, there is neither provision nor a practical avenue for the inhabitants of Palestine to have a share in governing themselves.

IV. MUNICIPAL COUNCILS

Municipal responsibility, with the Arabs, began at the time of their appearance as a world power in the seventh century. It is said that the vigilant second caliph, Umar, took it upon himself to inspect the streets and



supervise street life. He would, e. g. act as traffic officer, forbidding drivers to "park" their camels and horses in crowded spots, and chiding them for overloading their donkeys; he kept an eye on weights and measures, and watched schoolmasters so as to limit their flogging of their pupils. He moreover insisted on municipal licenses for construction and stipulated that streets should be wide in the new cities of Kufah and Basra, which were built by the Arabs in Mesopotamia. Eventually, however, an institution called the "hisbah" was evolved, and its administration was turned over to an officer who may have been equivalent to the present mayor.

The Turks inherited the municipal system from the Arabs, and on different occasions they passed laws governing it. At the entry of the British into Palestine, they found the municipal authorities functioning. In fact, it was the Arab Mayor of Jerusalem, Selim Effendi Husaini, that surrendered the Holy City to the British officers, the morning after the Turks had evacuated it.

Under the Turkish régime, the municipal council consisted of from six to twelve members according to the size of the city in question. They were elected by the people for a period of four years. For president of the council, the Government selected one of these members. Only the president received a salary, while the members did not. Every two years, half of the members were replaced by newly elected successors. Municipal councils employed an architect, a physician, and a veterinary to assist them in their work. Members of the council had to be property holders. Meetings were held twice a week, and a quorum consisted of any number that was more than half the membership. The mayor was the executive head, with

power to make appointments subject to the approval of the council. The duties of the council consisted of the supervision of building, street cleaning and repair, lighting, control of public markets, public places, registry of births and deaths, public health, weights and measures, public morality, and such matters. The administrative overhead of the municipality was not to exceed one tenth of its total income.

Municipal suffrage was extended to every male Ottoman living in a city, who was 25 years of age or over, who paid 50 piasters of property tax a year (\$2.50), and who did not have a criminal record. To be eligible for election, one had to be 30 years of age or over, to pay an annual property tax of 100 piasters (\$5.00), to have some knowledge of the Turkish language, to have a good record, and to be free from military service. Contractors and persons in possession of concessions, or others who were likely to make personal profit from their office, were ineligible.

The municipal revenue was derived from the octroi and other usual municipal taxes.

COMPARISON OF TURKISH AND BRITISH SYSTEMS

It is clear, therefore, that the position of the municipality under the Turkish Government was one of dignity and independence. Government interference was very slight, consisting mainly of the appointment of the mayor from among the elected members. When the British came, however, this local self-government was seriously jeopardized. The Palestine Government has robbed the municipality of many of its prerogatives as regards the appointment of mayors, the suspension of elections, the dismissal of councils, the abrogation of



octroi duties, and the general crippling of its sources of revenue. All such government interference in the internal affairs of the municipalities is looked upon by the people of Palestine as an outrage and an unwarranted trespass on local self-government. The following ordinances will illustrate British interference with local self-government which existed before they came:

Any municipal council nominated since the British Occupation shall be deemed to have possessed and to possess all the powers of a municipal council elected under the Ottoman Law of Municipalities, and shall continue to possess such powers until such time as elections have taken place for a municipal council.

Pending the holding of municipal elections, the District Commissioner, with the approval of the High Commissioner, may nominate or suspend a municipal council or a president or any member thereof, and may replace a president or member who has been suspended.

The Government, moreover, has permitted the raising of taxes on immovable property, with the consent of the district commission, provided it does not exceed 10 per cent of the rental value.

Again, the High Commissioner for Palestine, upon the recommendation of the Chief Justice, may appoint a magistrate for a municipal court, thus depriving the municipalities of their own courts. On March 16, 1929, the Government passed the Local Authorities Ordinance, limiting the powers of municipalities, reserving to itself the right to audit their books, and to modify or to veto such decisions of municipal councils as it sees fit.

The High Commissioner has the right to dismiss a mayor or a member of the municipal council and appoint one in his place. The High Commis-

sioner may extend indefinitely the term of municipal councils and thus suspend elections. While under the Turks elections were held regularly, only one municipal election has been held under the British. On February 1, 1930, another ordinance was passed suspending elections and leaving municipal councils as they were.

Comparing the position of municipalities under the Turks and under the British, one cannot help concluding that the former aimed at granting them freedom of action and only slightly supervised them, while the latter's aim seems to be to cripple their power and make them a mere instrument in the hands of the Central Government. Thus, municipal councils have deteriorated into mere government departments, after they had once been independent local agencies.

To the credit of the British, however, one may say that they organized thirty Arab village local councils and six Jewish, a thing which the Turks never did. The arbitrary British usurpation of municipal power, although it robbed the population of its rights, has tended to improve sanitary conditions, modernize the streets, and minimize corruption. The Government Public Health Department has taken over sanitary control from the municipality, and has done much for general cleanliness and for the eradication of the malarial mosquito. It has drained marshes and supervised food supply. Health conditions under the British régime are better than they were with the Turks.

Thus, local freedom has been sacrificed to efficiency, and one wonders if the two could not be combined. Other comparisons of the Turkish with the British system are:

1. Whereas in the Turkish system all religious communities or sects were



represented, under the British, only communities constituting one tenth of the population or over have that privilege.

2. The British insist that suffrage should be dependent on the payment of taxes.
3. With the Turks, the appointment of the mayor was dependent on the candidate's being one of the three members with the most votes, while the British appoint whom they please.
4. Formerly, one with a legitimate excuse could vote *in absentia*; but the present practice does not permit that.

V. COUNCIL OF ELDERS

Still another form of local self-government was the simple "Council of Elders" of a village, which looked after the local interests of its community, such as settlement of disputes, entertainment of guests, cleaning of streets, and apportionment of local taxes.

VI. COMMITTEES

Finally, as agencies of local self-government may be cited such committees as those of the *awqaf*, i. e., religious funds and education. The former assisted in the management of the pious foundations, and the latter advised educational authorities in such matters as the curriculum, the appointment of teachers, and the building of schoolhouses.

CONCLUSION

One is able to conclude from this discussion that the Turkish Government, though reputed to be despotic and opposed to liberal policies, did make provision for its subjects to participate in the government. For this purpose it created these councils, beginning with the largest province and ending with the smallest district. The provincial assemblies may be called small parliaments or legislatures. They were local, indigenous, and part and parcel of the land. They understood the real needs of the country and could render service towards the meeting of these needs.

Today, one is puzzled to see enlightened Great Britain, the traditional exponent of modern democracy and the home of the mother of parliaments, governing Palestine in a less democratic fashion than did the "unspeakable Turk." The British Mandate for Palestine is being carried out by British officials who are foreigners to the country and who are unacquainted with its traditions. Great Britain governs the Holy Land by its own officers, without reference to the wishes of its people, and decidedly against their interests.

One regrets to see the British barter their birthright, sacrifice their democratic instincts, and perhaps sell their soul, in order to carry out a hasty and an ill-conceived Declaration by the late Lord Balfour.

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Palestine Legislation Under the British

By BERNARD JOSEPH

AT THE time of the occupation of Palestine by the British military forces, Ottoman Law was the law of the land. That system of law was for the most part codified. The principal book of law was the *Mejelle* or Civil Code, based on Moslem religious law as laid down hundreds of years ago. The *Mejelle* seeks to provide for the simplest of legal relations in such matters as sale, hire, pledge, deposit, partnership, gift, and agency, and lays down some rules of evidence and procedure. Although founded on elementary principles of justice, the *Mejelle* is archaic, incomplete, and suited only to the needs of a simple peasantry ignorant of the ways of twentieth-century organization.

TURKISH LEGISLATION

The Turks sought to remedy the inadequacy of the *Mejelle* by promulgating a Commercial Code in 1850. This code is based on French Commercial Law, but lacks clarity. It treats of partnerships, bills of exchange, and bankruptcy, but in an inadequate manner and without providing for the development of commercial relations since the inception of the industrial age. It practically ignores the existence of limited liability share companies, trade-marks, and patents.

In the year 1879 a Code of Civil Procedure was enacted. It furnished a basis for the orderly regulation of litigation. A Law of Execution setting out the manner of enforcing judicial decisions was promulgated in 1914.

The laws applicable to immovable property were contained in a Land

Code introduced in 1858 and in several supplementary laws relating to partition, inheritance, mortgage, and lease of immovable property. Land Registries were opened by the Turkish Government in 1860, but only a small part of the land was registered, and titles to land remained to a great extent in a state of confusion. The Land Code is not comprehensive, and maintains the antiquated land system intended for a subjected agricultural people.

To meet the requirements of the maintenance of law and order, a Penal Code was drawn up in 1858, and a Code of Penal Procedure in 1883, also based on the French law. These, too, were not suited to the needs of a progressive community and were clumsily adapted to and artificially superimposed upon the indigenous population. In addition, there was legislation which provided for procedure before magistrates and for fiscal and other matters, which was no better than the codes of law. The laws were enforced by corruption-ridden courts subject to the system of capitulations and to interference in matters of personal status by the Moslem and other religious courts.

BRITISH POLICY

It was this unsatisfactory body of laws which the British authorities found in the country. It would have been simple and, from the point of view of the speedy development of the country, more advantageous and convenient if the old laws had been replaced by one stroke by an up-to-date code providing for all the requirements of a progressive country. Two factors operated against the adoption of such



a course. The British policy is averse to interfering unduly with existing customs and laws by forcing sudden changes upon the indigenous population. It is also not in keeping with British legal tradition and constitutional practice to codify the law. The great system of the common law built by decisions of the judges made as occasion arose, has become a part of the legal outlook of the British people.

In setting about to govern the country and mend its laws to meet the needs of the new industrial and commercial development which it was anticipated would go hand in hand with the building of the Jewish national home in Palestine, the Government acted in conformity with both these rules of practice. Instead of enacting that the common law of England should replace existing laws, it accepted the Ottoman Laws as they were in force on November 1, 1914, as the basic law to be applied, and set about gradually to make the requisite amendments.

The practical, matter-of-fact manner in which the Government proceeded is apparent from the legislative acts to which it put its hand while the country was still under military occupation. The Commander in Chief of the Army provided for such things as the reinstatement of taxes in force under the Turkish Government prior to the War, punishment for conducting disorderly houses or practicing prostitution, prohibition of the sale of intoxicating liquor to children, remission of house and land tax on educational institutions, regulation of the vocation of petition writers, licensing of printing presses, prohibition against cutting down olive trees without license, provision for protection of Jerusalem water supply, registration of clubs and societies, regulation of trades affecting health, the protection of tenants against excessive rent charges, con-

servation of antiquities, and prevention of profiteering.

LEGISLATION OF THE CIVIL ADMINISTRATION

On the first of July, 1920, a civil administration under Sir Herbert Samuel, first High Commissioner for Palestine, took over the Government of the country from the military. To it fell the task, *inter alia*, of revising the laws of the country, at first on the advice of a nominated Advisory Council, and from 1925 with the advice of that Council which is made up only of official members.

It will not be possible to give more than the barest outline of the vast amount of legislation created by the unremitting efforts of a devoted Attorney-General, Mr. Norman Bentwich, who may rightly be regarded as the father of modern legislation in Palestine. Its extent can be realized from the fact that in the eleven years from 1920 to 1930, no less than 380 ordinances were promulgated, in addition to voluminous regulations and notices on diverse subjects.

The Civil Administration set its hand to providing by legislative acts for the needs of a country which was to be transformed from a backward, undeveloped, barren state unaffected by the progress of science and industry in Europe, as it had remained for centuries, to a modern, civilized, progressive country. One of its first steps in this direction was to provide a sound basis for Government by an enactment punishing the unauthorized communication of information by Government officials or persons having contractual relations with the Government.

Immigration—

An Immigration Ordinance was then promulgated to regulate entry into Palestine. It was in keeping with the



original intention of the Mandatory to help in the establishment of the Jewish national home in Palestine, and merely made the usual provisions as to the registration of immigrants, the deportation of undesirables, and the satisfaction by an immigrant of the usual requirements that he should be in possession of a proper visé, that he should have in his possession or be in a position to obtain the means of supporting himself and his dependents, that he should pass a medical examination, and that he should not be a fugitive from justice.

Land transfer—

To prepare the ground for regularizing titles to land and controlling dispositions of land in the public interest, a Land Transfer Ordinance was enacted in September 1920. It made all dispositions of immovable property registerable in Government land registries on pain of nullity. An end was put to the undesirable practice of registering land in the names of nominees, which had become common because of the impossibility of registering land in the names of non-Ottomans prior to the War. Beneficial owners of such land were given an opportunity to prove their rights and obtain registration as owners in their own names. The law prevented absentee ownership, land speculation, the acquisition of vast tracts by individuals, and neglect to cultivate agricultural land, and provided for the retention by a transferor who was in possession of agricultural land or any tenant thereof of sufficient land in the district or elsewhere for the maintenance of himself and his family. These praiseworthy safeguards were abolished in 1921 because, *strangely enough, they were misunderstood by the Arab people and opposed by their politicians.*

Copyrights and antiquities—

The cultural requirements of the country were also considered early in the administration by the introduction of a Copyright Ordinance to protect the rights of authors of literary and artistic productions. A comprehensive antiquities law promulgated sets up a Department of Antiquities, provides for the registration and preservation of all antiquities and historical sites and monuments, and for the control of excavations. The ownership of antiquities discovered is declared to be vested in the Government. The general intention of this law was to retain for Palestine its historical treasures.

Forestry—

The provisional efforts of the Military Administration to save what few trees the Turks had left were supplemented by a Forestry Ordinance providing for the protection of existing forests (a term which must not be understood in the sense common in the United States, but more correctly as a small wooded tract of land) and the development of state forests. This ordinance was intended to preserve the limited rain water supply of the country. Unfortunately the absence of other fuel constrained the Government to permit the collection by fellahin of brushwood used by them in the manufacture of lime in primitive kilns, to the detriment of the country's supply of water.

Coöperative societies—

To facilitate the development of agriculture and industry by a population not possessed of great wealth, the Government provided for the incorporation of coöperative societies and their control by Government. The Arab population has not yet taken advantage of coöperation, but the Jewish



population has found in it ample opportunity to give concrete expression to its ideals of joint economic enterprise.

Commerce—

To fulfill a similar need in the realm of commerce, a Companies Ordinance was promulgated which introduced the conception of a limited liability company, and thus filled a great need in a country in which new enterprises essential to its development were necessarily economically precarious. It also created facilities for procuring credit by means of debentures. It established a Companies Registration office which was open to the public, as in other modern countries. In 1929 the Companies Ordinance was replaced by a more comprehensive ordinance including all changes in the English law on the subject made by the Companies Act of 1929. Considerable benefit also resulted from a Trade-Marks Ordinance based on principles of English law, and from the establishment of a Trade-Marks Registry.

Advertising and town planning—

The Government, in its anxiety to furnish legal facilities requisite for progress, was not oblivious to the need to protect the country against abuse, and accordingly introduced an Advertisements Ordinance to protect the countryside from the barbarities of ultra-modern business-getting propaganda. There was also promulgated a comprehensive Town Planning Ordinance to protect the natural beauty of the country and to regulate the laying out of new towns or quarters and all building operations in towns, as well as the alignment of roads.

Protection of mortgagors—

Nor did the Government overlook the condition of the indigenous popu-

lation; for in the Credit Banks Ordinance it limits the rights of such banks to enforce their security, so as to protect mortgagors in a generous manner against the sale of mortgaged property on unfavorable terms or without ample notice.

Various laws—

In addition to the matters dealt with above, the Civil Government, in the first few years of its existence, also provided legislation on the administration of prisons, the appointment of public notaries entitled to attest documents for use abroad, the control of road transportation, the publication by banks of annual balance sheets, the regulation of the professions of pharmacists, surveyors, and advocates, the constitution of land courts to settle land disputes and determine title to immovable property, the binding over of persons suspected of intending to commit criminal offenses, the collective responsibility of villages or quarters of towns for damage suffered as a result of disturbances or riots in such villages or quarters, the organization and regulation of the police, and the establishment of local councils in villages with power to make by-laws and to impose certain rates.

Order in Council, 1922—

In 1922 the Palestine Order in Council was promulgated. This Order in Council, which furnished Palestine with a constitution, is dealt with elsewhere in this issue. It need only be observed that it did a great deal towards putting an end to legal anomalies which worked hardship on different sections of the public, particularly in matters of personal status. In the same year, provision was made for special treatment of juvenile offenders, for the enforcement of civil judgments obtained in Great Britain, for the con-



trol of the tobacco trade so as to prevent smuggling, for the hearing by courts of evidence contrary to written admissions in order to defeat a claim for usurious interest, for the control of trade in and possession of firearms, for bringing up to date the regulation of railway traffic and offenses against the railways, for the Department of Health of the Government to enforce precautions against the spread of malaria, and for the Department of Agriculture to take steps to put an end to the encroachment of sand dunes on cultivable areas.

Inheritance—

There was a lull in creation of legislation in the year 1923, when, owing to delays in the abortive attempt to elect a legislative council, only one ordinance of any importance was enacted, the Succession Ordinance, which laid down rules as to inheritance of members of the different communities, foreigners and Palestinians, as to the civil and religious courts competent to exercise jurisdiction, and as to the law applicable. This ordinance did much to bring order into the chaos inherited from Turkish rule which was the delight of lawyers fond of knotty problems in the conflict of laws.

Powers of the courts—

In 1924 a Courts Ordinance revised the constitution of the courts and created a Supreme Court including a High Court of Justice with power to grant injunctions, to deal with habeas corpus applications, and to issue orders in the nature of mandamus to public officers—a tremendous aid to the public in obtaining its rights and preventing abuse of office, theretofore unknown to Palestine law. This ordinance also made it possible to take advantage of the right conferred by the Order in Council to appeal from the Supreme

Court to His Majesty's Privy Council in certain cases.

Criminal procedure—

The Trial upon Information Ordinance was also promulgated which replaced the unsatisfactory criminal procedure rules of Ottoman Law with a system of procedure based upon the English practice, providing for a preliminary inquiry in offenses for which the penalty is two years or more, and for trial only if the examining magistrate finds there is *prima facie* proof sufficient to warrant a committal for trial and upon an information laid by the Attorney-General. The law as to the right of the police to arrest persons and to search premises was clarified and improved to facilitate the discovery of guilt, while safeguarding in a measure the liberty of the individual. Provision also was made for extradition proceedings.

A Law of Evidence Amendment Ordinance put an end to undesirable features in the Ottoman Law on evidence, such as provisions disqualifying relatives and parties to an action as witnesses and requiring the evidence of two women as an equivalent to the evidence of one man.

Numerous laws—

Of numerous other ordinances enacted in 1924, mention should be made of the Charitable Trusts Ordinance governing the creation and administration of trusts for charitable purposes, and of the Wireless Telegraphy Ordinance intended, somewhat prematurely, to bring Palestine into line with European countries in this respect.

In the following year a Public Trustee of Charities Ordinance was promulgated, intended to fill a crying need for control by a Government officer of the administration of char-



itable institutions. This law has remained a dead letter.

Among the thirty-five ordinances enacted in 1925, there were the Criminal Law Amendment Ordinance, providing punishment for the procuring of women for unlawful purposes, and adopting the provisions of the International Convention concerning the white slave traffic; the Dangerous Drugs Ordinance, making applicable to Palestine the provisions of the International Conventions relating to dangerous drugs; the Mining Ordinance, comprehensively prescribing the terms on which prospecting and mining may be carried out under license, and assuring to the Government a fair share in all minerals discovered and certain royalties; and the Immigration Ordinance, which substituted for the reasonable provisions for the control of immigration heretofore existing, a law clearly intended to stay the flow of Jewish immigration into the country, in keeping with a policy the real purport of which still remains a mystery to those who trust the good faith of the Mandatory power. The arbitrary powers now given to the Chief Immigration Officer have proved as undesirable as might have been expected.

Other laws worthy of note are the Crown Actions Ordinance, which laid down rules governing the institution of actions against the Government; the Religious Communities Ordinance intended to enable the organization of communal affairs with certain restricted taxation powers; and the Coroners Ordinance, which provides for coroners' inquests.

Arbitration—

In view of the readiness of the local population to litigate on the slightest provocation, the Government acted wisely in furnishing an up-to-date arbitration law based on the English

statute. It put an end to the existing farcical provision of law whereby a party could at any stage before the award revoke the submission to arbitration, thus stultifying the whole procedure of arbitration.

Franchise—

A Municipal Franchise Ordinance extended the franchise to ratepayers as well as property owners, and enabled the holding of elections for municipalities. For reasons probably of political expediency, the democratic principle is sacrificed in the case of the mayor of a municipality, who is nominated by the High Commissioner. The Mayor of Jerusalem has never been a Jew, although the Jews form some 60 per cent of the population and provide at least 60 per cent of the municipal revenue.

Industrial workers—

In 1927 important legislation was promulgated for the protection of workingmen, including the Workmen's Compensation Ordinance, the Prevention of Intimidation Ordinance legalizing picketing unaccompanied by threats, and laws regulating the employment of women and children in industrial undertakings and providing for the control by Government of certain trades dangerous to public health.

Criminal law—

In the same year the administration of justice was further improved by a law regarding the release on bail of persons awaiting trial, and a law regarding accessories to crime. Further modernization of the criminal law was later effected by the Probation of Offenders Ordinance, which enables the Court to postpone sentence in the case of first offenders and to release them on probation.



Real estate and taxes—

In the realm of land law, the long awaited cadastral survey and settlement of all titles to land was commenced by the promulgation in 1928 of the Land Settlement Ordinance. Special settlement officers are systematically determining title to and registering all land in the country on a basis similar to the Torrens system. This will determine the extent of the state domains. In fiscal matters, much advantage will be gained from the more equal imposition of taxes on a revised valuation according to modern methods provided for in the Urban Property Tax Ordinance, which provides for a tax on the undeveloped land and buildings in urban areas, based on the net annual value of the property.

Commercial laws—

In the field of commerce, business transactions were facilitated by a law permitting the assignment of commercial debts without the consent of the debtor, as in English law. The citrus industry benefited from the Fruit Inspection Ordinance. A first step in the direction of establishing uniformity in weights and measures, till then unknown, was the Weights and Measures Ordinance providing a system of metric weights and measures. A comprehensive Bills of Exchange Ordinance—identical with the Imperial Act except for a few changes in matters of protest and guarantee—was introduced in 1929. A Partnership Ordinance is considerable improvement over the defective Ottoman Law. A Bankruptcy Ordinance already published in draft will make the commercial law almost complete according to present-day standards.

Sundry laws—

A Post Office Ordinance—following

the English Act—regulated the administration of the postal and telegraph services and provided for a Post Office Savings Bank, which has not yet been opened. Provision has also been made by law for the necessary powers to be enjoyed by local authorities for the construction and maintenance of much needed drainage works. The law regarding imprisonment for debt was modified, but imprisonment for debt is regrettably still retained.

ESTIMATE OF ACHIEVEMENT

This necessarily cursory survey of the more important legislative acts of the Government is sufficient to testify to the Government's anxiety gradually but consistently to replace the archaic Ottoman laws by laws in conformity with the best in the British Empire and to provide in a comparatively short period of time for the needs of a growing country on a progressive basis. The record here made indicates a creditable achievement, though much still remains to be done, of which particular mention should be made of the absence of any law of torts.

There are naturally many grounds of criticism of this vast body of laws. In the haste to provide for urgent needs, insufficient care was sometimes exercised in drafting ordinances, some of which show the draftsmen's lack of practical experience in the application of the law. Some provisions of the law are unfortunately too advanced for the non-European population of the country and are therefore exploited to perpetrate abuses, such as the law entitling the police to detain for forty-eight hours without warrant a person suspected of having committed a crime.

The wide powers given the courts in criminal matters—based on English practice—perhaps are unwise if account be taken of the unusually high



qualities of English judges intrusted with such powers. Similarly, the tendency in English law to leave more in the application of the law to the discretion of government officers or judges is a little too advanced for Palestine, which still needs more rigid definition of the law and limitation of the powers of those applying it.

An error which can be less excused is the failure adequately to protect the public in granting concessions for the exploitation of public utilities. In one concession, for example, there is no obligation whatever imposed on the concessionaire to supply the public on equal terms. The Government might also have been more courageous in the introduction of social legislation, child marriage being up to the present in no way restricted by law, and no law existing for civil divorce.

The most serious criticism of legislation which must be made is the attempt for reasons of political expediency or undisclosed policy to destroy the right of property in land as it exists in all European countries except Soviet Russia, by legislation already promulgated in part and published in draft form, on the pretext of protection of tenants, the real effect of which will be that a landowner will not be able to exercise the usual rights of ownership, and a mortgagee will be exposed to imminent danger of being collusively defrauded of the means of enforcing his rights under a mortgage. This type of legislation, introduced towards the close of Sir John Chancellor's term of office as High Commissioner, stands in marked contrast to the progressive tendencies of Palestine legislation as outlined above.

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Palestine Legislation Under the British

By MOGANNAM E. MOGANNAM

THE history of the law now in force in Palestine is comparatively difficult. It is a compound of various laws and contradictory principles. The Ottoman Law, which still forms the basis of the Palestine Law, had the sanction of Moslem religion and custom, while the laws introduced by the Mandatory are derived for the most part from colonial and English legislation.

A RETROSPECT

From the earliest days of the Moslem renaissance until the middle of the nineteenth century, the Sharia Law covered nearly every sphere of life in Moslem countries. Its authorities were: the Koran—the Holy Book; the Sunnah—traditions handing down the unwritten sayings and acts of the Great Prophet; the Ijmaah—traditions as to the sayings and acts of his companions and immediate successors; and the Kiass—matter founded on reasoning and analogy thereunder. Before the inception of the civil courts in the Ottoman Empire, Sharia Law was administered by the Sharia Courts, which were then the only courts of the state.

With the gradual development of the Turkish Empire and the inception of constitutional institutions, the Sharia Courts were implemented by civil courts, and their jurisdiction in civil and criminal matters was subjected to continual and gradual decrease. But although the Ottoman Government found it necessary in the circumstances then prevailing to give way for the civil laws to replace the Sharia Law, such law as was intro-

duced was, in most cases, either derived from the Sharia Law or based on religious doctrines.

Within little over a decade, many fundamental laws were enacted. The Civil Code, generally known as Mejele, the Land Code, the Commercial Code, the Criminal Code, the Code of Civil and Criminal Procedure, and many other laws were introduced by the Ottoman Legislature. French influence was predominant in the Ottoman Empire in the nineteenth century, and the French laws were the source of many an Ottoman law. The Ottoman Penal and Commercial Codes follow the articles of the French Penal and Commercial Codes. Indeed, one can easily trace articles of the French Codes bodily translated and embodied in the Ottoman Codes.

ARAB ATTITUDE TOWARD THE MANDATE

From the beginning, the Arabs deemed the Mandate, an instrument entered into without their consent, as void, and considered its terms, in their entirety, arbitrary in character. They held that the Mandate was contradictory to Article 22 of the Covenant of the League of Nations, which states, *inter alia*, that

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of *administrative advice and assistance*¹ by a Mandatory until such time as they are able to stand alone. The wishes of these com-

¹ The italics are the author's.



munities must be a principal consideration in the selection of the Mandatory.²

The Arabs felt that since they could not admit the validity of the Mandate, and considered it inconsistent with Article 22 of the Covenant both in letter and in spirit, and therefore *ultra vires*, coöperation would mean an admission on their part which they were not prepared to make. This Article limits the rôle of the Mandatory in Palestine to "administrative advice and assistance," while the Palestine Mandate gives the Mandatory "full powers of legislation and of administration."³

THE CIVIL ADMINISTRATION

Under these circumstances, Sir Herbert Samuel, a well-known Zionist leader, took up his appointment on the first day of July 1920, as His Britannic Majesty's High Commissioner for Palestine, under a Mandate assigned to Great Britain by the Supreme Council at its meeting held at San Remo in April 1920. It fell upon him to establish the Civil Administration, and in his endeavors to apply the British policy and the Mandate, he changed many of the existing laws. The reasons which necessitated the introduction of new laws may be illustrated from the following extract from a Report which he submitted to the British Government on the occasion of his retirement in June 1925:

All this new wine could not be contained in old bottles. The laws of Turkey were not adequate for the needs of a progressive state. An active administration, a developing industry and commerce could not dispense with the facilities and authority that a body of modern statute law can give.⁴

² Treaty of Peace signed at Versailles on June 28, 1919, p. 16, of H. M. Stationery Office Publication.

³ Palestine Mandate, Article 1.

⁴ Colonial No. 15, p. 21.

Three months after his arrival Sir Herbert Samuel was successful in establishing a nominated Advisory Council, which was to play the rôle of a legislator, consisting of ten British officers and ten Palestinians of whom seven were Arabs. It existed for less than two years, and passed legislative acts, many of which were designed to enforce the Zionist policy. The Arab members, who held only an advisory appointment, were too small a minority to oppose the introduction of any new law which in their opinion was detrimental to Arab interests. The Arabs, however, never admitted the validity of this Council, especially since the members were in no way their accredited representatives.

In August 1922 the Mandatory power issued a so-called "Constitution" which was stated to be of a "more representative character," in the form of an Order in Council.⁵

PROPOSED LEGISLATIVE COUNCIL

This Order in Council, in which the inhabitants had not the least to say, provided amongst other things for the establishment of a semi-elected Legislative Council composed of the High Commissioner as President, and of twenty-two members of whom ten were British officials, and twelve elected members including two Jews. The Arabs emphatically rejected this offer. They contended that the proposed council could not be representative of the people so long as it included nominated British officials. They argued further that to participate in any council, no matter what its form, would indicate on their part an acceptance of the Mandate and the Constitution which they declined to accept. They held that under such

⁵ See for the Palestine Order in Council, 1922 as amended in 1923, Bentwich's *Legislation of Palestine, 1918-1925*, pp. 1-28.



Constitution elected members would have no powers and could at any time be outvoted by Government and Jewish votes. The elections to this council were therefore boycotted by the Arabs, and, as a provisional and unacceptable solution, His Majesty's Government issued an amending Order in Council, which is still in force, nullifying the elections and providing for the exercise of legislative powers by the High Commissioner in consultation with an Advisory Council composed purely of British official members.

The powers which were vested in the proposed Legislative Council were very limited. On the face of it, Article 18 of the Order in Council, 1922, gives this council full power and authority "to establish such Ordinances as may be necessary for the peace, order and good government of Palestine." But Article 28 restricts its powers and forbids any member from proposing any vote, resolution, or ordinance for the appropriation of any part of the public revenue or for the imposition of any tax or impost unless such proposal is made by the High Commissioner.⁶ Even with this restricted power, the council would have also to suffer the right of veto reserved to the High Commissioner in Articles 24, 25, and 26, and the right of disallowance reserved to the King in Article 27. The council, it may also be observed, was divested of the power of ratification of treaties or conventions or the control of foreign relations, and such rights were exclusively reserved to the Mandatory power.⁷

LEGISLATIVE PROCEDURE

In the absence, however, of this council, the procedure of legislation

hitherto followed is somewhat peculiar. It can hardly compare with the procedure of legislation in any Crown colony or Dominion. The Executive Council, which is formed of the High Commissioner, the Chief Secretary, the Attorney-General, and the Treasurer, all British officers, may decide on the representation of the head of a Government department, or in pursuance of some policy, that a new ordinance or an amendment of an old law or ordinance is necessary. A meeting of the Advisory Council is convened to discuss it. The bill as passed by this Council is then published in the *Official Gazette* in English, Arabic, and Hebrew, the three official languages recognized by the Mandate.⁸ Translation is very difficult when English technical terms are concerned. The Arabic or Hebrew renderings of new words which by necessity are created by the translators, are sometimes unintelligible to the general public. The ordinance remains as a bill "unless immediate promulgation is, in the judgment of the High Commissioner, indispensably necessary in the public interest,"⁹ for a period of one month, for the information of the public, whose criticism is sought.

The Arabs have taken little advantage, if any, of the opportunity to criticize bills, not owing to lack of energy on their part or because the law as published does not justify any criticism, but because experience has shown them that the Government hardly gives any serious consideration to the amendments they suggest.

During the last eleven years "the legislation factory," as it has since been commonly called, has turned out enormous and various sets of ordi-

⁶ Palestine Order in Council, 1922-23, Art. 28, Bentwich, Vol. I, p. 9.

⁷ See Articles 12 and 19 of the Mandate.

⁸ Article 22 of the Mandate.

⁹ Palestine Order in Council, 1922-23, Sec. 17-(1)-(d).



nances, amending ordinances, and re-amending ordinances. Many of the Ottoman laws which were in force on November 1, 1914, and which were declared by Section 46 of the Order in Council as the law to be administered by the Civil Courts, were either repealed, amended, or substituted. But all this mosaic law has not as yet been properly codified, with the result that the law is becoming too intricate for the comprehension of any reasonable citizen, and difficult to trace.

The Collective Punishment Ordinance, to which reference will be made later, may be cited as an illustration of the repeated changes to which most of the law has been subjected. This ordinance was first enacted on December 15, 1921. It was amended March 16, 1926; re-amended March 31, 1928; re-amended September 3, 1929; and again re-amended September 25, 1929.

A similar striking illustration could be drawn from the Land Settlement Ordinance and the Regulations and Rules issued thereunder. This ordinance, which was first promulgated in 1928, has undergone, with its Rules and Regulations, five additions or amendments in 1928, an equal number in 1929, three in 1930 and 1931, and already one amendment in 1932.

These and many similar illustrations cannot fail, I think, to show that legislation in Palestine is experimental in character, though arbitrary in spirit.

TREND OF LEGISLATION

The Administration faced a difficult problem in seeking to promote the establishment of a Jewish national home. Under the pressure of circumstances, exceptional laws, which otherwise would have been dispensable, were enacted, having as their primary object the placing of the country under such conditions as would facilitate the establishment of this home. To trace,

however, the detrimental effect of all such laws on the Arab population would be beyond the scope of this article. It will be sufficient, I presume, to quote some of these laws as illustrations.

LAND

In 1918, a Proclamation was issued by the Chief Administrator prohibiting the sale or disposition of any land without the consent and approval of the Administration.¹⁰ This measure was intended to be a check on the Zionist movement which had by then set in, in Palestine, and which it was feared would culminate in the dispossession of the Arabs from their lands.

As soon, however, as the Civil Administration was established in 1920, this restrictive Proclamation was superseded by the Land Transfer Ordinance, 1920. This ordinance allowed sales but was also subject to certain restrictions with regard to agricultural tenants. It made it a condition that "in the case of agricultural lands which are leased, the Director of Lands *shall also be satisfied*"¹¹ that any tenant in occupation will retain sufficient land in the district or elsewhere, for the maintenance of himself and his family."¹² But the Administration failed to insist on the strict application of this condition, and although these provisions proved ineffective, no efforts were made to enforce them, with the result that thousands of Arab cultivators became landless and without any occupation.¹³ The provisions

¹⁰ Bentwich, N., *Legislation of Palestine 1918-1925*, Vol. I, p. 617.

¹¹ The italics are the author's.

¹² Bentwich, Vol. I, p. 62.

¹³ This has not been proved, and is a subject *sub judice*. In spite of the great publicity given by the Director of Development, less than 2,000 Arabs filed petitions as having been displaced. These petitions are now being re-



dealing with the retention of sufficient land to the tenants in occupation were repealed, and The Protection of Cultivators Ordinance, which was enacted as late as 1929, failed to contain sufficient provisions which would protect the interest of the Arab cultivators. This ordinance in fact deprived them of the safeguards of the Land Transfer Ordinance, 1920-21. In the opinion of the Shaw Commission,

the Ordinance of 1929 gives rights to a tenant who is dispossessed which are very different from the rights which, by the Ordinance of 1921, it was contemplated should be given to such persons. The new law does nothing to secure to those dispossessed a sufficient area for the maintenance of their families.¹⁴

Other deficiencies in land legislation may be mentioned. Under Article 103 of the Ottoman Land Code,¹⁵ any cultivator who was in need of waste land which was not in the possession of any one by title deed or assigned *ab antiquo* to the use of the inhabitants of any village or town, was allowed to plow and cultivate gratuitously on the condition that the legal ownership (*Raqaba*) remained vested in the state. If, however, any person possessed and cultivated such land for a period of ten years without dispute, such person acquired a right to that land by prescription.

It is an undeniable fact that under the Ottoman régime many Arab cultivators benefited by the provisions of this law. The sites of many towns and villages were extended and enlarged. An active farmer always had the means of enlarging his holdings to meet the natural increase of his family. But these provisions of the Ottoman

laws were withdrawn. The Mawat (Waste) Land Ordinance, 1921,¹⁶ stipulates that "any person who without the consent of the Government breaks up or cultivates any waste land was not to obtain any title for such land but was made liable to be prosecuted for trespass." The benefits of Article 103 of the Ottoman Land Code were thus arbitrarily withdrawn and Arab cultivators were prevented from making use of any waste land that might be found near their holdings or villages.

The Mahlul Land Ordinance, 1920,¹⁷ is similar in nature. It deprives a cultivator from accrued rights in land which he had possessed prior to the British occupation by virtue of the Ottoman Land Code.

DELEGATION OF JUDICIAL POWERS

Another not less striking feature of the trend of legislation in Palestine is the delegation of judicial powers to district officers, who in most cases possess few if any legal qualifications. Nearly every district officer is vested with magisterial powers with limited jurisdiction.

Until 1928 this judicial power was exercised by virtue of a warrant issued by the High Commissioner, and officers holding such warrants were not under the direct control of the Chief Justice who is the head of the judicial machinery. The exercise by the High Commissioner of this power of appointment, and the manner in which proceedings were conducted before these semi-judicial officers, were questioned by the Supreme Court in the case of *Rex v. Dajany*, 1928. The proceedings culminated in the setting aside of the judgment of the district officer for want of jurisdiction. In consequence, a new law was enacted in

viewed by a special legal assessor appointed for the purpose.—H. V.

¹⁴ Shaw Commission Report on Palestine Disturbances, 1929, p. 117.

¹⁵ Tute, R. C., *Ottoman Land Laws*, p. 97.

¹⁶ *Palestine Legislation*, p. 135.

¹⁷ *Ibid.*, Vol. I, p. 75.



1928 to validate these magisterial warrants¹⁸ and judgments issued thereunder prior to that date.

The Prevention of Crimes Ordinance, 1920-21, gave the District Commissioner or his deputy power to require a person "to give bond for good behavior for one year and/or to reside in any particular place and/or to remain within doors from sunset to sunrise, etc. . . . if he has reason to believe that he is likely to commit a breach of the peace."¹⁹ Failing to produce such bond, this officer is empowered to commit the defaulter to prison until such bond is submitted. This extraordinary power, vested as it is in nonjudicial officers, has been on more than one occasion misapplied or misconstrued. But even then, there is no possibility of reversing the orders or judgments of such officers, as their decisions are final and subject to no appeal.

In a recent case, under this ordinance a District Commissioner allowed himself to hear witnesses from behind a screen, and the matter formed the subject of a question in a debate before the House of Commons. Another officer, while trying a similar case in Jaffa, refused to allow the accused to brief counsel, thus depriving the accused of an elementary right of self-defense.

The Collective Responsibility for Crimes Ordinance of 1921, which was substituted by the Collective Punishment Ordinance, 1926, offers another similar striking example. It empowers the District Commissioner or his deputy

to levy and collect fines from all or part of the inhabitants of any village or area, if he has reason to believe that the inhabitants of the area committed an offense (the

culprit being unknown) or caused loss or damage or connived at or abetted such offense or failed to render assistance to discover the offender, etc.²⁰

Hundreds of persons, most of whom may be innocent, may be convicted for an offense of which they have no knowledge. This wide judicial power is intrusted to the discretion of officers other than proper judicial courts. In fact, the exercise of such power is an infringement of the jurisdiction of the law courts, and an unprecedented principle in the legislation of civilized countries.

APPLICATION OF BRITISH ACTS

Although the Ottoman Law is the basic law of Palestine by virtue of Section 46 of the Order in Council, 1922, yet many British acts and statutes have been made applicable to Palestine by virtue of Section 35 of the same Order in Council and other subsequent ordinances, notwithstanding the fact that such British acts are in most cases inconsistent with the customs, the habits, the traditions, and the mentality of the people, and based on principles different from the principles of the Ottoman Law.

In addition, the acts and statutes that were made applicable to Palestine have never been published in the *Official Gazette* in any of the three official languages. The majority of the population are not conversant with the English language, and cannot be expected to be "charged with the knowledge of the law" if such laws are not published in their vernacular language. This deficiency in the system of legislation is very apparent and is repugnant to the terms of Articles 17-(1)-(d) and 82 of the Order in Council, which provide that all ordinances, and so forth, shall be published in the three

¹⁸ See Magisterial Jurisdiction (Validation) Ordinance, 1928, in *Official Gazette* No. 212.

¹⁹ *Official Gazette*, No. 138, p. 204.

²⁰ *Official Gazette* No. 159, March 16, 1926, p. 114.



languages for at least one month before promulgation.

Even the Mandate itself was not published in the *Official Gazette* of Palestine until January 16, 1926, and then only to form part of the Convention between the British Government and the United States of America.

It might be of interest to quote here an extract from a judgment of the Supreme Court of Palestine sitting as a High Court on the application of *Suleiman Murra and others v. District Governor of Jerusalem* (High Court 27/1925) which was also considered on appeal by the Privy Council on February 16, 1926, to show the peculiar position in which the courts were placed before the publication of the Mandate. Sir Thomas Haycraft, then Chief Justice for Palestine, said, *inter alia*:

Counsel for petitioners referred us to the undertaking made in the Declaration of the 2nd of November, 1917, and confirmed by a passage in the preamble to the Order in Council of 1922. He further informed us that there was a passage in the Mandate to the same effect. Neither the Declaration nor the Mandate are documents of authority in Palestine except so far as they are referred to and confirmed by the Order in Council of 1922. . . . The reference to the Mandate with which we are concerned first appeared in Clause 18 of the Order in Council of 1922 . . . as amended in Clause 17-(1)-(c) of the Order in Council of 1923. *When this case was argued before us the first time no one in Court had a copy of the Mandate* and it was generally supposed that it carried us no further than the Declaration of the 2nd of November, 1917.

It was only after the delivery of this judgment that the Mandate was first published; and all other British acts and statutes, many as they are, which have been made applicable and form part of the law of the land, have never been published in the vernacular language of the people.

BENEFICIAL ORDINANCES

Although much criticism can and should be directed against the system of legislation and laws in Palestine, yet it should be mentioned that many good ordinances have been promulgated since the British occupation, which replaced many old and obsolete Ottoman laws which "were not adequate for the needs of a progressive state."

The Companies Ordinance, 1921, which was ultimately replaced by the Company Law of 1929 and which is modeled after the English Company Act, is certainly a step forward and covers the field of progress in trade and commerce which exists in Palestine today.

The Bills of Exchange Ordinance, 1929, as amended in 1930, and the Partnership Ordinance of 1930 are similar examples which replaced part of the old Ottoman Commercial Code.

The Trial Upon Information Ordinance of 1924 with its subsequent amendments, and the Arrest of Offenders and Searches Ordinance of 1924, introduced appreciable changes in the old Turkish criminal procedure.

The Law of Evidence Amendment Ordinance of 1924 with its amendments has replaced out-of-date principles which existed in the Ottoman Civil Code and has given Palestine a smattering of a modern Law of Evidence.

The Mining Ordinance, The Electricity Ordinance, The Antiquities Ordinance, The Banking Ordinance, The Charitable Trusts Ordinance, The Intoxicating Liquors and Public Entertainments Ordinance, The Young Offenders Ordinance, The Trade Mark and Patents Ordinances, and other ordinances of less importance which were enacted between 1924 and 1930 are other examples of modern legislation.



A Bankruptcy Ordinance was published as a bill in 1931 but has not yet been promulgated.

Many amendments of the Ottoman Criminal Law have already been made and it is intended to introduce a Criminal Code in the near future, based generally on the English law.

CONCLUSION

It would not be fair to charge the Palestine Administration with bad faith in framing and enacting some of the laws which have been passed in Palestine. If mistakes have been committed in the system of legislation, they are due, in my opinion, to the following three reasons:

(1) Those who frame the laws, being foreigners to the country, cannot fully appreciate or understand the real needs, customs, and traditions of the majority of the people of Palestine.

(2) The people of Palestine have no hand in legislation.

(3) The major policy ²¹ of the Brit-

²¹ See White Paper—"Statement of Policy of the British Government" (1930, CD 3692), and Blue Book containing a report by Sir John Hope-Simpson (CD 3686). Broadly, the note of the Statement emphasizes the obligation of the Mandatory toward the non-Jewish population and makes the obligations toward the

ish Government to facilitate the establishment of a Jewish national home "while insuring that the rights and position of other sections of the population are not prejudiced" (Article 6 of the Mandate) places the present legislator in a very awkward and precarious position in conciliating the two irreconcilable obligations imposed upon the Mandatory power with regard to the two sections of the population, with all the conflicting interests involved.

There can be but one solution of this intricate problem, and that is to adhere to the terms of Article 22 of the Covenant of the League of Nations and vest in the people of Palestine full power of legislation and administration, subject only "to the rendering of administrative advice and assistance by [the] Mandatory until such time as they are able to stand alone."

Jews subordinate to that major principle. "It will be the endeavor of His Majesty's Government, not only by the present statement of policy but by administrative actions which will result from it, to convince both Arabs and Jews of their firm intention to promote the essential interests of both races to the utmost of their power, and to work consistently for the development in Palestine of a prosperous community living in peace under an impartial and progressive administration."—H. V.

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The Machinery of Government in Palestine

By GEORGE ANTONIUS

A WIT once likened the Palestine Administration to a motor engine perpetually firing on three cylinders. The simile, although substantially true, has this in common with such terse generalization: it focuses attention on one aspect of the object compared. The virtues and the defects of the administrative machine in Palestine are in fact of a more complex and, one might even add, of a less progressive character than is implied in the happy epigram. To the student of political science they afford an interesting field of investigation and study, not only on account of the novelty of the system of mandatory administration, but also, and perhaps still more, for the sake of the lessons to be drawn from the operation of that system in so exacting a country as Palestine.

FEATURES OF THE PALESTINE POLITICAL POSITION

It is unnecessary for the purposes of this study to enter into a discussion of the political problem, its origins, its scope, and its chances of solution. What we are primarily concerned with here is the question of ways and means—the methods, that is, and the machinery by which the Mandatory power seeks to discharge its obligations. The department of state in Great Britain to which authority has been delegated for the purpose is the Colonial Office; while in Palestine itself, power is centered in the hands of the High Commissioner, who is not solely the Mandatory's representative but also the head of the Administration which is the local executive organ

of the Mandatory. In that respect the position in Palestine differs fundamentally from that prevailing in other "A" mandated territories, like Syria and Iraq, where national governments have been formed and where the French or British High Commissioner is the representative of the Mandatory without being the head of the government under mandate.

Another fundamental point of difference is the duality of the obligations involved in the Palestine Mandate. In all the other territories belonging to the "A" category of mandates, the obligations imposed upon the Mandatory turn upon a single issue, which is that of "the rendering of administrative advice and assistance . . . until such time as they [the communities under mandate] are able to stand alone."¹ Other responsibilities there are as well, but they are, in every case, if not incidental at any rate subordinate to the major obligation just cited. In Palestine, on the other hand, the Mandatory power has been saddled with another and parallel obligation which, although it had no place in the Covenant of the League of Nations, has yet been formally enshrined in the text of the Mandate and so remains binding as long as the Mandate remains valid. This is the provision relating to the Jewish national home. Hence, a duality in the Palestine Mandate which is peculiar to itself and which renders the task of the Mandatory power definitely more complex.

It would lie outside the purview of this investigation to examine the rela-

¹ Article 22 of the Covenant of the League of Nations.



tive validity of each of those obligations. Certain critics have held that the stipulation concerning the Jewish national home as stated in the Mandate was incompatible with the theory of temporary tutelage which alone had been envisaged by the framers of the Covenant. Others maintain that the Mandate is the later and therefore the predominant instrument, and that all its provisions, unless specifically qualified, must be held to have equal force. With the validity or the invalidity of these contentions we are not concerned here. All that matters for the purposes of this investigation is that due recognition be given to the fact that, in the particular case of Palestine, the obligations are held by one of the parties to the controversy to be mutually exclusive; and that, in view of the duality itself and of the opposition which it has aroused in the country, the problem of administration in Palestine acquires a new and delicate complexity.

Thus, it is only fair to the Palestine Administration to emphasize at the outset that it is faced with an exceptionally arduous task, and that some of the difficulties with which it has to contend are not of its own making, and indeed are beyond its own power to remove. One such difficulty is inherent in the very problem to which it owes its existence: that of accommodating an incoming alien population in a country which is already peopled. Another is to be ascribed to the fateful vote in the British Cabinet which intrusted the Colonial Office with the task of supervising the administration of the Mandate in Palestine. Others are but the natural corollaries of those initial handicaps. In order to analyze the peculiar results of this anomalous position and to appraise the effect on the progress of the country, it will be necessary to examine, however sketch-

ily, the structure of the administrative machine.

STRUCTURE OF PALESTINE GOVERNMENT

The machinery of government in Palestine is modeled on the British colonial pattern. The head of the Administration is the Governor (or, as he is styled in Palestine, the High Commissioner), who is also the King's representative and the commander in chief of the forces. He is appointed by a King's commission, and his powers and duties, which are extensive, include the prerogative of pardon and the power to appoint and dismiss public officers. He presides over the Executive Council and the Advisory Council, thus exercising supreme executive and legislative power. He is one of the least fettered autocrats in the world.

The Executive Council is the highest administrative authority in the country. It comprises, in addition to the High Commissioner who presides, a variable number (actually four) of the highest officers of the Government, of whom three, namely, the Chief Secretary, the Attorney-General, and the Treasurer, are *ex officio* members. The main function of the Council is to advise the High Commissioner on questions of public policy and legislation in general, and on all other matters affecting the administration of Palestine which the High Commissioner may refer to it. It meets at irregular intervals, with a frequency which depends largely on the convenience of the High Commissioner. Its deliberations are secret and its decisions taken, not on a majority vote, but by the High Commissioner, who at his discretion may accept or reject the advice tendered him by its members, who are, after all, his subordinates.

The Advisory Council is the only



legislative body in the country. It is composed of a variable number (actually fourteen) of officers of the Government, of whom those who form the Executive Council are ex officio members, the remainder being the heads of the principal departments in charge of the public services. The Advisory Council sits under the presidency of the High Commissioner, and its function is to discuss and pass the draft laws which are prepared and presented to it by the executive. Here, too, the final decision rests with the High Commissioner.

The members of both Councils are exclusively British, which means that Palestinians have no representation in either the legislative or the supreme executive bodies in the country. Another outstanding feature of this system is that it places both the executive and the legislative powers in the same hands—an effective contribution towards autocratic government.

District and local government—

The discharge of the public services is insured by an appropriate number of departments organized on the traditional colonial pattern. The heads and the principal assistants in each department are without exception British. The subordinate staff is Palestinian, and is larger than purely technical exigencies require, since Palestine has three official languages, and business may be transacted in any one of the three. General administration, other than the discharge of technical services, is intrusted to the commissioners of the three districts into which the country is divided. Each district commissioner, who is a British officer in every case, is the head of a hierarchy of district officers stationed in the towns and in the more important rural localities, of whom the senior are British and the subordinate Palestinian.

The lowest rung in the general administrative ladder is the mukhtar or village headman, who performs certain services in the village or village division for which he is responsible, under the supervision of the district officer.

Side by side with, and under the general control of, these central administrative authorities, are the local government bodies which are known as municipalities in the towns and local councils in the villages and colonies. The membership of these bodies is restricted to Palestinians. Their powers and duties, which vary according to the requirements of each locality, do not extend beyond the range of purely local services, and they are in no sense national bodies.

Maintenance of order—

A striking feature of the Palestine Administration is the abnormal size of the forces used for the maintenance of order. The reason for this is that, owing to the opposition of the Arab population to the establishment of the Jewish national home, and to the occurrence of racial outbreaks in consequence, it has been found necessary to employ larger forces than the ordinary requirements of public security warrant. The military forces, which are entirely British and amount to a total strength of 2,500, consist of two infantry battalions, two air squadrons, and one armored car company. The police forces, which are partly British and partly Palestinian, also amount to a total strength of some 2,500. There is, in addition, a special force nearly a thousand strong, known as the Frontier Force, which is locally recruited for service in Trans-Jordan as well as in Palestine.

Religious councils—

In order to complete this brief and necessarily sketchy analysis of the ma-



chinery of administration in Palestine, mention should be made of the councils of the religious communities. The character and the composition of these councils vary considerably with the size and the needs of each community. Their powers and duties are strictly confined to the administration of certain communal interests. Legislation has been enacted to enable these denominational bodies to levy rates for certain purposes, subject to the control and approval of the Central Government; but with the exception of one community, advantage has not been taken of that power, and the permissive law has been largely ignored in the country.

Judicial system—

The administration of justice is completely independent of the executive authority and is carried out by a hierarchy of courts of which the ultimate head is a British Chief Justice. The backbone of the system is formed by the several district courts, of which the presidents are in all cases British judges. Below these are the magistrates' courts, on which sit, in the majority of cases, Palestinian magistrates; while above them is the Supreme Court, which is formed of a British president and one or two members according to whether it is sitting as a High Court of Justice or a Court of Appeal. Side by side with these courts is a system of land courts, each formed of a British president and a Palestinian member, whose jurisdiction is confined to actions relating to real estate and all forms of immovable property.

Jurisdiction in matters of personal status, that is to say in actions relating to marriage and divorce, wills, charitable bequests, and the estates of orphans and minors, is exercised by special courts separately set up for

each of the religious communities. This is not an innovation, but a relic of the former Ottoman régime. Another eccentricity is the system of tribal courts, which are formed of Bedouin chiefs and exercise jurisdiction among the nomad tribes according to the dictates and traditions of tribal custom law.

COLONIAL ADMINISTRATION
INAPPLICABLE

This bare outline of the structure of the administrative machine serves to throw some light on the nature of the two main handicaps under which the Palestine Administration labors. One is the handicap of an unsuitable method: A country, which is not a colony but a mandated territory, and which is remarkable alike for the diversity of its component elements and for the profound differences which mark their cultural and psychological characteristics, is governed on a system of cut-and-dried administration devised for use in the colonies of the British Empire. The other is the more substantial handicap resulting from the dual obligation placed upon the Administration—that of guiding the country towards independence while a Jewish national home is being established. Let us now examine how these hindrances and their natural corollaries affect, in actual practice, the motion and the efficiency of the machine.

The system of colonial administration, admirably though it may have served its purpose in the colonies for which it was devised, has shown itself to be somewhat primitive in relation to Palestine. Its distinctive characteristic is its dependence upon uniformity; that of Palestine, a sophisticated diversity. Its strength lies in the ascendancy it can exercise in territories in which the population asks



only to be governed; its weakness, in its dependence upon the edifice of routine and regulations on which it rests.

Palestine satisfies neither of those postulates. In the first place, as far back as a generation ago, its population had tired of being governed, and, along with other provinces of the Ottoman Empire, had successfully vindicated its right to representative government. In the second place, the diversity of its social and cultural traditions makes it essentially unamenable to a rigid system of rules and routine. In the twelve years that have elapsed since the establishment in 1920 of the present system, the Administration cannot be said to have made any progress in the direction of coöperation with the people. Rather has it lost ground. And although the causes for this are numerous and varied, and the fault not altogether that of the Administration, the fact remains that the inappropriateness of the system is at the root of the trouble.

Perhaps the worst feature of the colonial system is its acquired distaste for individual contacts and its naïve belief in the efficacy of paper transactions. A certain amount of personal intercourse does take place between the officials and the public, especially in the districts and in those departments whose daily work inevitably brings them into contact with the outside world. But in the higher strata of the central departments, and more particularly in the central secretariat, which is the natural resort to which the public might bring their grievances and appeals from the decisions of the departments, personal intercourse is at a discount. A marked preference manifests itself, on the part of the hard worked officials, for transacting as much business as possible by correspondence. Thus a subtle barrier

arises which screens off the arcana of the executive from all but a privileged few of the population of the country.

In Palestine, where the executive and legislative powers are vested in the same authority, this estrangement is all the more serious and fruitful of misunderstanding. The members of the supreme executive and legislative bodies are, without a single exception, officials of the Government, and exclusively British officials at that. No representative of the people of the country sits on either of those bodies, even in a consultative capacity. The voice of popular opinion, which can none too easily make itself heard in the departments, is here denied all hearing. There is no constitutional channel through which the public may question or influence the actions of the Administration. The country is governed by an unfettered bureaucracy, and the result is a grotesque travesty of real administration. So much for the handicap of method.²

EFFECTS OF DUAL OBLIGATION

The hindrances resulting from the dual obligation imposed by the Mandate are of a more tangible character. Foremost among them is the exceptional burden of expenditure placed upon the country in respect of certain services. In the matter of public security, to take the most outstanding instance, the establishment of Zionist colonies and settlements and the

² The writer of this article has failed to mention the decision of the present High Commissioner, Sir Arthur Wauchope, to appoint non-official members on the various Government committees (such as the Standing Committee on Trade and Industry, which advises the Government on tariff questions), on the Railroad Board, and so forth. There is also a General Agricultural Council, made up entirely—except for the chairman—of nonofficial members, but appointed by the High Commissioner, generally after consultation with the various committees.—H. V.



menace to which they were from time to time exposed, have made it incumbent upon the Administration to take special protective measures. Besides the British military forces which it was found necessary to station in the country after the experience of the 1929 disturbances, a large mixed police force has had to be employed. The expenditure on the maintenance of order amounts to the crippling proportion of approximately one third of the total revenues of the country.

Next in order of importance is the fact that the allocation of the Mandate to Great Britain and the insertion in the Mandate of the provisions relating to the Jewish national home require the recognition of English and Hebrew as official languages of the country. This has affected the efficiency of the administrative machine in two ways. In the first place, it has thrown upon the Administration an additional burden of unproductive work in the form of translation and duplication. In the second place, it has led to the employment of a considerable number of additional officials whose primary justification is that all the departments of state, including the courts of justice, must be so equipped as to be able to transact business in three official languages.

Lastly, mention should be made of certain services, such as those performed by the Department of Immigration, the construction of roads to outlying settlements, and the special measures taken to insure the employment of Jews on public works, all of which could have been dispensed with had it not been for the special obligation imposed upon the Administration by the Mandate.

The practical effect of those measures has been not only to swell the budgetary contribution of the taxpayers and to assign to certain unproduc-

tive services revenues which might otherwise have been available for constructive activities, but also to impair the efficiency of the administrative machine. The introduction of three languages and the recognition of three religions may seem at first sight to require no more than an adjustment of personnel and time-table. In actual practice, however, they amount to a considerable handicap.

Taking the question of religion first, the recognition of three denominations as being on an equal footing has meant that Moslems, Jews, and Christians who are employed in the Administration are entitled to their respective days of rest and their respective religious feasts. In any given department, Moslem officials absent themselves on Fridays, Jewish officials on Saturdays, and Christian officials on Sundays. With the inclusion of the recognized religious festivals, the days on which Government departments are working with a depleted staff amount to 183 in a year. On 183 days in every year, the machine is firing on three cylinders.

The multiplication of languages causes a still more serious wastage. Every enactment and all official notices and publications have to appear in the three languages. Important public speeches have to be translated from the language in which they are delivered into the other two. At certain official meetings, the utterances of each speaker have to be translated twice before the significance of the words uttered can be conveyed to every person present. The duty of translating matter which often involves technical idioms calls for special qualifications of a high order on the part of the interpreter. Owing partly to the scarcity of qualified translators and partly to the regrettable failure of the Administration to provide emolu-



ments on an attractive scale, the standard of translation is in general poor. The result has been, to say nothing of the waste of time and labor involved, a crop of misunderstandings, of bewildering errors, and, in certain cases, of miscarriages of justice.

CONCLUSION

The editorial limitations placed upon the length of this contribution do not permit a fuller study of this aspect of the problem. Such a study would well repay the trouble, for the sake of the lesson to be drawn, which is that the colonial system of administration is essentially inapplicable in a country torn by an acute political conflict. It has succeeded admirably in the Sudan, where no political conflict arises and where the population, apart from being backward, has hitherto remained untouched by national consciousness. Palestine is the very opposite; and its Administration, so long as it is organized on the present basis, appears doomed to certain failure. As a machine, it is needlessly large, unwieldy, top-heavy, and trammelled with redundant parts. As a

tutor of the people, whose mission is to advise, educate, and fit them for ultimately self-governing destinies, it has remained distant, aloof, and out of touch with realities. The flapping of its mighty wings beats the air. *Chimaera bombinans in vacuo*.

The problem of how to adapt Western methods of government to Eastern (and more particularly to Arab) countries is one of the hardest riddles in modern political science. But certain conditions there are, it is safe to say, without which every endeavor to solve the problem, or even to achieve a fair measure of success, is bound to fail. One is that the Government must win and keep the confidence of the people. Another, that the administrative system must rest on a broad basis of real coöperation with the people—and real coöperation means equality of partnership. A third, that the machinery of administration must be so equipped as to establish and maintain close contact with the life and the psychology of the people. Until these conditions are realized in Palestine, it will be futile to expect any real alleviation of the present discontent.

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Palestine and the Proposed Arab Federation

By AMEEN RIHANI

TO BEGIN at the very beginning, I should make more clear and exact the Editors' wording of the title: The first four words imply a sense of detachment and conjecture, which is not warranted by the facts, as I shall show in due course. Suffice it to say now that Palestine is neither inside nor outside any general Arab movement; but as a part of the territory that was wrested from the Turks by the Allies, it is bound, in spite of its postwar organization, to share with it the same fate. The other point is "the proposed" Arab federation, which is but a recent political idea whose value is mooted; but an Arab federation is a form of national growth, which is chiefly from within, spontaneous—not proposed.

Even if I changed the title to "Palestine in the Arab Federation," I should still want to begin at the beginning. A federation, to turn to the dictionary, implies a group of separate sovereignties held together by a bond of common interest and defense. But the separate sovereignties in Arabia today do not all share the same degree of independence. A few of them are still in the making, while two have achieved a little of the glory of conquest. This disparity in rank is significant.

There is also a disparity in needs, which creates uncommon interests and various means of defense. The people of the Yemen, for instance, need not go beyond their borders for the necessities of life; but the people of Central Arabia, surrounded as they are by vast deserts, must often seek beyond them the need of their flocks at least—water

and pasture. The Yemen Arabs in their mountain fastnesses need not worry about their freedom; the Hejaz Arabs, in their cosmopolitan contacts during the annual pilgrimage and their sybaritism after that, seldom think seriously about it.

But there is everywhere a single resentment, a common fear, and a general tendency. Even a Bedouin in the desert is beginning to be acridly conscious at a distance of the foreigner and to resent his intervention in any part of Arabia; even the Arab of Nejd is beginning to fear, in the light of his growing needs and economic limitations, the loss of his freedom; and everywhere, whether urban or nomad, he hears through the newspapers of Pan-Arabia or an Arab federation and turns a sympathetic ear to any scheme of coöperation for his own welfare and security. What is true of the Bedouin is also true not only of the states that are Bedouin-like, more or less primitive in their administration, but also of the others, even the most independent like the Yemen and the most modern like Iraq. They all feel the hand of the foreigner—foreign intervention, foreign exploitation, or foreign influence of one form or another—and they would all free themselves of it. The other fact is that they are all beginning to realize—even the strongest among them, like Ibn Sa'oud—that while something may be accomplished severally, only collectively can the highest goal be attained. That is why I say that an Arab federation is a form of national growth, a racial development, which differs in its surroundings and influences, north



and south, but which points everywhere to the one goal—emancipation.

HISTORY OF THE ARAB MOVEMENT

A quarter of a century ago the development started as a decentralization movement whose express purpose was autonomy under Turkish rule. But it did not take long to develop its ultimate purpose, emancipation. Palestine in those days was not more conspicuous nor less national than any other part of Arabia. Educationally and culturally it was not so advanced as Syria, for instance, or Mount Lebanon. It was more like Iraq. But there were already a few Palestinians in the movement. One issued a French magazine in Paris, *Le Reveil Arab*, which was devoted to the cause, and others in Cairo and Constantinople worked with the Syrians in organizing secret societies whose *modus operandi* was not yet quite determined. Even the ground at times shifted and the point of view changed; but the purpose at bottom did not vary in pointing alternately to autonomy and emancipation. This was in the north, where the movement depended much upon the attitude of the Turks themselves.

But in the south, the Arabs were never completely subjugated by the Turks, and never did they relinquish their claims to independence. They fought for it in different parts of the peninsula where the Turks tried to penetrate and where they had but a precarious foothold. Many Turkish battalions were lost in the Yemen, were routed in the plains of Asir, and were defeated in the deserts of Nejd. It was at the beginning of this century, however, that the three decisive victories were achieved. Ibn Sa'oud, the present ruler of the Hejaz and Nejd, compelled the Turks to evacuate Central Arabia in 1905 and El-Hasa in 1913; the Imam Yahia, the present

ruler of the Yemen, besieged them in San'a in 1904 and compelled them to surrender; and the Idrisi, in 1912, freed his country, the lower part of Asir, completely of them. Here, practically, is the beginning of the modern Arab movement in the peninsula. For although these rules were independent of each other, there was a common cause to bring them together; and Ibn Sa'oud was the first to propose, without success, an Arab convention for that purpose.

In the north, in Syria and Palestine and Iraq, the Turks had a stronger hold, a strangle hold upon the people, who groaned for a long time under the yoke, now and then uttered a protest, and were always discontented. For this very reason, however, there was a possibility of united action. Their weapons were more of the mind—intellectual and political; the young leaders fled to Cairo, to Paris, and to Geneva, where they established themselves as journalists and began to hurl thunderbolts at the Tyrant of the Bosphorus, and continued to nourish the discontent of their people at home.

EFFORT TO CREATE NATIONAL SPIRIT

The purpose of the movement prior to the Turkish Revolution of 1908 has been stated; but after the Revolution, the aim of the secret societies was to consolidate the forces in the northern territories by bringing the people of Iraq and Syria and Palestine closer together, and to establish a basis of political relations between them and the Arabs of the south. This idea, a bit vague at the beginning, was made clear a few years later, when the Young Turks adopted the policy of Turkeyfying the Arabs. The aim of the secret Arab societies, therefore, was to create a national spirit strong enough to resist the Turkeyfying process; and when the



Young Turks started their Pan-Turanian movement, the Arab leaders began to speak of Pan-Arabia.

Moslems and Christians, from Syria and Palestine and Iraq, those leaders emerged from their coverts after the defeat of the Turks in the Balkan War, and in the Summer of 1913 they held a convention in Paris. This is the visible beginning of the Arab movement in the north, which since then sought to connect itself with its sister movement in the south—in the peninsula.

It is then evident that before the World War, the Arabs of the peninsula, with the exception of the Hejaz and the lower Yemen, had emancipated themselves from the Turks, and the Arabs of the north had begun their struggle for emancipation. But a common cause had yet to be made into a common bond. There was no doubt, however, of the tendency of the various forces. The prestige of an Islamic empire had vanished with its glory; the revolution of equality and fraternity had failed; and the Arabs, in spite of the efforts made by the Stambul Government and the subsequent proposed concessions, were determined to go the length of their venture. But they lacked the leadership that the increased importance of the movement required; for neither among them nor in the countries that were still under the Turkish yoke was there a commanding figure—a towering personality. In the Hejaz, however, was the Sherif Hussein, who was then the Emir of Mecca. He had also the prestige of being a descendant of the Prophet and the appeal of having received a modern education in Stambul. For these two reasons he was preferable to either the Imam Yahia or Ibn Sa'oud. But Hussein was then a loyal subject of the Sultan—one of his high officials—and no one

knew at that time the rest of his mind.

How a national or world movement may sometimes be fortuitously favored is a subject to which I may appropriately allude at this moment of uncertainty and doubt in the history of the Arab movement. For while the activities of the leaders were being directed, with little or no hope, towards Mecca, the World War was declared, and soon after, the Turks joined the Entente Powers. Here was Arabia's great chance. Her interests and those of the Allies in the Near East were closely associated. For the campaign against the Turks and the Germans in Palestine and Syria and Iraq, as well as against the Turks that were still in the Hejaz and the southwestern part of the peninsula, could not succeed, it was seen, without the help of the Arabs. The British Government, therefore, on behalf of the Allies, entered into negotiations with the Sherif Hussein, who was already in touch with the Pan-Arab leaders in the north. He was also in direct communication with the Stambul Government and, through his son the Emir Feisal who was then in Damascus, with the dictator of Syria, Jamal Pasha.

AGREEMENT WITH THE BRITISH GOVERNMENT

The negotiations with the British Government, through its Resident in Cairo, were necessarily slow at first; but while Hussein was still bargaining with the British, about fifteen of the Arab leaders, caught in Syria, were tried for treason and executed by order of Jamal Pasha in the squares of Damascus and Beirut. That, among other things, decided the Sherif Hussein. He joined the Allies after concluding, in January 1916, an agreement with the British Government through



its Resident in Cairo, Sir Henry McMahon. Article First of that Agreement is as follows:

The British Government agree to help in the formation of an Arab Empire completely independent in its internal and foreign affairs, bounded on the east by the Persian Gulf, on the west by the Red Sea, the Egyptian frontier and the Mediterranean, on the north by boundary lines of the vilayets of Aleppo and Mosul to the Euphrates and the Tigris and down to the Persian Gulf. The Colony of Aden shall not be included in this State.

There are two points regarding this Agreement, which is given in full in my book *Around the Coasts of Arabia* (Ch. XII, p. 111), to clear and emphasize. The correspondence between the Sherif Hussein and Sir Henry McMahon that culminated in the Agreement, has not been published by the British Government. Why is it withheld and when does the Government intend to publish it, are questions which have been repeatedly asked in the House of Commons. The last time they were asked, Dr. Drummond-Shiels, Under-Secretary for the Colonies, said that the Government had examined the correspondence "in the light of recent events in Palestine" and had again decided not to publish it.¹ But why, if it is "ambiguous and inconclusive," as the Under-Secretary said, does the Government continue jealously to guard it? There is no doubt that the British Government

can help to clear up the issue; and until it does, the Arabs have a right, reasonably assumed, to insist upon their version of the Agreement based upon the copy of King Hussein.

The other point is that the boundaries, as described in Article I, clearly show that Palestine, as well as Syria and Iraq, is included in this Arab Empire. Otherwise, to exclude Palestine, the River Jordan and Wadi Yarmouk should have been mentioned instead of "the Egyptian boundaries and the Mediterranean." Moreover, if the intention of the British representatives was to exclude Palestine, they might have mentioned it, one should think, with the exception of Aden. But the experts who helped to draft the Agreement, among whom were Colonel Gabriel and the eminent Arab scholar, the late D. G. Hogarth, had little or no thought in those days, I dare say, about Zionism and a national home for the Jews in Palestine. Nor can Sir Henry McMahon plead ignorance of Arab politics and geography, with such Arab experts and scholars at his command. Even if there was a mistake about Palestine, he had time enough to consider and rectify it before he wrote (March 10, 1916) his letter of confirmation to the Sherif Hussein in which he assured him that His Britannic Majesty's Government had approved of his plans and accepted all his demands.

SECRET AGREEMENTS OF THE ALLIES

About two months after, however, on May 17, 1916, the Governments of Great Britain and France, through their representatives Sir Mark Sykes and Monsieur George Picot, entered into a secret agreement by which Syria and Iraq were divided between them. I need not go into their colored zones again for a proof of their intentions. What I must say now is that

¹ "There is not sufficient ground for holding," Dr. Drummond-Shiels further says, "that by this correspondence His Majesty's Government intended to pledge itself to the inclusion of Palestine in the projected Arab State. Sir Henry McMahon himself denied that this was his intention. The ambiguous and inconclusive nature of the correspondence may well, however, have left the impression among those who were aware of it that His Majesty's Government had such an intention."



Palestine was not at that time "mentioned in the bond." It was during the worst year of the War, be it remembered, when the left hand of the Allies did not know what the right hand was doing. We all knew, however, for it was dinned into our ears every day, that the Allies were the Angels of Salvation, or their next of kin, and that upon their lips bloomed an everlasting spring of promises. The Rose of Sharon was conspicuous among the bloom of 1916-17. For Palestine was promised to Belgium and it was promised to the Jews, and there are certain French statesmen who still insist that it was promised to France. The Land of Promise had indeed become a too much promised land.

The Sherif Hussein knew nothing of the secret agreements of the Allies. The Arabs took up arms against the Turks on the strength of the Agreement of January 1916, and the forces of the Sherif were not exclusively of the tribes. Many volunteers from Syria, Iraq, and Palestine flocked to his standard, and many Arab officers deserted the Turkish ranks to join his sons the Emirs Feisal and Ali in the Hejaz. Here was a military affirmation of the combined Arab movements of the north and the south. Indeed, it was a war for the cause of Pan-Arabia to which the Allies were committed.

The Arabs performed their side of the obligation by driving the Turks from the country east of the Jordan and thus protecting the right wing of General Allenby's army. They contributed valiantly to the success of the campaign; and it has since been admitted by British as well as German military experts that were it not for the Arabs, the rear of General Allenby's army would have been cut by Turks and the campaign in Palestine would have met with disaster.

RIGHT OF THE ARABS TO PALESTINE

Aside from official promises and agreements, however, which prove that Palestine is included in the proposed Arab Empire, and aside from the sacrifices made by the Arabs to their cause and the contributions in men and money by the Palestinians to prove their loyalty to it, there is the deep, incontrovertible truth of history. For Palestine is a section of a country that is one in language, in race, in culture, in customs and traditions, in religion (except for a few non-Moslem minorities who are equally loyal to the Arab cause), and in national aspirations. This has been so for more than thirteen hundred years, including the four centuries of Ottoman rule. The Turks have not been able to assimilate the Arab or to change any of his racial and cultural characteristics. His dominant instinct, when it could not express itself in power, sought refuge in isolation. It was not conquered; it was only temporarily suppressed. This is true from the days of the Greco-Romans, who had to content themselves with ruling the people of Syria and Palestine chiefly through the Ghassan Arabs, down to the time of the League of Nations, which for the same purpose had to create the Mandate.

But the Mandate has been abolished in Iraq with the consent, nay, at the recommendation of the same Government that holds the Mandate in Palestine. How long can the inconsistency be upheld? If it is argued that the complexity of the situation in Palestine justifies it, makes the Mandate still a vital need, it can with even more potency be said that that very situation has been produced by the Mandate itself, or by an administrative policy based upon it and another impractical document, the



Balfour Declaration. Modify these two documents, and the complications will mostly disappear. Remove these two documents, and the situation will be simplified.

Prior to the issue of the Mandate and the Balfour Declaration, the Arab-Jewish problem in Palestine did not exist. No one can deny that. Nor will any one deny that in those days the Arabs and the Jews were peaceful, neighborly, and friendly towards each other. We want that happy era—the era of brotherhood and peace—to return; and any document that impedes its return, that raises barriers, that sows the seeds of hatred and strife, that produces riots and bloodshed, that creates an everlasting enmity between people, is a criminal document and should be abolished.

Here are the realities, the heart-rending realities that must be faced by every one of the parties concerned, and primarily by the British, whose position in Palestine is becoming more untenable than ever. Indeed, events are moving fast. From Baghdad to Jerusalem these days is not a far cry. The very logic of things is reaching to the core of the problem. One cannot be just in one place and unjust in another. The Arabs of Iraq are not more advanced nor more fit for self-government than the Arabs of Palestine; and it is hard to see how the British Government, now that the Mandate is abolished in Iraq, can consistently uphold, to say nothing of the hopeless task of enforcing, a mandate in Palestine.

But recent events seem to presage something dramatic. Diplomacy is moving slowly down stage to publish a secret long withheld. The British are tired of the Arabs and the Jews, and their real interests in Palestine are centered in Haifa, or the end of the pipe line of the oil of Mosul and

the terminus of a projected railroad across the desert. There may be, too, an air base in the line of imperial communications, and, outside of Palestine but indirectly or partly dependent upon it, the Suez Canal. If any one can adequately protect these interests and is willing to shoulder the troubles of Arab and Jew—and is acceptable in this capacity to his neighbors, to Egypt, Syria, Ibn Sa'oud, and Mustafa Kemal—Great Britain may be willing to sign the deed and wash her hands of "the sacred trust of civilization." A king! The Holy Land for a king!

And Abbas Hilmi, the ex-Khedive of Egypt, has of late been going up and down the world, visiting Angora, Syria, Jerusalem, and Geneva; and Lord Reading came on a pilgrimage to Palestine and there met by chance the ex-Khedive; and the High Commissioner for Palestine made a hurried trip to Cairo to see his colleague there and incidentally pay his respects to King Fuad; and the Premier of Egypt, Sudki Pasha, went to Beirut, the seat of the French High Commissioner, for no reason of health or overwork—all these innocent peregrinations within the months of January and February of this year. Events are moving fast, even in Palestine. But whatever changes may take place in its internal organization, the Arab character of the country, which has never been so emphasized before in its history as in the past ten years, cannot be justly and safely overlooked; and the magnetic center of all nationalist activities these days is Arab unity. The recent reaffirmations in Jerusalem on this subject will be mentioned later.

CONDITIONS IN THE PENINSULA

Beyond Palestine, in the peninsula, the progress of the movement has reached certain barriers which ten years ago seemed insurmountable.



But since then the mentality of the people has been undergoing a change, though in practical politics it is still static. For in Trans-Jordan, as well as in the states along the coast of the Persian Gulf, i.e., Kuwait, Bahrein, Trucial Oman, and Masqat, the relations of the British Government with the native rulers are, as the address from the throne might truly say, peaceful and friendly. But this is creating among the people a spirit of discontent: if their rulers are practically nominal, why should they object to Arab unity? And if they are real rulers, why do they not object to British intervention in their affairs? Thus the questioning persists and spreads. For there is, as I have hinted, an awakening, which is finding expression in a demand for more schools; and there is a popular feeling, nourished by both the school and the press, for a unity of some kind—for solidarity. This is particularly true of Trans-Jordan and Bahrein.

Of the other states along the coasts of Arabia, Masqat is friendly to Ibn Sa'oud, a part of Hadramaut is sympathetic with the claims of the Imam Yahia, and the protectorates around Aden are still the subject of dispute and of open hostility between him and the British. The dream of extending Yemen sovereignty to what is considered its natural boundaries to the south and southeast, to Aden and Hadramaut, is still cherished by the Imam. But his recent activities have been more to the north, and at one time a war with Ibn Sa'oud seemed imminent. How the incident was made to serve the cause of peace by reestablishing and strengthening the bond of friendship between the two rulers deserves to be broadcast throughout the world. To the powers of Europe, to the League of Nations, to all those who are working for universal peace, an Arab ruler

has set an example unique in history. Let me briefly tell of this otherwise insignificant affair.

The Idrisi territory, Asir, along the coast of the Red Sea, between the Yemen and the Hejaz, has been shrinking for the past eight years in both directions. The Imam Yahia invaded and occupied a section of it up to Midi; the Wahabis had long before occupied Abha and the mountains around it; and the Sayid Hasan ul-Idrisi, who feared the further encroachment of the Imam, concluded with King Ibn Sa'oud a treaty (October 1926) which placed under his protection what he still held of Asir. Since then the relations between the two independent rulers, Ibn Sa'oud and the Imam, have been, on the whole, friendly; but last year the Yemen soldiers occupied a mountain called 'Aru, which was claimed by the Asiris to be of Asir and by the Yemenis as Yemen territory. The Wahabi soldiers, therefore, to protect the rights of the Idrisi, moved upon the soldiers of the Imam Yahia, and there was an encounter. The Imam protested to Ibn Sa'oud, and after an exchange of notes, they agreed to have a joint commission of Nejdis and Yemenis meet in Asir, investigate the case, and decide to whom Mount 'Aru belonged.

The commission met, investigated, and disagreed. Thereupon the Imam wrote to his representatives saying that he was willing to have Ibn Sa'oud himself decide the case and that he would accept his decision whatever it might be. Ibn Sa'oud was overcome. "How can I," he said, "when my opponent appeals to me, decide in my own favor? No, the Imam Yahia cannot be more generous than Ibn Sa'oud. Mount 'Aru is of the territory of the Yemen, and we are all Arabs. It makes no difference if it



changes hands." Civilized Europe and America, please note!

ARAB SOLIDARITY

Ibn Sa'oud, King of the Hejaz and Nejd, and the Imam Yahia, King of the Yemen, are the two most prominent personalities in the peninsula to-day; and they are both expansionists with a Pan-Arab dream. Despite their independence and their strength, however, the development of their policy of expansion in certain directions—Ibn Sa'oud towards the east and the Imam towards the south—still depends more or less upon the good will of the British Government. There is no danger of a clash at other points; for although they have come so close to each other in Asir, they have realized, as other responsible leaders in the Arab world, the deep truth of the lesson of the last ten years—salvation through solidarity. Indeed, only by a united front can they maintain their own integrity, safeguard what they have already achieved, develop the resources of the country, and maintain friendly relations with their neighbors to the north, the Turks, and to the east, the Persians, as well as with the European powers which still exercise an influence in their affairs. But only by organizing their forces and laying the foundation of peace among themselves, through mutual good will and understanding, can they show a united front.

The settlement of the Mount 'Aru question is an example of how this is being done; the meeting of King Feisal and King Ibn Sa'oud in the Winter of 1930, and the subsequent treaty of peace and friendship between Nejd and Iraq, is another; and not less significant are the official visits in the Summer of 1931 of an Iraq delegation to San'a and another headed by the Prime Minister Nouri Pasha Sa'id to

Mecca for the purpose of discussing with the Imam Yahia and King Ibn Sa'oud the preliminaries of an Arab federation.

Aside from these official activities, the popular interest, which is gaining in extent and intensity day by day, is beginning to crystallize and to have a voice and a course of procedure. After the General Moslem Conference in Jerusalem last December, a meeting of Arabs—Moslems and Christians from Iraq, Syria, Palestine, Trans-Jordan, and the peninsula—was held on the thirteenth of that month, and the following pledge was taken under oath by every one present:

First: to uphold the integrity of Arabia as a nation and to recognize no divisions therein;

Second: to direct the efforts in every Arab state towards the one goal of complete independence and complete unity, and to oppose every movement and every idea that has the tendency to make local and divisional politics paramount;

Third: to oppose colonization to the utmost in every form, because it is inconsistent with the dignity and the supreme purpose of the Arab nation.

A resolution was also adopted to hold a Pan-Arab convention in the very near future.

NECESSARY FACTORS OF SUCCESS

Let it not be supposed, however, that the success of the movement depends entirely upon the Arabs themselves; for Great Britain and France, even when all the mandates are abolished, will still have interests in the country, and the right to safeguard them, even though circumscribed by treaties, can be invoked at the instance of the least fear or suspicion.

It must be frankly admitted, there-



fore, that the complete success of the Pan-Arab movement, whether it results in a single empire or in a federation of states and kingdoms, depends upon the honest intention and the good will of Great Britain and France, as well as upon the national and progressive spirit of the Arabs themselves. Moreover, the economic and educational factors are just as essential as the political. It may be said, therefore, that the complete success of the movement depends upon five principal points:

1. The control of the nomad tribes and the establishment of law and order among them through the urbanizing process initiated by King Ibn Sa'oud; in other words, the transformation of the nomad population into peasants, making them producing and law-abiding citizens;

2. The withdrawal from the various petty states of so-called British protection, the discontinuance of the corruptive system of stipends, and the transfer of the agreements the British Government has with the different small rulers along the coast of the Persian Gulf to Ibn Sa'oud and around Aden to the Imam Yahia, who will pledge themselves to protect British interests on the two routes to India, that is across the desert and through the Gulf and the Red Sea;

3. The granting by the sovereign rulers of economic concessions to mixed corporations composed of foreigners and natives, the foreigners to furnish also the technical knowledge, where it is needed, for the development of the resources of the country, provided that such foreign capital and technical skill are free from imperialistic interests and political control;

4. The establishment of a national public school system with a uniform program of education in the peninsula, as well as in the northern territories;

5. The inclusion in the treaties with the northern states, i.e., Iraq, Syria, Palestine, and Trans-Jordan, of a clause sanctioning the unity of these states with each other and with the other states in the peninsula, provided such unity does not affect any previous commitment regarding the interests of the other signatory powers.

PRESENT STATUS OF THE MOVEMENT

The first and the fourth of these five points—the urbanization of the Bedouin population and the national schools—have already been started and are being continued with considerable success.

The second and the fifth—the change in British policy in the peninsula and the unity clause in the treaties—must come inevitably, logically, since Great Britain and France, abandoning the mandate, must rely upon the principle of reciprocity for safeguarding their interests and maintaining their prestige in the Near East.

The third point, or the granting of concessions, depends upon the fulfillment of the second and the fifth. That is to say, if the interested powers, Great Britain and France, coöperate with the Arabs for the sake of peace and progress, as well as for reciprocal advantages, instead of impeding and opposing their activities to pacify and unify their country, foreign capital and technical knowledge will be invited to help in the development of its natural resources.

The most important of these points, the control of the nomad population and the national public school system, depend wholly upon the Arabs themselves. Neither the French in Syria, for instance, nor the British in Iraq could achieve, in their relations with the Arabs of the northern desert, a fraction of the success of Ibn Sa'oud



in Central Arabia; neither of them could fully control the tribes, even when they stipended their chiefs; and neither Great Britain nor France was sympathetic, to say the least, to a uniform national system of public education. These must come from within, from the Arabs themselves—and they are coming. An American commission of educational experts, headed by Professor Monroe of Columbia University, is now in Iraq at the invitation of its Government, studying the subject.

Education is forging ahead, and the other points must logically, inevitably follow. Let us hope, however, that

they will follow not as a result of force but as the natural development of a policy, national and international, that is consistent with the progressive and humanitarian spirit of civilization. After all, this Arab movement is but an expression in Arabic of what has been and is still an expression in English, in French, in German, in Hindustani—an expression of national progress and human development. Upon it depends the future of Arabia, and upon it in a large measure depends the peace of the world. It is in this sense a world movement and it may be expressed in three words: pacification, unification, and education.

Ameen Rihani, of Mount Lebanon, Syria, is of Syrian birth, educated in the United States and a citizen of this country. In addition to various novels and collections of poetry, he has written many historical works, such as "Maker of Modern Arabia" (1928), "The Kings of Arabia" (1924), a "Short History of Syria" (1928), and "Al-Yaman, or Arabia Felix" (1930).



Palestine Agriculture

By FRANK ADAMS

THERE is common agreement among those responsibly concerned with the upbuilding of Palestine that if a substantial measure of success is to be achieved, it must come largely through maximum use of the agricultural resources of the country. This is not because agriculture will ever be the dominant interest in Palestine, but because it must always constitute the chief means of livelihood for most of those who reside there, and be the anchor that will tie a majority of its people to the land.

Within the past eight or ten years a number of important investigations have been made of agricultural possibilities in Palestine, and the Mandate Government has been endeavoring to build up reliable information regarding the agricultural resources and how they can be used to be of most advantage to the people. Since about 1921 the Zionist Agricultural Experiment Station has conducted agricultural research of benefit to the whole of Palestine, although primarily directed toward the needs of the Jewish colonists. The Palestine Economic Society, with membership open not only to Jews "but also to Englishmen, Germans, and Arabs," has stimulated thought regarding the larger economic problems, including those relating to agriculture, its bulletins containing papers of great value. The principal colonizing agencies—the Palestine Jewish Colonization Association (Pica) and the Zionist Organization (now the Jewish Agency for Palestine)—have likewise made important contributions. Neither the reports of the various investigations nor the work of the governmental and

colonizing agencies, valuable as they are, has supplied all the information needed for final evaluation of the agricultural possibilities of the country. Nevertheless, they provide a basis for some appraisal of the agricultural situation.

NATURE OF AGRICULTURAL RESOURCES

In addition to being a very small country, less than half of which is cultivable, Palestine is handicapped in its new venture by its inheritance of primitive agriculture and by an inadequate moisture supply, particularly in the summer. Temperature conditions, while more variable in occurrence, class the country with the Riviera and with California as to the nature of crops that can be grown. The annual rainfall averages from about 150 mm. in the south to about 625 mm. at Haifa (about 6 to about 25 inches), but in some years it is very much less.

There are several important streams, chiefly the Jordan and the Auja, large numbers of fine springs (as well as some of poor quality), and a substantial quantity of underground water, apparently chiefly in the Maritime Plain; but taken all together, these various water sources do not furnish enough, nor is all of the chief of these sources—the River Jordan—economically available for irrigation, at least under present conditions. The larger part of the cultivable land, both in the hills and in the valleys and plains, must therefore continue limited to dry farming, although not all to such scanty yields as have been usual over most of the country. The larger part of the hills must be devoted



merely to grazing, and present generations at least are not likely to witness disappearance from these hills of the simple pastoral life that has been associated with Palestine from its earliest occupation.

It is well known that through the centuries of political and religious strife in Palestine, its agricultural resources, including its forests, have deteriorated. So far as we have information, little effort was made to maintain soil productivity or measurably to expand the cultivable areas by reclamation and irrigation, although accounts have come down to us of flourishing palm and date gardens, as around Jericho, and of areas that "could support an army." In any event, any effects such efforts may have had in times past have not carried down to the present. Remains of numerous aqueducts, some from Roman times, are, to be sure, found quite widely scattered, but these made available relatively small water supplies, and even these were used for operating primitive grist and sugar mills as well as for irrigation. While many of these aqueducts are still in use and are of no little local value, they are not a large factor in present-day Palestine agriculture.

Soil deterioration through long use and erosion is most marked in the hill sections of the country. In the hills of Judea extensive areas of broken-down and abandoned terraces suggest a time in history when vineyards comparable with those of Hebron today flourished widely. Olives also have covered a larger area and presumably have been more productive than now. Forests, which because of limited rainfall have probably never been of much more than the brush and woodland type, and are composed in considerable part of the wild olive, have been wantonly handled, particularly during the last war. Constant grazing of the untilled

areas has seriously lessened their carrying capacity for the herds and flocks of the Arab peasants.

LAND AVAILABLE FOR AGRICULTURE

A land survey of the whole of Palestine is now in progress. Pending its completion, only approximate figures can be given as to the total cultivable areas. Even with the completion of this land survey, an economic land and soil classification will be needed before the agricultural land resources can be satisfactorily evaluated. A reconnaissance soil survey of the principal agricultural areas by A. T. Strahorn in 1927¹ is an excellent start in that direction, but this needs to be amplified and extended after more is known than at present as to possibilities of soil improvement and as to the living requirements of the various groups or classes of cultivators. Government and colonization agencies are already carrying forward this work.

In his comprehensive report of March 16, 1922,² the Director of Agriculture of Palestine assumed a total exploitable land surface not exceeding 7,000 square miles, of which about 83 per cent was covered by available records; whereas in July 1929, the Director of Surveys in Palestine reported the total area as 10,100 square miles (26,158,000 metric dunams).³ The Director of Agriculture wrote off about 50 per cent of the area covered by records as uncultivable.

¹ Reports of the Experts submitted to the Joint Palestine Survey Commission, pp. 143-236; also, *The Geographical Review*, Vol. XIX, pp. 581-602.

² Palestine Department of Agriculture and Fisheries. A review of the agricultural situation in Palestine, by E. R. Sawyer, Director of Agriculture. Submitted March 16, 1922.

³ Report on Immigration, Land Settlement, and Development in Palestine. By Sir John Hope-Simpson, C.I.E., 1930, p. 12.



In 1930 the Commissioner of Lands, excluding marshes, the coastal sand dunes between Rafa and Acre, the rocky hills, the wilderness of Judea, and extensive areas south of Beersheba town, reported the cultivable area as 12,233,000 metric dunams (4,722 square miles or 3,058,250 acres),⁴ his definition of "cultivable" being "the area which can be brought under cultivation by the labor and financial resources of the average Palestinian cultivator." On the basis of completed surveys of 4,047,000 metric dunams, chiefly in the Maritime Plain, and aerial surveys of a number of tracts in the hill country selected as representative and approximating in area about 10 per cent of the whole, the Director of Surveys estimates the cultivable lands as 8,044,000 metric dunams (3,105 square miles, or 2,011,000 acres).⁵ Of this total, 2,450,000 dunams (957 square miles or 612,500 acres) are in the inhabited hills and 1,500,000 dunams (586 square miles or 375,000 acres) are in the Beersheba area, leaving 4,094,000 dunams (1,600 square miles or 1,025,500 acres) in the principal plains and valleys. The 1927 soil reconnaissance by Strahorn, which covered the plains and valleys from the northern boundary to Beersheba, showed 451,156 metric dunams of "waste" land, 1,305,160 metric dunams of "non-irrigable," and 2,837,172 metric dunams of "irrigable" land, the latter being lands which would produce crops under irrigation if water were available, and not the maximum cultivable area.⁶

⁴ Report on Immigration, Land Settlement, and Development in Palestine. By Sir John Hope-Simpson, C.I.E., 1930, p. 22.

⁵ *Ibid.*, p. 22.

⁶ A small area in the Jordan Valley, the extent of which is not known, was omitted from the Strahorn survey. Strahorn also omitted from his tabulation the Huleh marsh and plain, but on the basis of figures given elsewhere in his report, 110,000 dunams are included in his total to cover that area.

Obviously, none of the figures designating the cultivable area can be accepted as final, and the matter of total cultivable land in Palestine can be dismissed until a definition of "cultivable" can be agreed on, until the land survey is completed, and until the underground water resources on which any cultivation of consequence south of Beersheba must depend are better known than they are at present. Land which might be considered cultivable according to the standards of Eastern civilization might not be susceptible of profitable use under Western standards. In either case, yields and costs or labor used in producing a crop or a living vary so widely both as to different areas and as to periods of time, and there is such wide variance in standards of living, that there is bound to be a difference in judgment as to gross figures. The arable areas in the hill country have been especially subject to controversy. A very conservative view needs to be taken regarding their economic value.

CROP ADAPTATIONS

The crops that can be grown in Palestine cover a wide range, but for most of the fruits further experience is necessary to determine where they can be grown successfully on a commercial basis. The larger portion of the land cultivated by the Arabs has been devoted to wheat and barley and certain leguminous crops grown in winter, and peas, durra, and sesame, grown in summer. Wheat, barley, durra, and sesame have been the most important, the major part of the land being taken up by wheat and durra.

In general, the cereals yield best on the soils of heavy texture and compactness. Regular systems of cropping have been worked out for the annuals by the Arabs, the most usual being one year of wheat and the next year of



durra or sesame. In the south, where the rainfall is less and droughts are frequent, the rotation period is usually three years. The wheat and barley are the principal sources of income, and the summer crops or *karabs* are chosen according to their value for preparing the land for wheat and barley. As between durra and sesame, the former is considered the better, it being reported that it has no equal. Even as to this it has been stated that all the trouble and care bestowed on it is only for the sake of the wheat that is to come after it.⁷ Durra is sown on the poorer soils.

Generally speaking, and in fact in most cases, the fruits of Palestine will be confined to what may be broadly called the "lighter" soils, i.e., soils of a sandy or loamy rather than of a clayey nature. These are found chiefly in parts of the Maritime Plain and of Jordan Valley. Almonds, almost wholly non-irrigated, have been most successful on the sandy loams of the coastal belt.

The fruits grown in Palestine are many in addition to the grapes, the olives, and the figs that have long been associated with the country. A partial list includes oranges, grapefruit, lemons, limes, etrog, and mandarin, among the citrus fruits; apples, peaches, pears, plums, and apricots, among deciduous fruits, of which the apricot is most abundant; and almonds, bananas, dates, carobs, pomegranates, and wine, table, and raisin grapes. Many other fruits not now commercially grown in the country are being tried out both by growers and by the various experiment stations. The growing of watermelons has long been an important industry among the Arabs along the coastal plain.

Of all of these fruits of Palestine, the

Jaffa (Shamouti) orange is by far the most important and most valuable. The plantings of this orange now approximate 150,000 dunams (37,500 acres), about half Jewish and half Arab.

The Palestine citrus industry began in a small way some years before the War, but has achieved its principal growth during the last ten years, reaching the proportions of a small but temporary boom in 1929 and 1930. As has been usual in the case of new horticultural industries in other countries, local experience and scientific information on which to base the industry were lacking, and until recently, scant attention has been given by many of the growers to such matters as proper root stocks and bud selection and methods of planting and cultivation. It is now, however, more widely recognized in Palestine that the successful growing of citrus fruits, even under the most favorable natural conditions, is an undertaking demanding a thorough understanding of the fundamentals of propagation and culture, as well as strong Government and grower support for research and in combating pests and diseases. Fortunately for the future of the industry, there is well informed and capable local business and technical leadership, so that a satisfactory outcome for the industry seems probable. Thus far, only about one third of the orange plantings are bearing. Total exports for the season 1931-32, including some lemons, were 3,631,541 cases.

Parts of the Jordan Valley and of the coastal plain are well adapted to the growing of winter vegetables for early markets. Among those grown experimentally or commercially are tomatoes, eggplant, cucumbers, cabbage, cauliflower, and potatoes. It is stated that were it not for the new import duties in England, early Palestine potatoes shipped to England in January, Febru-

⁷ Elazari-Volcani, J., *The Fellah's Farm*, Bul. 10, Institute of Agriculture and Natural History, the Jewish Agency for Palestine. This report has been drawn on for details given regarding the Arab crops and cropping systems.



ary, and March would bring very profitable prices. The Jewish Agency experiment station seems to have solved the problems of potato seed, storage, and packing.

LIMITING FACTORS

Palestine fruits until recently have been comparatively free from widespread insect pests and diseases, but these are increasing and in some cases are now a limiting factor. For instance, there has been a rapid spread of scale in the orange areas, and other insect pests as well as diseases have developed or become established. During the past three years the Department of Agriculture has made an energetic attack on the black scale of the Citrus by fumigation, with gratifying results, but the equipment and the materials have been inadequate. Red scale, recognized also to be increasing, has likewise been effectively dealt with. The Department is very intelligently seeking to work out a plan of control which will save the Palestine citrus industry from these pests. Among almonds, one of the chief limiting factors has been the widespread attack of *Capnodis carbonaria*, by which it is reported entire orchards have been killed. For several years the Department of Agriculture has been conducting a vigorous campaign against this boring beetle in some of the more important almond areas. The fig scale has caused damage to the figs; the larva of the long-horned beetle borer to the apricot; the olive fruit fly to the olive, and so forth. In the case of bananas, nematodes have given serious trouble, and Ryerson states that the success of the industry will depend upon whether, under Palestine conditions, the plant can be so forced as to produce several crops before succumbing to this pest.⁸

⁸ Ryerson, K. A., "Horticultural Possibilities of Palestine as Especially Related to Agricultural

Ryerson also reports that the presence of the Mediterranean fruit fly, while less of a drawback in the higher hill country, is a fundamental limitation to the success of many of the deciduous fruits in the plains area, and has also been a factor of some importance in citrus production along the coast.

Aside from insect pests and plant diseases, the Palestine horticultural industry has to consider such other natural limiting factors as soil type and structure, poor drainage of certain areas, hot, dry winds at the spring blossoming time and strong winds throughout the year, and most of all, the limited water supply for irrigation. The matter of crop adaptation in the various parts of the country is therefore one which is by no means yet solved, and experience extending over a period of years will be necessary before it can be determined just where and to what extent the different fruits to which Palestine is climatically suited can be grown successfully on a commercial scale.

Palestine field crops, while more is known of their adaptability to soil and climatic conditions, must, like the fruits, cope with certain natural limiting factors. For instance, a visitation of field mice in 1930 resulted in losses to crops estimated at £100,000 (\$500,000 at par), and it was only the very effective work of the Department of Agriculture and Forests that in the same year saved the country from a serious locust menace for the third successive year.⁹

Colonization." Reports of the Experts Submitted to the Joint Palestine Survey Commission, 1928, pp. 237-388. This report is the chief source of authority for data presented in this paper regarding Palestine horticultural possibilities.

⁹ Viteles, Harry, *Annual Report of the General Manager of the Central Bank of Coöperative Institutions in Palestine, Ltd.*, Sept. 1, 1929, to Aug. 31, 1930.



SOIL FERTILITY

While the historic fertility of Palestine is by no means altogether fiction, mistreatment over the centuries has left its inevitable heritage of soil impoverishment and has bequeathed to present and succeeding generations a heavy burden of soil improvement. There is ample evidence, however, that the task of restoring soil fertility is by no means hopeless over much of the country, although the cost in time, money, and effort will be large.

In his first report (1922), the Director of Agriculture and Forestry showed that even in the climatically favorable season of 1919-20, the average yields for the country at large for wheat, barley, lentils, and kersennah were less than a third, in each case, of those harvested in Egypt; for instance, 593 kilos of wheat per hectare (59 kilos per dunam) compared with 1,793 kilos (179 kilos per dunam) in Egypt. He attributed this condition to "primitive methods of cultivation, weed growth as an aftermath of war, lack of manure and chemical fertilizers, poor seed and unproductive varieties."

Director Volcani of the Jewish Agency Agricultural Experiment Station has repeatedly called attention to the lack of organic matter in the soil. While in a year of good rainfall the visitor will note numerous instances of excellent yields of such crops as maize, durra, sesame, and wheat, especially perhaps in the Plain of Esdraelon, it is obvious to even the casual observer that over much of Palestine the production is low—frequently miserably low. The census of the Zionist settlements in 1927 showed an average yield of 75 kilos of wheat and of 113 kilos of barley per dunam. There were, however, yields of wheat up to 139 kilos per dunam and of barley up to 239 kilos per dunam.

Director Volcani believes that green manure can supply the lack of organic matter in the soil of the fellah's farm if one fifth or one sixth of the farm area is allocated to it, and that the yields of the fellah can be increased by carefully preparing a good rotation crop, by use of fertilizers, and by selected seeds. The Jewish colonists have already, in many cases, gone a long way toward soil improvement, using "Arab manure"—the soil accumulations at old Arab villages—to the limit of availability. The German colonists have also shown that by proper farming methods production can be greatly augmented. When irrigation is possible, soil improvement by turning under green cover crops is reasonably rapid; but it is recognized that there are deficiencies in the soil other than organic matter, as, for instance, nitrogen and, in the case of some of the lighter soils, potash and phosphoric acid, which must be made up through fertilization.

Fortunately, this matter of increasing the fertility of the soil in Palestine is receiving the very careful attention of the research workers of the Jewish Agency Agricultural Experiment Station, and the results of their work will be of great value to Arab and Jew alike, especially if practical demonstrations are carried out rather widely over the country.

LAND TENURE AND LAND HOLDINGS¹⁰

The course which agricultural development in Palestine will take is bound

¹⁰ These subjects are interestingly and illuminatingly discussed in a number of important publications, of which the following have been chiefly consulted: *Land Problems in Palestine*, by A. Granovsky, 1926; *The Fellah's Farm*, by J. Elazari-Volcani, 1930, Ch. V; Report on Immigration, Land Settlement and Development, by Sir John Hope-Simpson, C.I.E., 1930, Ch. IV; Report of a Committee on the Economic Condition of the Agriculturalists in Palestine, etc.,



to be influenced by the character of the tenure of agricultural land and the size of the individual farm holdings. The Turkish land law of 1857 classifies the land into five categories—mulk, miri, wakf, metruque, and mewat. Of these, miri land is the most important from the standpoint of agriculture. Title to the miri land is vested in the state, but it is granted in perpetuity subject to certain conditions, of which the chief is continuous cultivation. While what amounts substantially to private ownership is thus possible in the case of miri lands, in approximately half (46 per cent in 1930) of the villages in Palestine, agricultural lands are held in common under the system known as Mesha'a, while in the other villages (54 per cent in 1930) the land is divided under what is known as Mafruz.

Where the Mesha'a system prevails, the individual's share of land is a fraction of the whole, but it does not represent a definite plot or parcel, although usually there is allotment as between the tribal divisions of the village. In each of these tribal divisions (hamulabs) it is customary to make individual allotments to the cultivators for two- or three-year periods depending on the rotations, leaving no incentive for permanent soil improvement by the cultivators. With reference to Arab land tenure, it needs to be noted that a large portion of the total in Arab possession is owned by landlords and that tenantry is common. Many if not most of the peasants are hopelessly in debt to the money lenders, and the taxes are high.

This Mesha'a system, which applies only to the Arab villages, is generally condemned, and efforts are being made to eliminate it through partition to the

individual cultivators. The report of the Government Committee on Economic Conditions of Agriculturists in Palestine, 1930, considered this system perhaps the greatest obstacle to agricultural progress in Palestine. "This system," the report states, "misses the advantage alike of individualism and of coöperation. While it remains it is useless to expect that land will be weeded or fertilized, that trees will be planted, or, in a word, that any development will take place."

NATIONALIZATION OF THE LAND

Agricultural land in the Jewish colonies established by Pica is held by the settlers in individual ownership. In the Jewish Agency colonies, on the other hand, the land is nationalized, title remaining perpetually in the Jewish National Fund, from which possession may be obtained on hereditary 49-year leases. The difference between the leasehold and absolute individual ownership might not be of great consequence in Palestine were it not for the restrictions placed on the leasehold by the Jewish National Fund. One of these is that no settler can under any circumstances hire labor, but must work his holding by his own efforts with the help of his family only. However, "relatives" are allowed and in many instances are used, thus in practice circumventing the principle. Another restriction is that the National Fund reserves the right not only to determine the area of the original allotment, but later to reduce that area if necessary to make room on the soil for more Jewish immigrants. While not always strictly obeyed, these restrictions are basic and not merely theoretical.

This nationalization of the land in Palestine under the Jewish National Fund, together with the theories of "self labor" and the right to reduce or

(Johnson-Crosbie report), 1930, Chs. III and V; and "Land Settlement and Development in Palestine," by A. Granovsky, *Palestine and Near East Economic Magazine*, Vol. V, pp. 25-62, 1931.



otherwise change the sizes of the holdings, has been the subject of much discussion and even controversy. The system has been brought into sharp contrast with private ownership, both by the Pica—which, as already indicated, passes complete title to its settlers—and by many private individual Jewish purchases as well as purchases by private Jewish colonizing associations.

There have been numerous instances in which Jewish land purchasers with sufficient means to carry their development and holdings have preferred private ownership. While these private purchases have augmented the areas of land in Jewish ownership, they have been sharply criticized by those who hold steadfastly to the theory of nationalization, although it is probably true that the private purchases have in many cases not been without official Jewish sanction. In the case of some of the private colonizing associations which purchased land in earlier times for Jewish colonization, financial assistance has been found necessary and this has been extended by the Jewish National Fund. In other cases, so-called “middle class” settlers have been aided, this classification being applied to the settlers who supply part of the funds for their establishment. However, in many if not in most instances, the “middle class” colonies have furnished all of their funds.

Apparently the principal economic advantage of the nationalization of the land is its freeing the settlers from investment in the land in the first instance, or from amortizing its cost over a period of years. The individual has no mortgage to carry. While he presumably is to pay rental equivalent to a fair interest rate, his relation to the Jewish National Fund is such that the Fund is more likely to carry losses in adversity than is the settler. Control

of speculation is another economic advantage of this system. No attempt will be made here either to discuss or to evaluate the social aspects, either for the Jews or for the Arabs. It is a subject of much controversy.

SIZE OF HOLDINGS

An ordinary Arab fellah has a portion of the village land of 70 to 100 dunams (17.5 to 25 acres) which he works without outside assistance. Some, however, with the aid of “harats” work as much as 400 to 500 dunams (100 to 125 acres). Where Arab tenants farm more than 120 to 150 dunams (30 to 37.5 acres) they also engage a “harat.” These areas are non-irrigated and are devoted largely to cereals.

In the Jewish colonies, especially those of the Jewish Agency, there has been a tendency to keep individual parcels or average holdings for family or worker in the coöperative agricultural settlements (*Kvutsoth*) to a minimum, in order to provide for the largest possible number of Jewish immigrants. The experience of the Pica organization has demonstrated the need of increasing the unit areas in dry farming sections. In 1927 the average holdings in twenty-four of their colonies ranged from 50 to 300 dunams (12.5 to 75 acres), the smaller being in irrigated sections. In fourteen of these colonies, however, the average was 200 dunams (50 acres) or more; in five it was between 150 and 200; in four, between 100 and 150 dunams (25 to 37.5 acres).

The commission which studied agricultural colonization in 1927 under the authority of the Joint Palestine Survey Commission found numerous cases of what it considered overcrowding in the Zionist settlements, both smallholders' and coöperative agricultural settlements. In one small colony, for instance,



the commission found the unit of dry-farmed land 80 dunams (20 acres); in another, 240 dunams (60 acres) for 18 families—about 13 dunams each; in another, 468 dunams (117 acres) for 62 adult workers, or about 7.5 dunams each. In some of the other colonies the situation was better. For dry farming the commission recommended 160 to 320 dunams (40 to 80 acres) and suggested that 240 dunams (60 acres) is a safer minimum than 160 dunams (40 acres). For irrigated land it suggested 40 to 80 dunams (10 to 20 acres).¹¹ In the German Templar colonies, self-sustaining farms were found to have 160 to 400 dunams (40 to 100 acres). These figures exceed those generally accepted as necessary by the Jews. For instance, Dr. Granovsky has suggested from 17.5 to 24.1 dunams in the plantation areas, 40 dunams for areas suitable for other products requiring irrigation, 40 dunams in the hill country, and 300 dunams in the Plain of Beersheba. For dry-farmed cereals he apparently accepts 130 dunams, as suggested by Sir John Hope-Simpson.

Obviously, the land requirements of the Arab farmers, with their longer experience and their ability to subsist on a meager, simple fare, are less than those of the Jewish colonists, who necessarily must build their Palestinian civilization on a higher standard of living than that which has prevailed in Palestine. After analyzing the income per family in 104 Arab villages, for which the average holding per family was found to be 56 dunams (14 acres), the official committee which in 1930 reported on the economic condition of agriculturists in Palestine concluded that to provide a minimum living per family, 75 dunams (18.75 acres) are necessary for an owner-cultivator, and 130 dunams (32.5 acres)

for a tenant who must give up part of his income for rent.

AGRICULTURAL COÖPERATION

Only brief reference will be made to this subject, since coöperation is being covered in another paper of this series.

The future of Palestine agriculture is largely tied up with the coöperative movement, which was pioneered by both the German and Jewish colonists before the War. Almost every phase of the movement back to Palestine has, in fact, involved coöperation of one sort or another, and that in agriculture has been the most important part of it.¹² Agricultural coöperation has included such enterprises as the coöperative or "communistic" settlements (*Kvutsoth*), the sale of agricultural products, the purchase of agricultural supplies, agricultural credits, the growing of grapes and manufacture of wine at Richon-le-Zion and Zichron-Jacob, water supply, and cattle insurance.

A number of the coöperative efforts have failed, but only three, it is stated, of any significance, while many others have been successful. For instance, writing in 1929 an authority found the selling value of Jewish agricultural products annually marketed coöperatively to be not less than £465,000 (\$2,325,000), of which more than £300,000 (\$1,500,000) represents exports and £220,000 (\$1,100,000) represents fruits—oranges, table grapes, bananas, watermelons, and so forth. The same authority stated that two and a half million liters of milk, either fluid or in dairy products, were being sold each year through the central coöperative dairies and their branches; also that Jewish vintners, cultivating 90 per cent of the total wine grape area, were marketing their products through a coöperative.

¹¹ Report of the Experts submitted to the Joint Palestine Survey Commission, p. 54.

¹² See chiefly *The Jewish Coöperative Movement in Palestine*, by Harry Viteles, 1929.



The "Pardess" Coöperative Society of Orange Growers, Ltd., after an activity of thirty years, in 1929-30 exported 477,000 cases of their product, with a value f.o.b. Jaffa of £250,000 (\$1,250,000). A very carefully formulated plan has been presented for organizing a Palestine Fruit Growers' Exchange, with its locals, patterned after the California Fruit Growers' Exchange and the Florida Citrus Exchange, for the handling of the citrus crop and for extending its markets.¹³ However, this plan has not yet received sufficient support, from either the Government or the growers, to bring about its adoption.

So far, agricultural coöperation has made no headway among the Arabs, the sole Arab coöperative not having survived its registration. However, a Government official familiar with Moslem cultivators in Northwest India, after a study of conditions in Palestine in 1930, recommended the organization of Arab coöperative agricultural credit societies, separate from the Jewish societies, to make the Arab fellahin independent of their present creditors in the matter of their current needs and to bring knowledge of agricultural improvements to the Arab cultivators.¹⁴ These he would pattern after the German *Raiffeisen* society. He found little hope that Arab societies will in the near future be able to set up their own organization for final contact with the markets for oranges, nor did he think this necessary, since in this the efforts of the Jews and the Arabs should be combined with advantage to all parties. He did, however, conclude that separate local marketing societies for oranges should be formed in each

Arab village furnishing sufficient output to be considered by the larger marketing organization.

THE OUTLOOK

It is not easy to forecast the future of agriculture in Palestine, because of the many complicating factors, such as racial and religious prejudices and interests; the long established primitive agricultural methods of a large majority of the farming population; the tendency among many of the Jewish immigrants to place the chief emphasis of their lives on what they look upon as an improved social order devoid of the evils of capitalism, rather than to strive first of all for a sound economic basis for their movement back to Palestine; the distance from markets for surplus agricultural production; the illiteracy of the great body of native farmers; and the uncertain source of the outside funds needed for capital improvement of the land and for colonization.

There can be no question that under the stimulus of Jewish idealism and aspirations for the upbuilding of what the Jewish people look upon as their homeland, very great advances have been made in the agriculture of the country during the past decade. Always underfinanced, and from a strictly economic viewpoint handicapped by emphasis on social reforms and more or less grandiose aims, yet willing to bear with enthusiasm the necessary hardships of pioneering, the newcomers to Palestine have already revolutionized its agricultural life; or at least have given it a new impetus, a new emphasis on improved technique, and a richer outlook.

In spite, at times, of bitter antagonism from native peoples, the benefits resulting from the reorganization of agriculture are extending beyond the Jewish colonies. Presumably in time,

¹³ Viteles, Harry, *Proposals for the Organization of the Orange Industry within Palestine*, 1930.

¹⁴ Strickland, C. F., *Report on the Possibility of Introducing a System of Agricultural Coöperation in Palestine*, 1930.



through the continuing generosity of the Jewish people of the world, the Jewish agricultural settlements will be made self-supporting, and abstract theories regarding social reform and grandiose methods of procedure will give way or become adjusted to economic necessities. Attainment of these results for the Jews alone, however, will not achieve the full possibilities of Palestine agriculture. An advance in the welfare of the Arab cultivators is also needed, not only to lessen racial antagonisms and to equalize opportunities among the people, but also to make possible the organization of Palestine agriculture in such fashion as to secure to it an economic stability.

While there is much yet to be done along the technical side of agricultural production in Palestine, the final position of the industry will be determined very largely by the success achieved in disposing of the products grown. This fact has been recognized by some of the leaders, and the depression has brought it home to many who apparently hitherto had given it little thought. Still it is believed not to be generally appreciated by the growers.

The marketing of agricultural products at home is in itself a problem of no little difficulty, as experience has already shown. Able to produce for less and live on less, the Arab cultivators have the advantage. The Jewish producers are, however, strengthening their position in the local market through coöperation.

The export market, on which Palestine must largely rely for some of its products, especially those from the plantations, and some think also for dairy and poultry products, will present even greater difficulties. In 1930 the Egyptian Government levied duties which adversely affected melons, bananas, oranges, and almonds imported

from Palestine, even to the extent of practically stopping shipments of some and greatly reducing those of others. Numerous efforts have already been made to dispose of some of the fruits and vegetables in countries to the north, but reasonable success has been achieved only in the case of oranges. While there is general optimism among many of the growers that their Jaffa orange is of such superior quality as to be able to meet competition from other countries, the fact seems to be that this fine product, even when better standardized than in the past, will encounter its measure of difficulties. The successful marketing abroad of these products even at best will require common production standards among all producers, whether Arabs or Jews.

The trend in Palestine agriculture is generally toward fruits in order to make the most of the climatic advantages. This is most marked among the Jewish settlers, because in fruit production they see opportunity for the best use of their talents. However, more than a desire to raise fruits is necessary for a successful horticultural industry.

CONCLUSION

It is impossible to study the agricultural resources of Palestine and to consider the fundamental part their development will have in rehabilitating this neglected country without feeling hopeful of the outcome. The very intelligent and effective work of the Palestine Department of Agriculture and Fisheries, of the Jewish Agency Agricultural Experiment Station, and of the Jewish Agency and Pica colonization organizations has shown results, even if the immediate agricultural situation in Palestine is not an altogether happy one. The plains and valleys are taking on a new aspect, and the great interest in afforestation has already resulted in



overcoming the barrenness of portions of the hill country and restoring some of its historic verdure.

Altogether, this new agricultural movement in Palestine is a most interesting effort. While largely still in the experimental stage, there seems to be safety in concluding that an agriculture can be developed that will contribute very definitely to the establishment of a Jewish homeland and at the same time measurably improve the lot of the Arab fellahin. But it will cost a sizable amount of money for land improvement, for irrigation and other reclamation, for completion of present colonies and the establishment of others, and

for continued agricultural research and education.

The problem, in its broader aspects, is twofold: to increase the productiveness of the land, involving both soil improvement and maximum conservation, development, and use of the irrigation water supplies; and to establish crop and livestock adaptations and cultural and management practices with reference to them, which will permit a higher standard of living among the agricultural population and be commensurate with the local needs of Palestine and with such opportunities as may be found to exist for the marketing of agricultural exports.

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Jewish Colonization in Palestine

By J. ELAZARI-VOLCANI

THE War put a stop to the development of Jewish agriculture in its earliest stages. Communications with the world were severed; local products could not be exported, and it was impossible to import those commodities on which the progress of agriculture depends. The mechanical and biological means for combating the 1916 locust invasion were lacking, and though the farmers saved most of their plantations from destruction, years of toil were necessary to restore their original productivity. The shortage of draft animals due to Army requisitions made impossible the proper cultivation of the plantations and consequently diminished their resistance against diseases and pests. Isolation from foreign markets and the extra expense incurred in changing the irrigation machinery because of the lack of petrol resulted in burdening the colonies with debts. Moreover, the markets were not reopened immediately after the conclusion of peace. In many countries the purchasing power decreased because of inflation and economic depressions. All the prewar efforts and all the hardships endured were rendered futile, and in 1921 the foundations of improved agriculture had to be laid anew with new forces.

RECLAMATION AND IMPROVEMENT PROJECTS

The land may be divided into three main types: the valleys, the coast, and the mountain range. The naturally fertile soil is covered with swamps and is not only itself unsuited to intensive cultivation, but prevents the development of wide areas within a radius of

miles. The dry land is exhausted; it yields niggardly crops even in good years, and in bad years it no more than returns the seed. The sands of the shore in their present state are not suited for cultivation. The hills, which were formerly terraced and covered with trees, are for the most part bare. In their present state they are not suitable for planting. The rains every year not only sweep away the remaining layers of soil on which they fall, but instead of permeating the soil, form swamps on their way to the sea. The soil can be rejuvenated by drainage and regulation of water on swampy grounds; by improvement and preservation of the fertility of non-irrigated lands; by introduction of irrigation on irrigable land; and by afforestation of sands, and afforestation and terracing of the hills.

The total area in Jewish hands is about 325,000 acres, of which 212,500 have been acquired during the past ten years. Before the Jewish agricultural settlements could be established on the land acquired by the colonization agencies, it was necessary in most instances to reclaim the swamps, ameliorate the land, and provide water for drinking purposes and in some cases also for irrigation. The draining of the swamps not only freed these territories from malaria but also opened up surrounding districts, owned by both Jews and Arabs, which were previously uninhabitable. Thus, for instance, Benjamina, a Pica (Palestine Jewish Colonization Association) settlement in Samaria, which now supports a population of about one thousand and can provide for about a



thousand more, was formerly occupied by only twenty to thirty families.

A second example are the Kabbara swamps, also in Samaria, having an area of about fourteen hundred acres which was used for several months in the summer by the Bedouins to graze buffaloes. The Pica already has reclaimed about three quarters of the land and made it suitable for cultivation. It is of interest to note that the Bedouins formerly residing on this land were among the three to four hundred workers employed in the construction of the thirty kilometers of canals, and have been given suitable dwellings.

A third striking example is the reclamation of the land by the Jews in the Valley of Esdraelon (Emek Israel). The smallholders workers' settlement in Nahalal, now supporting a population of over six hundred, was considered as cursed, and the few inhabitants who braved the nine hundred acres of swamps were afflicted with virulent malaria. Similarly, the swamps of the Nuris Block—4,000 of the total area of 8,250 acres—have been drained. By improving the channel of the Kishon River, the Jewish National Fund has made available 25,000 acres for intensive cultivation. A reclamation project which will be of great significance to the future of Palestine, is the drainage of about 15,000 acres of the Haifa Bay, undertaken and financed by the Jewish National Fund and the Haifa Bay Company.

Space does not permit describing all of the reclamation done by the Jews, of benefit to them and their Arab neighbors. The draining of the Charkes swamps has freed 5,000 acres from malaria and the area will be the home of five hundred agricultural families and two thousand workers. The Athlit swamps of nearly 750 acres now form one of the healthiest spots in Palestine, with a successful salt in-

dustry established. The 2,500 acres of Kubebei (near Ness Ziona in Judea) will provide the land for intensive plantation colonies, the Experimental Station, and the Girls' Training Farm. The flourishing citrus colony of Herzlia was possible only after the swamps had been drained.

All the crop lands bought by the Jews also have to be improved before they can be put under cultivation, at a cost of about twenty dollars an acre. Approximately about one and a half million dollars have been spent.¹ The Jewish National Fund also spent about \$700,000 in planting 1,225,000 trees on an area of about 1,500 acres. Of considerable importance will be the afforestation by the Pica of the Kayseri land, comprising an area of over 8,500 acres, received as a concession from the Government, of which over 300 acres have already been planted with eucalyptus trees, at a cost of about \$50,000. The stabilization of the sands in the region was of great benefit to the railway running between Palestine and Egypt. To complete the afforestation will require about \$100 per acre.

Good communications are a *sine qua non* of modern agriculture. "The ship of the desert" (the camel) will not do for transporting farm produce to the centers of consumption, especially dairy produce and vegetables. The Jewish institutions have spent about \$450,000 on the construction of arterial roads.

To summarize: The various Jewish bodies have spent over one and a half million dollars and will spend at least another half million in reclaiming swamps, ameliorating land, and so forth, of the present holdings. These public institutions have also spent about one and a half million dollars for

¹ In converting the Palestine currency into dollars, a £ has been considered at par—about \$4.86.



water supplies for drinking purposes and irrigation. This is exclusive of the expenditure by private people. The total investment by the public Jewish bodies for amelioration, drainage, afforestation, and construction of roads is about \$5,000,000.

THE COLONIZATION FUNDS

1. *The Zionist Organization*—

The Zionist Organization comprises the Keren Kayemeth (Jewish National Fund) and the Keren Hayesod (Palestine Foundation Fund). The Palestine Land Development Company, Ltd., a company limited by shares, is also under the supervision of the Zionist Organization. The Palestine Land Development Company, Ltd., acts as the land purchasing agent for the Keren Kayemeth and for private people. The Keren Kayemeth acquires and prepares the land, and provides water for drinking but not for irrigation and afforestation. The Keren Hayesod provides the settlers with buildings, implements, cattle, and irrigation installation.

The following principles govern colonization by the Zionist Organization:²

- (1) The land remains in perpetuity the property of the Keren Kayemeth, and the settler pays a rental to it for the use of the land.
- (2) A settler is allotted no more land than a family can cultivate with its own labor.
- (3) The unit of land allotted is 25 to 33 acres heavy non-irrigated soil, or 6.25 to 7.5 acres heavy irrigated soil, or 3 to 3.75 acres irrigated plantation (citrus) soil.

²Since October 1929 the Jewish Agency for Palestine has replaced the Zionist Organization as the colonization institution in Palestine.—H. V.

- (4) The cost of equipment per settler, *exclusive of land*, must not exceed about \$3,500.
- (5) Usually, groups who have worked as agricultural laborers in Palestine, in most instances for not less than five years, are colonized.
- (6) The practice has been for those being settled to select one of two forms—the “Kvutzah” or the “Moshav.”

The Kvutzah is a coöperative agricultural settlement managed by a committee elected from among the members. The different kinds of work are distributed among the members, who generally specialize in various branches. The Kvutzah is responsible for the maintenance of the members and their families residing there. The proceeds are distributed according to the needs of the members.

The Moshav (workers' smallholders' settlement) is constructed in the form of a village, each settler having and working his own holding, residing in his own home, and having his own property. But all buying and selling; the work with the heavier agricultural machines; the maintenance of the bulls; and the educational and social organization of the villages—all of these are coöperative. The exclusion of hired labor; mutual aid; and membership in the coöperative institutions are obligatory upon every member of the Moshav.

The Keren Kayemeth has invested nearly \$10,000,000 in the purchase and the amelioration of land, water supplies for drinking, afforestation, and certain structures. Of this amount, about \$7,000,000 was spent for land. About \$9,000,000 has been invested since 1920. The Keren Kayemeth has about 72,000 acres, of which over



65,000 acres have been acquired during the last ten years.³

The Keren Hayesod has invested about \$6,000,000 in establishing 1,435 agricultural holdings (farm units), of which 588 are in the Kvutzoth and 843 in the Moshavim. These 1,435 holdings have 4,000 heads of high-grade cattle and 92,000 pure-bred fowl, and cultivate approximately 40,000 acres. Most of these 1,435 holdings are concentrated on the heavy soil of the Valley of Esdraelon (the Emek), near the Sea of Galilee and the Jordan River.

2. *The P.J.C.A.* (Palestine Jewish Colonization Association) —

The colonization work of Pica is concerned now with the establishment of new colonies in Samaria—from Athlit to Hedera (on the coast)—and with the extension of its old colonies in Lower and Upper Galilee and in Judea. By going over to more intensive colonization and reducing the unit area, there is a twofold advantage. New areas are opened for new settlers, and the old settlers go over to intensive cultivation with the proceeds obtained by the sale of a portion of their land.

The Pica had 93,500 acres at the end of the War. Since the War the Pica has purchased another 21,000 acres (exclusive of the over 10,000 acres acquired by concession). Approximately \$1,500,000 has been invested in land; \$1,250,000 in swamp drainage, soil amelioration, and water installation; \$360,000 in road building and the Petach Tikvah-Lyddah Railway line and in afforestation; and \$150,000 in the rehabilitation of the plantations in Judea after the War. In all, the

Pica has invested L.P. 7,500,000 in land and colonization. The Pica has also invested about \$2,500,000 in such enterprises as the Grand Moulins, the perfume industry, and the Rutenberg scheme of electrification (which will play an important rôle in agriculture).

Of the Pica colonies in Samaria, Benjamina is deserving of special mention. It was built, as stated previously, on swamp ground, the drainage of which cost about \$235,000. (A further \$50,000 will be required to complete it.) Important experiments have been made in the organization of this colony, the results of which will be of great importance to new colonies. Irrigation crops, aromatic plants, pure-bred cows from abroad, modern stalls and a modern dairy, and new machines for plowing, canalization, and the leveling of the ground were introduced. Over \$250,000 has been expended on experimenting and administrative work, and another \$250,000 for the equipment of the settlers. The settlers, with own means, are installing irrigation plants and developing citrus groves.

Another important Pica undertaking in Samaria is the founding of the Hanna Pardess (Pardess Hana). Ninety-three farmers' families with three hundred individuals already have been settled. The plan is to settle five hundred families and two thousand workers on this area of five thousand acres, of which four thousand acres can be irrigated. The amelioration of the soil and the irrigation installation cost sixty-five to ninety dollars per acre.

The establishment of each agricultural unit will cost \$6,000 to \$7,000. The total investment in the farms, of which the Pica's share is 60 per cent, will come to about \$3,500,000, while the settlement of the workers will cost \$1,500,000, making a total of \$5,000,000 for the entire undertaking.

³ The Palestine Land Development Company, Ltd., has purchased for and resold to the Keren Kayemeth, to private companies, and to individuals, about 117,000 acres of land, of which 41,600 acres were sold to the last two categories for about \$3,500,000.



In addition to the foregoing, Pica has settled since the War, either in new colonies or by increasing the capacity of old colonies, 150 families in mixed farming and 50 families on plantation land, and facilities have been prepared for the settlement of a further 1,000 families.⁴

3. *Unorganized private capital*—

Unorganized private capital (as distinguished from the corporate bodies referred to above) is being invested for the most part in citrus plantation, and to a much smaller extent in mixed farming—made up of citrus growing, dairying, truck farming, and aviculture. As against 600 plantation farms in 10 plantation colonies ten years ago, there are now 1,347 in 34 plantation colonies. The citrus area has increased from about 2,500 acres

to 17,500 acres. The area of plantations of all kinds ten years ago was 27,675 acres and is now 51,500 acres. The population of the plantation settlements has increased from 5,654 to 21,977.

The distribution of the \$50,000,000 invested in the plantation zone is shown in Table I.

IMPROVED METHODS OF CULTIVATION
IN THE FALHA ⁵ ZONE

The farm of the fellah ⁶ is one-sided; it is based on a two-crop rotation—summer crops and winter crops—and its mainstay is grain growing. An acre produces from 200 to 240 kilograms of wheat; the total income from a feddan (about 37.5 acres) is \$250 to \$290. With his farm in its present form, the fellah is doomed to everlasting poverty. The income from the same area under mixed and improved farming is \$1,200 to \$1,450, or a net profit in produce consumed on the farm and in cash of \$650 to \$850.

To raise the income of the farm from its present low level to that in other countries, it will be necessary to prepare the soil thoroughly, increase and maintain fertility, increase yield from existing crops, introduce new crops, diversify the agricultural branches, and improve organization. All of these require new methods of work, “a new cropping system,” new methods of fertilization, and a departure from the accepted seasons for sowing; the improvement of the existing varieties, selection and crossing with varieties from abroad, preliminary experimentation, acclimatization of foreign plants, improvement of local cattle breeds, and plantations adapted to heavy soil.

From the primitive husbandry of the fellah to the improved mixed farm is a long and thorny way—literally

⁵ Grain.
⁶ Peasant.

TABLE I

	Area (in acres)	Capital Invested (in thousands of dollars)
Citrus fruit:		
Orchards—fruit bearing	2,880	\$8,065
Orchards—2-4 years . . .	10,137	12,164
Orchards—1 year	3,290	2,632
Other plantations	13,341	5,337
House yards	4,412	4,412
Field crop area and fallow	44,407	8,881
Total value of land and plantation		\$41,491
Buildings		7,500
Livestock		365
Machinery, tractors, etc.		225
		\$49,581
Total		

⁴In addition to the above two colonization agencies, there are a number of private companies and plantation companies, of which the more important are The American Zion Commonwealth, Inc., the Meshak, and the Gan Chaim Corporation, Palestine Plantations Company, Ltd., and the Jaffa Plantations, Ltd.

thorny. Soil which produces corn that does not reach the knee and in many places has to be pulled out with the hands because it cannot even be reaped with a sickle, and can only rarely be reaped with a machine, shoots with thorns and weeds that are taller than a man's height.

In contrast with the one-sided husbandry of the fellah—exclusively grain farming—the mixed farm includes dairying, cattle raising, poultry raising, plantations, and vegetable growing. The trend of mixed farming is the converting of grains into milk, meat, and eggs. Field rotation is based upon the maintenance of a balance between the crops taken from the earth and those returned to it as fertilizers; on the alternation of nitrogen-fixers and nitrogen-consumers; on the economizing of water, by which the life of a plant is determined and on which its yield is dependent; on storing the rain water on non-irrigation land; and on the economical use of spring water on irrigated land. Accordingly, forage crops play an important part in the cycle of rotations. In primitive husbandry there was no trace of them, and indeed it is impossible to raise these on the impoverished soil except after thorough preparation.

The low yields of the local cows is comparable to the scanty crops of the soil. To increase the yields of the cows it was necessary to cross the local cows with imported bulls of superior breeds—or import cows. A local cow gives 700 liters of milk; a cow from a local dam and a Holland sire gives about 2,500 liters. (Thus far, imported Dutch cows have been acclimatized only in a few localities.)

Poultry raising is 100 per cent innovation as regards organization, the selection of the suitable breeds imported—Leghorn, Plymouth Rock, and Rhode Island Red—and the cross-

ing of these with selected local breeds, the care and nourishment of the fowls, the construction of the buildings, the introduction of incubators, and the arrangement of the yards. An average of 150 eggs per hen per year has been attained; that is almost on a par with California.

In vegetable growing, much work has been done on testing varieties, systems of irrigation, rotation, and fertilization. Special attention is devoted to early vegetables, especially potatoes and tomatoes.

In order to diversify the source of income, every farmer has an acre or two of plantations—for the most part all varieties of table grapes which can be raised on heavy soil. The results of the improved methods introduced are shown in the following table:

TABLE II

	1920	1931
Number of cows	200	5,000
Liters of milk sold	100,000	4,261,900
Number of eggs sold ^a		3,310,000
Tons of chickens sold ^a		97
“ “ bananas sold ^a		742
“ “ table grapes sold ^a		444
“ “ vegetables sold ^a		1,550

^a Includes only settlements which have been established or assisted by the Keren Hayesod.

The above figures must be considered in the light of the fact that not all the settlements have received their full equipment and therefore not all have reached their full production capacity. For instance, the production of milk after the farms have their complement of cows will be 20,000,000 liters a year. There are 1,500 mixed farms (units) in the Valley of Esdraelon working 40,000 acres and supporting approximately 10,000 souls. These have about 5,000 cows and 100,000 pure-bred fowls. Each unit comprises from 25 to 30 acres. The



initial equipment of a farm costs about \$3,400; the land and its amelioration, \$2,400 to \$3,400; or a total of \$5,900 to \$6,800. A fully equipped and perfected farm, of which there are comparatively few, costs, *exclusive of land*, \$5,000 to \$6,000. But the importance of such farms lies in the fact that they are the forerunners of rationalized agriculture. It is they that show the way. The new farms will be built with the aid of accumulated experience, and will not have to travel the long road of trials and tribulations.

COLONIZATION IN THE PLANTATION BELT

The Jewish plantation colonies are for the most part situated on the coastal plain, on light, loamy sand-soil. At the conclusion of the Great War, the non-irrigated plantations, such as grapevines (6,000 acres), almond trees (5,000 acres), and olive trees (1,500 acres), occupied four-fifths of the area, and irrigated plantations such as citrus, one fifth. The Jewish citrus area has increased from less than 2,500 acres to over 16,500 acres (of which only about 7,500 acres are now fruit bearing), and is still on the increase.

The vines, the almond trees, and the eucalyptus trees are exotic. They were introduced by the plantation colonies and adapted to the soil and climate only after a long and difficult period of experimentation. The Jaffa orange, on the other hand, has long been naturalized; but the traditional methods of planting and work have been replaced by systems in vogue in other countries—particularly those used in California.

Mechanization, which has replaced hand labor in reclaiming and leveling the land to be used for citrus, has not only reduced the costs but it has also increased the earnings and the ef-

iciency of the worker. Wider spacing increases the earnings of the worker through use of machinery, facilitates the control of disease and pests, intensifies and preserves the fertility, and permits more rational and economical irrigation. With the completion of the Jordan Electric Works, the electric motors, which are cheaper to maintain and easier to run, are replacing the gasoline motors. Considerable headway has been made in the more careful selection of saplings (with the assistance of a special division of the Jewish Agency Experimental Station), and the planting of grafted saplings saves a year. All these improvements have been applied to both the old and the new groves, with the result that crops have increased (400 and more picked cases to the acre is very common) and the average daily wage of the agricultural laborer has increased from 40–50 cents to 85 cents or one dollar.

The cultivation of grapefruit, which was introduced into the Jewish plantation colonies before the War, has increased both in quantity and quality, enjoying the best reputation and a brisk demand on all markets. About 150,000 cases were exported during the last season, and there are 1,000 acres already under cultivation, of which less than half is fruit bearing.

Mechanized grading, sizing, and packing are very gradually replacing the unsatisfactory hand grading, sizing, and packing. Because of the oval shape and other peculiarities of the Jaffa orange, it has been impossible to introduce the American machinery without considerable modification. The unsuccessful 1913 and 1920 experiments in mechanized grading and sizing discouraged the growers from trying again. With the joint coöperation of the Pardess orange coöperative, the Pica, the Palestine Economic Cor-



poration, Inc. (New York), and the Central Bank of Coöperative Institutions in Palestine, Ltd., a modern packing house, equipped with machinery specially manufactured in the United States after a study of the question in Palestine, was put up at the end of 1929. After experimenting for about three seasons it has been possible to adopt the machinery, and mechanized packing houses should proceed much faster than heretofore.

There have also been improvements in marketing. New markets on the Continent and in the Scandinavian countries have been found. Better, quicker, and more direct shipping facilities have been arranged. Coöperation among all Jewish exporters through a kind of an exchange arrangement has reduced the conflicts, duplications, and so forth, and decreased the freight costs. The first steps to organize a Central Exchange (modeled after the California Fruit Growers Exchange) have been taken. But thus far, the Arab growers have been slow to adopt the improved and new methods of coöperative marketing.

The present gross income of an acre of citrus is about \$600, and the net income about \$280 to \$350. A family in Palestine can be maintained on a full-bearing citrus grove of two and a half acres. It costs from \$1,550 to \$2,000 (including the cost of land and irrigation systems) to bring one acre of citrus grove to fruit bearing and profit state.

COLONIZATION IN THE MOUNTAIN ZONE

Amelioration of land for colonization in the mountains involves heavy expenditures, while the sources or agricultural branches of livelihood are even poorer and fewer than those in the plains. Only with the introduction of new branches can the agriculture be

improved. In the vicinity of Jerusalem, two Jewish settlements have been established: one—Kiryath-Anavim—on the road to Jaffa, and one—Ataroth—on the road to Nablus. Both are to be regarded only as a beginning, and are important only as advance scouts for the modernization of husbandry in the hill country. Innovations have been made in terracing and in water supply; fruit trees adapted to the climate of the hills have been planted, most of them imported (table grapes, apples, and pears); dairies have been established and supply milk to Jerusalem; Dutch cows, whose productivity is higher than that of the best cows in other settlements, have been acclimatized; poultry raising is also developing satisfactorily. The equipment of the two settlements, *which support 43 families*, cost \$130,000.

AGRARIAN INDUSTRIES

The most important agrarian industries in the country are:

- (1) Grands Moulins, including Matzoth Bakery
- (2) Wine Cellars of Richon-le-Zion and Zichron-Jacob
- (3) Perfume industry
- (4) Oil industry
- (5) Dairy industry ("Tnuva")
- (6) Citrus produce industry

(1) The investment in the Grands Moulins of Haifa and the Matzoth Bakeries which were established by the Pica is over \$1,000,000, and the annual turnover about \$1,200,000. They employ 70 workers during the eight months in the year, and an extra 20 workers during four months of the year. The daily capacity of the mills is 50 tons of flour.

(2) In all, nearly \$1,000,000 has been invested in Wine Cellars which are also a Pica venture. The annual turnover is about \$325,000. The num-



ber of workmen employed is 70. The Wine Cellars also have started the manufacturing of concentrated grape juice, and have improved the winepress and the distillation of alcohol from grapes. The cellars produce today approximately 40,000 hectoliters of wine a year, as compared to 20,000 hectoliters immediately after the War and 60,000 before the War.

(3) The investment in the Perfume Industry, a third Pica enterprise, is about \$200,000. The plant, which employs a permanent staff of ten, is still in its infancy.

(4) The Shemen Oil Press, Haifa, engages in the manufacture of refined oil, toilet soap, and oil cakes for cattle fodder. Its annual output is 3,000 tons of oils, 3,500 tons of cakes, and 900 tons of several varieties of soap. It has a nominal capital of about \$500,000. In all, about \$750,000 has been invested in buildings and machinery. The annual turnover is about \$850,000. The establishment employs 160 workers.

(5) "Tnuva" is a coöperative of agricultural producers. It has eight plants for the Pasteurization of milk and the manufacture of dairy products. Last year it handled about 4,000,000 liters of milk. It also sells vegetables, fruits, eggs, and poultry. It employs 136 people. The turnover last year was about \$700,000.

INSTITUTIONS FOR RESEARCH, EXTENSION, AND TRAINING

1. *The Institute of Agriculture and Natural Science* (generally called the Experimental Station of the Jewish Agency) was founded in 1921 by the Keren Hayesod. The Jewish Agency for Palestine now maintains it. It has the following departments: Biology, Agricultural Chemistry, Entomology, Phytopathology, Agronomy, Plant Breeding, Horticulture (general), Cit-

rus Breeding, Animal Feeding, Poultry Raising, Rural Economics, and Agricultural Extension.

The Institute has a Central Station at Rehoboth and a branch at Gevath, Valley of Esdraelon. The offices, the laboratories, and the Citrus, Feeding, and Extension Divisions are in Rehoboth; the agricultural divisions at Gevath. At the Central Experimental Station there are about 325 acres devoted to experiments in plantations, field crops, and vegetables. At the Station Jabata in the Emek, there are 340 acres devoted primarily to grain experiments, and in different parts of the country about 500 acres.

The useful and noxious wild plants and insects of the country have been studied and classified; about 5,000 species of insects have been reported, and means of controlling them have been devised; the largest herbarium of Palestine, with 50,000 species of plants, has been set up. (The herbarium has been transferred to the Hebrew University, Jerusalem.) New useful and decorative plants have been introduced; the types of soil in different parts of the country have been studied; the composition of the different products of the country has been investigated; the principal fungi and bacteria which cause disease among plants have been collected and studied, and methods of controlling them determined; the amelioration of land, methods of cultivation, crop rotation, fertilizers, and systems of irrigation have been studied. The seed varieties of the land have been studied; cereals, fodders, and industrial plants have been improved by selection and crossing; exotic plants have been introduced and hundreds of new varieties of plantation trees have been studied. A beginning has been made in the selection of citrus plants; poultry husbandry has been improved by



selection, nutrition, and care; facilities have been created for the intensive study of cattle feeding problems; and different types of agricultural economy have been studied. The Extension Department, by means of demonstration fields, publications, lectures, courses, institutes, and inspection tours of the farms, has increased productivity and profitability of agriculture.

The Experimental Station has thirty-six on the staff. It has an annual budget for research and extension of less than \$60,000, and has released about 120 publications, dealing with most of the branches of agriculture.

2. *The Agricultural School in Mikveh-Israel* was founded in 1870. It has an area of 650 acres and embraces every branch of agriculture; grain land, irrigation land, non-irrigated land; irrigated plantations, non-irrigated plantations, dairying, poultry raising; and wine. In the last ten years the land under fodder cultivation has been considerably extended, particularly irrigated fodder; the grain crops have been increased; the area of citrus orange groves has been increased from 30 to 75 acres, and that of the vineyards from 50 to 62 acres. The cattle have been improved by crossing with a Holland bull. The cattle number 100 head. High breeds of poultry have been introduced. The number of chickens is 800. The apiary has been improved by importing queen bees of an Italian strain.

The annual budget is about \$85,000, of which less than one third is covered by the Alliance Israelite Universelle.

The teaching staff numbers ten specialized teachers. In addition, the institution employs 120 workers (laborers and office staff). It has a three-year course, and there are 190 pupils. There are 586 prewar and 474 postwar graduates—total 1,060.

3. *The Agricultural School for Girls in Nahalal*, founded in 1923–24, occupies an area of 125 acres and embraces the principal branches of agriculture; cereals cultivation, plantation; vegetable growing, flower gardening, dairying, aviculture, and apiculture.

The annual budget is about \$15,000. The teaching staff numbers eleven specialized teachers, the Director and bookkeeper. To date, 118 pupils have completed the School Course, and 92 per cent have established themselves in agricultural work in the country.

4. *The Children's Village of Ben-Shemen*, founded in 1927, occupies an area of 137 acres. The annual budget is about \$40,000. The teaching staff consists of 10 specialists and 25 other workers on the farm, in the household, and in the administration. The course is divided as follows: kindergarten, 3 years; children's society, 4 classes, 8 years; adolescents' society, 2 years. The principal cultures are grain growing, dairying, vegetable growing, horticulture, poultry raising, and bee keeping. An orange grove is being planted.

5. *Women's Training Farms* were first instituted in 1923. They give practical training to women in all kinds of agricultural work, for a period of two to three years. Those completing the course generally become members of the coöperative agricultural settlements (Kvutsoth) or of the smallholders' settlements (Moshavim). There are at present six Women's Training Farms, occupying an area of 115 acres, where 120 workers are being trained. The principal phases of agriculture on which they specialize are dairying, poultry raising, vegetable cultivation, and nursery gardening.

In 1930 a seventh Women's Training Farm was founded, which has 112 acres and room for 100 trainees. The annual budget will be about \$100,000.



AGRICULTURAL ORGANIZATIONS

1. *The Palestine Jewish Farmers Association—*

The membership of this Association today numbers about twelve hundred farmers from the non-workers' settlements. Its object is to protect the interests of the farmers and to promote the progress of agriculture. One of its most important departments of work is that for citrus, which finances considerable experimental work. The Association publishes a weekly paper, *Boust'nai*.

2. *The Agricultural Workers Organization—*

The aim of this organization is twofold: to protect the interests of the worker and to qualify him for colonization. As compared with 324 members in 1920, the Organization now numbers more than 7,500 agricultural workers in the colonies alone; 1,500 members in 30 Kvutsoth (coöperative agricultural settlements); and about 1,200 organized in 16 groups for colonization on an individual basis (smallholder settlements). The Organization publishes an agricultural monthly entitled *Hassadeh*.

SUMMARY

During the past decade, close upon \$50,000,000 have been spent on the building up of Jewish agriculture in Palestine. Of this amount, about

\$17,500,000 have been expended upon land purchases; over \$5,000,000 upon ameliorations, the elementary preparation of the soil such as swamp drainage, irrigation, afforestation, road building, and first plowing; and over \$3,500,000 on the more important agricultural industries. The share of the Zionist funds—the Keren Kayemeth and the Keren Hayesod—in these investments has been more than \$15,000,000; that of Pica, in colonization and agricultural industries, \$10,000,000; and that of private capital, nearly \$25,000,000. About 2,700 agricultural farms (units) have been established, and there has been an increase of over 27,000 in the agricultural population. Land and facilities have been prepared for establishing about 4,000 more homesteads within the next few years.

This colonizing achievement should be appraised not by world standards but by pioneering standards, as the vanguard of later achievements, greater far than itself in extent and scope, in every field of agriculture. Jewish agriculture already constitutes a modern entity complete in all its organs: institutes of research equipped with laboratories and experimental farms; up-to-date educational institutions; coöperative institutions; credit institutions; and professional agricultural literature. The way to further colonization on a large scale is therefore paved.

J. Elazari-Volcani has since 1921 been director of the Agricultural Experiment Station of the Jewish Agency for Palestine. From 1912 to 1921 he was manager of the farm Ben-Shemen, and chief expert of the Zionist Palestine Bureau. Between 1917 and 1919 he was director of the Zionist Department of Colonization and member of the Zionist Commission to Palestine. Mr. Volcani is the author of many books and articles dealing with his specialty, the most recent being a study of "The Fellah's Farm" (1930).



Commerce, Industry, and Banking

By A. P. S. CLARK

ONE of the results of the Great War has been the emergence of Palestine from a position of economic obscurity as an insignificant part of the Turkish Empire, to one of growing importance in the Near East. The student at the close of the nineteenth century could have found here scant material for study, except in so far as it related to Biblical associations and to recurring religious conflicts.

PREWAR PALESTINE

Palestine before the new era with which we have to deal was a primitive agricultural country. Cereal crops were grown mainly for home consumption; barley in small quantities was shipped to Europe for malting. Olive oil formed the basis of an industry centered round Nablus, which supplied the Moslem Egyptians with soap free from animal fats; and oranges found an appreciative market abroad, especially in England. No new crops, however, were attempted, the native farmer being satisfied with dragging out a poor existence from a soil and climate the potentialities of which he left unexplored. Nor did he realize the possibilities of Palestine's position as the bridge between Europe and the Middle East. The land of proverbial fertility, the route of marching nations, had become a backwater. Until the latter half of the nineteenth century, no wheeled cart moved across its tracks; at the outbreak of the Great War it had seen only one automobile pass by.

BEGINNINGS OF CHANGE

Change, however, had begun before the War, coming from two main direc-

tions almost simultaneously. Groups of religiously minded Germans made their way to the Holy Land, occupying themselves in cultivation and handicrafts, whilst the national revival among the Jews in the Diaspora inspired the beginnings of the re-settlement in their ancient homeland. The German Templar Colonies were founded in 1868, Jewish immigration began in 1870, in 1892 a French company built the first railroad (between Jaffa and Jerusalem), and under such stimuli the country began to rouse itself.

These movements from the West opened the way for increasing numbers of tourists and pilgrims, and encouraged new industries such as the making of souvenirs and articles of piety, while at the same time enlightened methods of cultivation resulted in the expansion of grape growing for the vinting of wine, and of orange plantations. Exports began to assume comparative importance as shown by the following table of oranges shipped to England:

TABLE I

Season	Cases
1890/91.....	177,134
1900/01.....	250,000
1910/11.....	628,013
1913/14.....	910,548

In Palestine, demand gradually grew for foreign products such as cotton piece goods, timber and iron for building, packing material for oranges, and petroleum. Imports into Palestine for the last prewar year totaled LE1,616,000;¹ exports, LE1,093,000.

¹LE = Egyptian Pound. Par value about \$5.00.



In banking, the changing situation was reflected in the opening of branches of the Imperial Ottoman Bank, Deutsche-Palästina Bank and Crédit Lyonnais to serve the needs of the growing foreign communities and of the expanding trade with Europe, while the Anglo-Palestine Company, Limited and coöperative credit societies provided the Jewish settlers with their own banking institutions.

AFTER THE WAR

With the removal of the Turks, however, the setting up of a civil administration in July 1920, and the opening of the country to Jewish immigration, a new era was begun. The impoverished condition of the farmer, who during the period of the military campaign had been unable to attend to his crops, was a matter of immediate concern to the Government, and arrangements were made with the newly established British Bank—now Barclays Bank (Dominion, Colonial and Overseas)—for a loan of £500,000 for short and long-term agricultural loans. The military railway from the Suez Canal across the Sinai Desert to Ludd was extended to Haifa, roads were built, and telephone and telegraph communications established.

With no visible natural resources and with half the country said to be unsuited to agricultural enterprise, it was hard to visualize development of importance. Nevertheless, these drawbacks did not deter the Jewish settlers. Large tracts of land, belonging for the most part to absentee landlords who were only too anxious to turn into hard cash properties which they had been unable to cultivate fully, were soon bought and the first steps in the establishment of new agricultural colonies were taken.

At the same time this influx of people with a trading experience of

generations and a later though intensive experience in workshop and factory, branched into the towns, where several large and a few thousand small industrial enterprises were set up.

Before the War, apart from soap and wine industries and the making of Hebron glassware, no manufacturing processes were carried on. The simple needs of the inhabitants were supplied by the local craftsman, who had carried on his art of weaving carpets, mats, and cloth, of tanning, and of pottery, by the same crude methods as his ancestors', while the requirements of the wealthier classes were imported.

These provisions for the needs of a prewar Palestine were, however, totally inadequate to the demands of the postwar immigration of westernized people. Imports therefore increased rapidly. The adverse trade balance which before the War had been only a few hundred thousand pounds quickly assumed disconcerting proportions, prompting the inquiry as to how it was to be covered in the future. This position naturally gave a stimulus to the newly arrived manufacturing experts, the skilled workers, and the owners of capital, who were ready to take advantage of every opportunity for filling the vacuum. They set themselves the task of supplying the local market with as many products as possible. To them it was at once a natural way of earning a livelihood and a contribution towards the up-building of the country.

INDUSTRIAL BEGINNINGS

The early years of this industrial movement were full of difficulty and disappointment, but nevertheless progress was maintained. Thanks to the support of the new population, actuated by a spirit of loyalty and of devotion to the country's future, the use of home products, which at first



was largely uneconomical, was popularized. Without this support it is doubtful if many of the new ventures would have survived. Another help to some of the infant industries was the proximity of potential markets. It is clearly better for, say, a department store in Cairo to order small quantities of goods from Palestine and have them delivered fresh within three or four days than to have to hold large

with a capital of LP518,876, of which one cement factory accounts for LP300,000. The amount invested is not large when it is noted that from 1924 to 1931, building in Palestine (excluding Government public works, military expenditure, and building in the colonies and villages) has absorbed over LP11,500,000. The tendency for the local building industry to develop is shown in the following table:

TABLE II

Year	Amount Invested in Building (excl. Public Works) (in LP) ^a	Import of Cement (Tons)	Export of Cement (Tons)
1925.....	2,058,700	82,540	.....
1926.....	1,141,000	29,100	2,100
1927.....	770,100	23,300	9,000
1928.....	692,500	14,200	11,500
1929.....	1,741,700	8,000	7,600
1930.....	2,448,700	5,150	12,400
1931.....	2,720,700	4,725	14,988

^a LP = Palestine Pound. Value equal to pound sterling.

stocks of perhaps unsalable goods, to replace which from Europe would take some weeks.

The new industries set up fall into three categories: first, such as are indicated by the obvious requirements of the country, as, for example, cement, bricks and tiles for building, and electricity in the absence of the usual forms of fuel; then, such as are based on the raw materials found or produced locally—chemicals from the Dead Sea, salt, edible oil extraction and refining, and flour milling; and finally, such as are made possible by the knowledge and skill of the new immigrants.

BASIC INDUSTRIES

The Government census of industries taken in May 1928 shows 198 establishments connected with the building industry (excluding timber),

Part of the fall in imports of cement may be ascribed to the decline in annual building activities between 1925 and 1928; but the great increase in building since 1928 is accompanied by an equally striking decrease in the amount of cement imported and by an increase in the amount of cement exported. Recognition of the quality of local cement is afforded by its exclusive use in the construction of the new harbor at Haifa, which is costing approximately LP1,250,000.

With regard to electricity, a large hydroelectric station at Jisr Majamie (at the junction of the Jordan and Yarmuk Rivers) has recently been completed, which, together with the reserve stations at Haifa, Tel-Aviv, and Tiberias, involved a capital outlay of about LP900,000. It should now be possible to supply cheap power for



irrigation purposes in the citrus plantations and to the workshops and factories in industrial centers.

INDUSTRIES USING LOCAL RAW MATERIALS

Of the second category of industries—those based on the raw materials found or produced locally—the largest is Palestine Potash, Ltd., extracting chemicals from the Dead Sea. It is estimated that the Dead Sea has hundreds of thousands of metric tons of potassium chloride, magnesium bromide, sodium chloride, magnesium chloride, and calcium chloride. The company, which was organized at the end of 1928 to operate a seventy-five year concession, is engaged in completing its plant. Some bromides and potash have already been exported.

In the second category of industries, the olive and sesame oil presses and the soap manufactories are of special interest, as they give a picture of an indigenous occupation which had assumed importance long before the War and which had also modern methods applied to it.² Three hundred and sixty-four of the 522 establishments extracting olive and sesame oil were in existence before the War; 493 work by animal power in most cases, that is, by means of the circumambulation of a blinkered donkey or camel. Two hundred and eighty-six thousand pounds is invested in lands, buildings, machinery, and working capital. The northern subdistrict, which includes Acre, Jenin, Nablus, and Nazareth, the traditional home of the industry, contains 380 establishments (364 of which use animal power) with a total investment of LP39,000, or an average of about LP100. The postwar plant, Shemen Oil Company, at Haifa has a capital of LP250,000.

² Figures are as found by the Government Census of Industries taken in May 1928.

Primitive though the native olive oil presses are, their output forms the basis for the important soap industry, which is composed of 42 establishments, 30 of which are prewar, with a combined capital investment of LP276,000 (an average of about LP6,500) and an output of over LP350,000 in 1927. They all use hand power only. Twenty-four establishments are located in or near Nablus, with a capital of LP230,000 and an annual output valued at LP240,000.

The following table of exports of laundry soap, mainly to Egypt, shows that the slump in world prices has hit this largest of the native manufactures. The price movement is interesting, the quantity exported in 1927 being 5,316 tons; in 1930, 5,945 tons; and in 1931, 4,047 tons.

TABLE III

Year	LP
1925.....	254,100
1926.....	174,600
1927.....	233,000
1928.....	222,900
1929.....	214,100
1930.....	204,900
1931.....	119,941

The soap, however, is of a kind which people of European tastes would not wish to use. Their demands are met partly by import and partly by the output of the Shemen Oil Company and other smaller firms. The import into and export from Palestine of toilet soap is given in Table IV, in LP.

IMPORTED INDUSTRIES

The third category is the most interesting from the point of view of the postwar development of Palestine—the category of industries that have been made possible primarily by the knowledge and skill of the new immigrants—and it includes a host of



TABLE IV

	1927	1928	1929	1930	1931
Import.....	1,600	1,000	1,100	900	772
Export.....	1,100	1,600	1,100	1,400	2,548

articles never before made (many never before seen) in Palestine. Iron bedsteads, carpets, biscuits, custard powder, preserved fruits, preserved fish, cigarettes, paper bags, cardboard boxes, leather, upholstery, refrigerators, cinema films, boot polish, hosiery, pyjamas, macaroni, fruit juice, aerated waters, knitted goods, combs, ice, glue, sacks, concrete pipes, iron safes, bath stoves, bathing costumes, blankets, thread, praying shawls, ropes, neckties, hernia trusses, umbrellas, candles, scouring powder, fertilizers, poultry feed, perfumes, matches, lithographic stones, automobile bodies, mirrors, envelopes, toothpaste, insect powder, artificial teeth, razor blades—these are some of the articles newly produced in Palestine.

Of the 3,505 industrial establishments enumerated as at the end of 1927 by the Government Census of Industries, 1,236 were prewar and 2,269 postwar. Their geographical distribution and the types of power used are interesting. (See Table V.)

It will be seen that the newer industries have gone to Haifa and Tel-Aviv. The tendency towards Tel-

Aviv is not shown as marked as it really is, since the municipal boundaries include within Jaffa (which is contiguous to Tel-Aviv) districts which ethnographically and industrially really form part of the new town.

SIZE OF INDUSTRY

The size of the new industrial undertakings is best shown by taking Tel-Aviv, which is almost entirely postwar and for which figures are available (Census of Jewish Industry and Handicrafts taken by the Jewish Agency) for 1929. The 294 industrial enterprises then enumerated (including the Palestine Electric Corporation) had a total capital investment of LP578,015; that is, the average capital was under LP2,000. There were also 699 establishments of handicrafts of various kinds; that is, workshops turning out articles for local consumption, employing, with owners, not more than four persons each. These had a combined capital of LP62,000—an average of under LP90. The average capital of both classes of industrial enterprise in Tel-Aviv is thus only LP645. The smaller enterprises predominate.

TABLE V

	Prewar	Postwar	Total	Types of Power		
				Hand	Animal	Motor
Jerusalem (including Motza and Ein Karem).....	167	491	658	568	10	80
Jaffa (including Sarona and Beit Dajan).....	93	166	259	197	1	61
Haifa (including various villages and colonies).....	82	239	321	173	41	107
Tel-Aviv (alone).....	26	258	284	178	..	106



Figures for the consumption of electricity show the tendencies at Tel-Aviv:

employing 218 people. The import and export figures for the industry, shown in Table VIII in LP, tell the story.

TABLE VI

	1930	1931
No. of artisan and industrial consumers.....	608	646
No. of electric-driven motors.....	966	1,156
Horse power.....	3,431	4,240
Consumption in kilowatt hours.....	980,000	1,400,000

The industrial consumption in 1924 was 39,100 kilowatt hours.

The total consumption of electric power from all Palestine electric corporations is given in the following table. (The corporation does not supply Jerusalem and district.)

TABLE VII

	Number of Consumers	Kilowatt Hours Sold
1930.....	10,612	5,352,630
1931.....	12,020	8,442,791

Presentation of figures connected with certain of these industries will complete the picture, and as examples we may take the manufacture of stockings, handbags, cardboard boxes and artificial teeth.

Before the War there was one establishment making hosiery; the personnel consisted of the owner, and the capital invested was LP15. Since then five more have been established—one in Jaffa with a capital of LP30 and personnel of 1, and four in Tel-Aviv with combined capitals of nearly LP56,000,

The factory for making handbags was established in 1927. Exports began in 1928 with LP900 of goods, increasing to LP3,900 in 1929, LP6,300 in 1930, and LP6,033 in 1931.

The seven establishments for making cardboard boxes are all postwar and explain the decrease in the import of cigarette and tobacco boxes from LP22,200 in 1927 to LP199 in 1931. At the same time exports rose from nil in 1926 to LP600 in 1927 and LP2,234 in 1931.

The artificial-tooth factory commenced working in 1926. Its exports were valued at LP1,100 in 1927 and have increased year by year to LP16,152 in 1931.

Similarly, the value of the exports of biscuits, fruit juice, cement, tin manufactures, mirrors, beds, boots and shoes, neckties, embroidery, upper leather, wearing apparel (from LP2,200 in 1925 to LP15,924 in 1931), and books (LP10,231 in 1931) has gone up.

Coincidentally, the import of the raw material for these manufactures has increased, but the import is not merely for consumption but for the

TABLE VIII

	1925	1926	1927	1928	1929	1930	1931
Imports.....	52,700	43,900	34,600	42,400	31,000	29,100	26,600
Exports.....	400	2,500	12,600	17,500	18,900	19,700	16,100

application of skilled processes, hitherto unknown in Palestine, to the raw material.

GENERAL COMMERCIAL EXPANSION

The factors responsible for the expansion of industry in Palestine brought about at the same time a general expansion in the commerce of the country. Imports in 1913 totaled LE1,616,000, and exports LE1,093,000. In 1920 they rose to LE5,549,000 and LE771,700 respectively. The following table shows the figures since 1926.

TABLE IX

	Imports for Consumption	Exports
	(In thousands of LP)	
1926.....	6,594	1,308
1927.....	6,184	1,900
1928.....	6,771	1,487
1929.....	7,167	1,554
1930.....	6,985	1,896
1931.....	5,940	1,572

The apparent decrease in imports in 1930 as compared with 1929, and for 1931 as compared with 1930, is due to the world drop in commodity prices. The principal goods imported, although showing a drop in value, at the same time show an increase in quantity.

Excluding the effects of the world slump, the increase shown in the table is due largely to the importing of such goods as industrial machinery, electrical plant, wood for orange cases, and fertilizers, which themselves improve the internal productive capacity of the country by either stimulating exports or enabling goods to be manufactured in the country which otherwise would have to be imported. Chemical fertilizers are a case in point,

the increasing quantities being required for the expanding citrus plantations.

TABLE X

	Import of Chem- ical Fertilizers
1921.....	Nil
1922.....	LP12,462
1923.....	11,746
1924.....	21,892
1925.....	28,959
1926.....	26,492
1927.....	27,563
1928.....	38,619
1929.....	59,396
1930.....	52,227
1931.....	33,283

Automobiles, without which transport would be chaotic in Palestine, show a similarly notable increase. In 1914 there was only one motor car in the whole country. The following table shows the number imported since 1922.

TABLE XI

1922.....	385
1923.....	229
1924.....	305
1925.....	805
1926.....	767
1927.....	572
1928.....	1,011
1929.....	823
1930.....	848
1931.....	665

The considerable deficit in the balance of trade is compensated for by remittances from abroad received by the institutions of the different communities—Catholic orders, missionary societies, Zionist bodies, and orphan homes and hospitals—by immigrants' capital, by the incomes derived by many of the immigrants from investments in their countries of origin, and by the money spent by tourists on that very impor-



tant asset of Palestine, its religious associations. Exact figures are difficult to arrive at, but it has been conservatively estimated that in the ten years 1919 to 1929 the amount of capital brought into Palestine *by Jews alone* amounted to no less than LP40,000,000. The heavy balance of trade against Palestine hitherto has been righted through invisible exports. But the general world crisis, with the resultant decline in the value of the fellahin's primary products, shrinkage in tourist traffic, falling off of contributions from abroad to all institutions, the restricted immigration, and more recently the fall in the purchasing power of the Palestine Pound (which is linked to the Pound Sterling), makes it unlikely that Palestine will be able to afford for long a continuation of the unfavorable trade balance. (The figures of 1931 imports for consumption given above show a marked reduction.)

CURRENCY

The economic development of Palestine which has been sketched demanded a more stable currency than was afforded by the Turkish money in use before the War. Gold was then the actual medium—French and English as well as Turkish. After the War, Egyptian currency was made legal tender until 1927, when the present Palestine currency, based on sterling, was brought into use. The currency, fully covered in London by cash and approved securities, is in charge of a Currency Board in London, represented in Palestine by the Government Treasurer and by Barclays Bank (Dominion, Colonial and Overseas), who have custody of the local stocks of notes and coins. The unit is the Palestine Pound (equal to £1 sterling), and is divided into 1,000 mils. Notes are issued in various denominations from LP $\frac{1}{2}$ to LP100, and coins,

bronze, nickel-bronze and silver, in denominations from 1 mil to 100 mils. Provision has also been made for a gold coin of LP1 containing 123.27447 grains of standard gold, but it is not intended for the present to mint this. The total currency in circulation on March 31, 1932 was LP2,408,664, made up of: notes, LP2,078,168; silver coins, LP283,000; and other coins, LP47,496.

As the amount of Egyptian currency exchanged for Palestine and repatriated to Egypt by March 31, 1928, when it was demonetized, totaled approximately £1,900,000, the circulation has increased by over half a million pounds, which is a proof of confidence in the currency. An interesting further proof of this is the hoarding in the villages, notes taking the place of the gold that used formerly to be put away.

CREDIT SYSTEM

Just as the economic development of Palestine required a better currency than the prewar, so did it demand more adequate facilities for the conduct of business than were afforded by the prewar private money lenders who supplied such finance as had hitherto been required. Commerce, particularly in its importing side, was managed through agents working on commission, who acted as the link between the exporter abroad and the local consumer. This system is still found sufficient, since the Palestine market is not large enough to make it possible for foreign firms to open branches or to send direct representatives, though this has lately been done by the more important oil companies. But finance demanded more careful organization and had to be adapted to the peculiar needs of the population.

There has resulted a threefold credit



system—money lenders, banks, and coöperative societies. Most of the native peasants—disdainful of paper and mistrustful of people—hoard whatever wealth they possess in gold or notes in holes in the ground; and though many of them live in dreadful poverty, there are still numbers who have fair sums in cash. At the same time, the poor ones are inextricably in debt to the village money lenders, having to pay even two hundred per cent and more in interest.³

Alongside this money lending system exist a strong coöperative movement and a normal banking organization, which between them supply all the commercial and part of the agricultural credits required. The coöperative movement is fully dealt with elsewhere in this volume. In banking, four large institutions and a large number of smaller ones amply provide for all the ordinary needs of the country. This service is, in the main, organized on English rather than on American lines; that is, by large joint-stock banks with branches all over the country, instead of by one- or two-branch banks acting independently. The four banks are Barclays Bank (Dominion, Colonial and Overseas), the Anglo-Palestine Bank, Limited, Ottoman Bank, and Banco di Roma, each of which apart from its general business has some special affiliations which give it particular interests.

Large banks—

Barclays Bank (Dominion, Colonial and Overseas), by virtue of its large overseas connections and its position as banker to the Palestine Government and as Agent for the Palestine

³“The total amount of debt has been estimated at LP2,000,000 and the number of cultivating families may be 80,000 to 100,000.” Report by Mr. C. F. Strickland on the Possibility of Introducing a System of Agricultural Coöperation in Palestine, p. 3, par. 2.—H. V.

Currency Board, may be considered the leading bank in Palestine. As of September 30, 1931, it had a paid-up capital of £4,975,500, reserves of £1,650,000, and deposits of over £60,000,000 at over 400 branches in Egypt, South Africa, and most of the important Crown colonies. In Palestine it serves Jerusalem, Jaffa, Tel-Aviv, Haifa, Nablus, Nazareth, and Acre, with their districts. The Head Office is in London.

The Anglo-Palestine Bank, Limited, with its Head Office in London, is the leading Jewish bank. Its paid-up capital is £300,842, and deposits as of December 31, 1930 totaled £1,865,000. It has branches at Jaffa, Jerusalem, Tel-Aviv, Haifa, Safed, Tiberias, Petah-Tiqva, and Beirut.

The Ottoman Bank, with Head Offices in İstanbul, London, and Paris, was the old Turkish Government bank, and operates principally in territories of the prewar Ottoman Empire and in Egypt, with branches in Jerusalem, Jaffa, Tel-Aviv, Haifa, Nablus, and Amman. Its paid-up capital as of December 31, 1929 was £5,000,000, reserves £1,250,000, and deposits £15,139,000.

Banco di Roma is an Italian institution operating in that country and in Palestine, Syria, and Turkey. Its branches in Palestine, where it handles the accounts of a number of the Catholic institutions, are situated in Jerusalem, Jaffa, Tel-Aviv, and Haifa. Its paid-up capital as of December 31, 1931 was 200,000,000 lire, reserves 62,000,000 lire, and deposits 422,900,000 lire.

Local banks—

The more important among the local banks are the Workers' Bank, the Loan Bank, Ltd. (which grants loans to small urban borrowers similarly to the industrial and personal loan



departments of several New York banks), the Mercantile Bank, the Bank der Tempelgesellschaft (of the German Templar community), and the Mizrahi Bank. All, with the German exception, are Jewish. A small Arab bank represents the beginnings of independent effort among the Palestine Arabs. There is a host of small banks, some with a paid-up capital of only LP1,000 or less. There are other banks which serve special purposes, such as the Central Bank of Coöperative Institutions in Palestine, Ltd., which works only with coöperative societies, both short and long-term financing, and the Palestine Corporation, Ltd., which grants industrial credits and finances the purchase of raw material for industrialists, and extend longer termed agricultural credits to citrus growers.

Native attitude—

The native population are still somewhat shy of banks, preferring to hide their money in the ground or to lend it out at high rates of interest. They cannot yet be said to have acquired the banking habit; nevertheless, banks are extending their influence and are being used to a far greater extent than say five years ago. The use of checks is growing, and traders' accounts are now settled by check instead of with gold or notes as before the War, the use of current accounts by shopkeepers and merchants being found more convenient than the old method of keeping cash in the shop or store and sleeping on it for safety.

Government has encouraged the use of banks by abolishing stamp duty on receipts for cash deposited with them and by halving the stamp duty on checks, which is now 7 mils;⁴ while the practice of thrift is encouraged by the coöperative credit societies and by the

leading banks, which have of recent years introduced a savings service.

The banking system—

In a general way the business of the banks is conducted upon conservative lines, the British system and the British outlook and policy in banking having been introduced into the country with the establishment of the English Government Bank in 1918. Now, with the introduction of the English Bills of Exchange Act, English Company Law, and (shortly) the English Bankruptcy Act, the English system can be regarded as fundamental to the financial situation of the country.

In the absence of suitable local investments, the banks' reserves of cash and money at call are kept in London, due to the fact that the Palestine Pound is based upon Sterling. In this way no local exchange risks are taken.

The commercial banks have a common policy of avoiding anything in the nature of long-term loans, the general run of accommodation being from three to six months. Rates of interest vary from 7 to 9 per cent for advances and loans, and rates on money deposited vary with the fluctuation of the English money market.

There is a tendency on the part of some of the smaller banks to offer unnecessarily high rates for money, in the hope of attracting funds for investment in loans and advances producing 10 to 12 per cent interest. All banks, however, large and small, have withstood the financial strain of the past year or two and have suffered little in the way of losing deposits. No failures have taken place, even among the comparatively large number of small institutions. There is a growing confidence in them on the part of the public, and the chief officers and directors of the banks in

⁴About 3½ cents at par.—H. V.



general are individuals who deservedly enjoy the confidence of the public, and who as a type can be considered good. They are all in close touch with their customers, and by their rectitude in the conduct of affairs and in their general habits of life, they have inspired confidence in their institutions.

Coöperation of banks—

In a general way the banks collaborate in matters of mutual interest, but much remains to be done if the banking structure of the country is to be placed upon a permanent basis and if the banks are to be able to respond to varying conditions in the country. The present short-term credit facilities may be considered adequate. The growing importance of the orange export trade has resulted in especially close collaboration among five banks—the four larger banks and the Central Bank of Coöperative Institutions in Palestine, Ltd.—with a view to influencing the organization of the industry for marketing, providing uniform and minimum rates of interest and rates of advances for cultivation expenses, checking unnecessary borrowing, insuring that the money is used for right purposes, and checking as far as possible the speculative element in the trade.

The increasingly close coöperation between the larger banks, and the general development of banking in Palestine, enable one to predict the emergence of a central institution which will function on the lines of the Bank of England or the Federal Reserve Bank of the United States (though naturally on a modest scale); and already the need for such an institution, capable of insuring reserves for the others, shows the early stage of the evolution of Barclays Bank into the unofficial Reserve Bank of the whole country.

On the whole, the short-term credit requirements of the urban population, and, so far as the Jews are concerned, the seasonal requirements of the rural population, are (with the two exceptions noted in the preceding paragraph) adequately met. But the needs of the Arab fellahin are almost entirely unprovided for, and the extension of the coöperative movement to this element of the population is regarded as a desirable, perhaps even as the indispensable, preliminary of their economic establishment.

Long-term loans—

Long-term credit requirements are provided for mainly by Jewish institutions. In the field of urban loans, the General Mortgage Bank (affiliated with the Anglo-Palestine Bank), the Palestine Mortgage & Credit Bank, Ltd. (a subsidiary wholly owned and controlled by the Palestine Economic Corporation, an American company), and the South African Palestine Bin-yah Company grant housing loans on improved urban property. The total investments of the last-mentioned banks in urban loans of this type aggregate approximately LP275,000. The Palestine Mortgage & Credit Bank, Ltd., also grants long-term loans to the smaller industrial enterprises.⁵

In rural districts, housing loans are granted by the Palestine Mortgage & Credit Bank, Ltd. Long-term agricultural loans are granted by the Palestine Corporation, Ltd. (London), which has invested considerable sums for citrus development, and by the Central Bank of Coöperative Institutions in Palestine, Ltd., for citrus and other agricultural purposes. The Palestine Jewish Colonization Association (Pica) and the Jewish Agency have

⁵ See article in *Palestine and Near East Economic Magazine*, Vol. VII, Nos. 2 and 3, Feb., 1932.—H. V.



also granted long-term loans for agricultural colonization in various parts of the country, especially in the Valley of Esdraelon and other parts of Upper and Lower Galilee.

While it is inherent in the nature of the work that the colonization loans of the two last-mentioned institutions are not granted on strictly business lines, the other banks mentioned above conduct their business in accordance with ordinary banking procedure and require proper security for their loans as a matter of course. The Palestine Economic Corporation, of the United States of America, has sought to combine, in the work of its subsidiaries, sound economic principles with a progressive social policy. In its urban as well as rural credits, the Palestine Economic Corporation favors the smaller borrower and the economically weaker element which otherwise could not find adequate credit facilities. It attempts to compensate for the smaller margin of safety which is inherent in loans of this type, for which collateral security alone can be provided, through strict application of proper administrative principles. In its rural loans, the corporation endeavors to improve the economic situation of the agricultural workers employed in the vicinity of existing colonies, with the ultimate objective of establishing them on a self-supporting basis.⁶

⁶ Thus, for example, in its housing loans it was necessary to educate Palestinian borrowers as to the advantages and economies of group building, and the advisability of construction on a strictly cash basis. In order to prevent the assumption of debts by agricultural workers in excess of their financial ability to repay, the loans to these workers have been granted in stages, beginning with small loans to the poorest economic strata of the agricultural population, up to the final stages of a small holding. The work of the Corporation has not been confined to credit activities, but it has participated as shareholder in a number of Palestinian projects which are of importance in the economic

The Corporation has been markedly successful with its policies, and the delinquencies in the loans granted by it are negligible.

In spite of the extensive character of the long-term credit facilities described above, it must be emphasized that the credit structure of the country will not be complete until that type of urban mortgage bank and mortgage bank for agricultural loans will have been established which will be in a position to find part of its funds in the open market through the sale of debentures. The experience gained during the last ten years in urban and rural mortgage loans in Palestine should encourage the formation of such institutions in the near future.

GOVERNMENT FINANCES⁷

Perhaps the best proof of the change that has been produced in Palestine lies in the state of Government finances, in considering which it is well to remember the derelict condition of the country at the end of the War. At the end of 1930 the Government had an accumulated surplus of LP626,111, after paying LP813,893 as its share of the old Ottoman public debt (Palestine is the only one of the Turkish Succession States which has met its obligations under this head), LP1,-
development of the country, such as Palestine Potash, Ltd., which is extracting potash and other minerals from the Dead Sea; the Palestine Hotels, Ltd., which owns and operates the King David Hotel in Jerusalem; and the Bay-side Land Corporation, Ltd., which owns an important tract of land in the vicinity of Haifa Harbor now under construction. See 1931 report of the Palestine Economic Corporation.—H. V.

⁷ The Government revenue (excepting railways and grants-in-aid from His Majesty's Government) was LP2,110,986, or 10 per cent less than in 1930—LP2,348,260 (a record year). Expenditures were reduced from LP2,536,504 in 1930 to LP2,374,866 in 1931. In 1930 there were special expenditures in connection with grants to municipalities.—H. V.



000,000 to the British Government for railway and other assets taken over (similar assets were handed over to the Iraq Government free), LP280,598 for the Jaffa-Jerusalem Railway, and LP206,541 for the deficit of the military administration incurred during the early years after the British occupation. The total public debt of Palestine (out of which some of these payments were made) consists of LP4,475,000 5% Guaranteed Stock 1942/67, of which the principal, interest, and sinking-fund payments are secured upon the general revenues and assets of Palestine, and of which the principal and the interest are guaranteed by the British Treasury. Few governments in the world today can claim such a happy financial condition.

The municipalities, too, are carefully supervised in their finances. There was at first a tendency for some of them to be too sanguine in expenditure, but general Government control insures balanced budgets, and local finances can be considered soundly managed. Future expenditure on capital development works is to be looked for in such matters as drainage and the supply of water. Loans for such purposes necessitated by the large-scale building and by a growing population will be productive and self-liquidating. Such development loans are arranged through the Government bank, with either direct Government guarantee or Government control.

GROWING IMPORTANCE OF PALESTINE

Another sign of the growing impor-

tance of Palestine in the economy of the Near East is to be seen in the recurring exhibition and fair held in Tel-Aviv. Seven years ago a small school building sufficed to hold all the exhibits of Palestine produce. The fair recently held (April 1932) was officially participated in by nine governments and the merchants of some twenty other countries, and was visited by over a quarter of a million people.

As a field for investment Palestine has attractions, which are enhanced by its freedom from income tax. Money invested in citrus plantations and in urban property has obtained quite satisfactory return, and the country has so far been little affected by the world economic crisis. In fact, instances are numerous where foreign investors have lost all or nearly all of their fortunes in their own countries, but have retained intact and at enhanced values such investments as they have made in Palestine.

This summary of the present position in Palestine in certain of its economic aspects reveals that much has been accomplished during a decade of British rule by the forces and qualities that have been made free to enter. Obstacles and difficulties of all kinds have had to be faced and have been overcome, and doubtless obstacles and difficulties will still have to be faced and overcome. But the achievements of the recent past and the activity and the optimism to be seen in the present allow one to anticipate a long period of progress quite remarkable if one remembers the chaos that went before.

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Currency Commission.



The Economic Effects of Jewish Immigration in Palestine¹

By W. PREUSS

IMMIGRATION is undoubtedly the crucial problem in Palestine's political and economic future. From the Jewish point of view, it can be considered under three aspects:

(1) That of the desire of the Jewish people, established on historic, social, and economic foundations, to make Palestine its national center by means of the immigration, settlement, and productivization of large Jewish groups;

(2) That of the establishment of such economic and social conditions in Palestine as will permit the admission and settlement of such groups within a framework of legal security;

(3) That of the necessity to shape and direct this settlement so that it will be to the advantage of the Arab population of the country (or at least not to its harm) and sooner or later become a foundation for political agreement.

These theses of Jewish immigration policy contain a series of problems the solutions of which have not as yet been fully reached, but must somehow be found in the near future. In this article it is not proposed to discuss the first aspect mentioned above, which results from the inevitable desire of a people scattered, persecuted and martyred under unbearable conditions all over the world to fashion for itself an abode in the land of its historic origin. This indestructible wish underlies the entire problem in all its aspects.

EXTENT OF IMMIGRATION

What is the extent of the immigration under discussion, particularly dur-

¹Translated by L. Lask.

ing the last ten years? To what degree has it succeeded in establishing itself firmly in the country? The following table gives the scope of Jewish immigration during the postwar years, the most important period of the movement:

TABLE I—JEWISH MIGRATION IN PALESTINE, 1919–1931²

Period	Immigration	Emigration	Surplus
1919–1923....	34,183	7,469	26,714
1924–1926....	62,133	11,553	50,580
1927–1931....	19,373	11,330	8,043
Total.....	115,689	30,352	85,337

Thus, between 1919 and 1931, 115,689 Jewish immigrants entered the country, and 85,337, about 75 per cent, remained there. It may also be assumed quite safely that during this period another few thousand unregistered immigrants entered the country. When the increase of the community by births (some 30,000 between 1919 and January 1, 1932) is taken into consideration, it becomes evident that during this period the Jewish population has grown by about 120,000. (According to *Statistical Abstracts*, the number of excess births over deaths of the Jewish population between July 1919 and July 1929 amounted to 23,737, the additional

²The figures for 1919–1928 are taken from *Ten Years of Jewish Immigration into Palestine: Statistical Abstracts*, issued by the Keren Hayesod, 1929. Those for 1929–1931 are the figures issued by the Chief Immigration Officer of the Palestine Government. Up to 1928 the figures are those of the Zionist Executive.



births to January 1, 1932 being 9,500; this is a birth rate of 21-24 per thousand of population.)

These estimates, therefore, indicate that the number of Jews at the beginning of 1932 amounted to about 177,000 as compared to 57,000 estimated by the *Statistical Abstracts* to have been here in July 1919. This figure is close enough to that of the November 1931 census, according to which the number of Jews at that particular time was 174,610. Consideration, however, should also be given to the fact that about 7,000 Jews have not been registered by the Government.

What effect has this increase of the Jewish population, 75 per cent of which is the result of immigration, had on Jewish settlement activities?

INCREASED PRODUCTIVITY

The Jewish element in the country's population has been increased by the process of immigration not only numerically but also relatively. In 1919 the Jews composed 9.5 per cent; in 1922, 12.8 per cent; in 1932, 17.5 per cent of the inhabitants. Thus, though the work of settlement and colonization has scarcely more than commenced, the percentage of Jews in the total population is higher in Palestine than anywhere else in the world. For example, in the United States of America, Poland, and Russia, the Jews comprise respectively 3.4 per cent, 10.5 per cent and 1.8 per cent of the population. Further, in comparison to Jewish immigration into other countries, that into Palestine also stands high. In 1924-1926 Palestine received 62,133 Jews, the United States of America 69,179, Argentina 22,253, and Canada 12,855. During the last few years, in any case, migration in general has diminished, that to the United States no less than that to Palestine.

The absolute and relative increase

in the Jewish population could have been attained only by the establishment of new foundations for economic productivity, particularly in the chief branches, agriculture and industry, which are so important to a developing country. All who know the country are of the opinion that in the short period of ten years the Jews have succeeded not only in revolutionizing agriculture by the introduction of modern methods, but also in establishing the most essential branches of industry where no industry, except for unimportant beginnings, formerly existed. In this process, a re-emigration of 25 per cent of immigrants plays no decisive part; for it could be foreseen that not every immigrant would be able to face the extreme difficulties to be found in colonizing any new country. In fact, it can be pointed out for purposes of comparison that in other countries the corresponding figures during various periods were as follows:

TABLE II

Period	Percentage of Immigrants Emigrated	Country
Between 1906 and 1914.....	34.9	United States
Between 1915 and 1927.....	36	United States
Before the War...	43	Argentina
Between 1920 and 1924.....	36	Argentina
Before the War...	56.5	Australia
Between 1920 and 1924.....	68.2	Australia

It is also of interest to note that only in the years 1926-1927 was the emigration at all unusual or considerable, being 12,436 out of the total of 30,352 for the entire thirteen years shown in Table I. This increase was the immediate result of the economic crisis in Poland during 1926, which prevented



the bringing of the requisite capital for the settling of this middle-class immigration at the time required. As a result, the immigrants for the greater part did not invest their own limited capital in the basic fields of production, which are agriculture and industry, but in fields that seemed to promise direct and quick returns, such as building, retail business, and so forth. The possibilities of such investment being speedily exhausted, a crisis that began in the building market led to a comparatively large re-emigration in the years 1926-1927. This, however, was in no way due to the exceptionally large immigration of 1924-1925, but to the special conditions which prevented a

production, these being agriculture, the heavy industries, and the building trade. It is secondly an immigration of workers. The immigration of 1924-1925 was of different composition, however, being middle-class, and little concerned with restratification and productivization. It was therefore far more difficult for those immigrants to establish themselves in the country, which needed only a small number of the middle class to act as merchants, white-collar class, and so forth.

The following table gives an analysis of the composition of the immigrants during the last ten years according to categories (official Government figures):

TABLE III

	1922-23	1924-25	1926-28	1929-31
A. Immigrants with means (including dependents).	2,289	17,079	2,985	1,738
B. Dependents of Palestinian residents.....	5,217	7,911	3,166	2,632
C. Workers.....	4,140	13,904	7,698	6,749
D. Dependents of Workers (C).....	3,558	7,600	2,720	2,744
E. Miscellaneous.....	261	167	....	705

country crying for the union of labor and productive capital from adequately supporting a large number of immigrants. The time was not yet ripe for a middle-class immigration dependent on its own limited means.

CHARACTER OF JEWISH IMMIGRATION

The human composition of the immigration into Palestine must also be considered, for incidentally, it provides a revealing glimpse of the character of this Jewish migration, which differs basically from that of the Jews to America. It is first and foremost an immigration of productively active people who, taking into account the conditions of the country and their own social and national aims, are primarily concerned in establishing themselves firmly in the basic fields of

The above table shows:

(1) The very large percentage of "immigrants with means" (i.e., those having at least £500, or, in the case of artisans, at least £250) in the years 1924-1925 as compared with other years.

(2) The predominance of the labor immigration on the basis of certificates. Fifty-two per cent of the entire immigration was composed of workers and their dependents. When one considers in addition that under Category B there were many dependents of workers already settled in the country, it becomes evident that the proportion of workers among the immigrants must be at the very least 60 per cent.

(3) An immigration of any such nature was of great importance in so far as the productivization of the Jewish



people is concerned. Therein lies one of the most important effects of this immigration on the Jewish people itself, for it indicates a change of direction and the reestablishment of the Jewish masses on a basis of direct productive labor rather than middle-man business.

Of 176,000 Jews, 47,000, or 26.5 per cent, live in agricultural settlements and colonies. Such a percentage is to be found nowhere else in the world. In Russia the percentage of Jews on the land is no more than 5.8 per cent. Of the urban population, 35,000 to 40,000, or 28 per cent, live from industry and handicrafts. Taken all in all, about 55 per cent of the Jewish inhabitants subsist on their activity in the basically productive economic branches.

OCCUPATIONAL DISTRIBUTION

The social restratification of the Jewish people in Palestine is illustrated exceptionally clearly by the following table, which gives the occupational distribution of Jewish worker immigrants into Palestine in comparison with those of both Jewish and non-Jewish workers in Poland, where the Jews are most densely settled.

economic structure of the Polish non-Jewish population) as against that of the Jewish inhabitants of the Diaspora. But even if only the occupational distribution in industry and handicrafts were considered, it would still serve to demonstrate quite clearly this process of transition to the basic stages of production. In Poland, Rumania, and the Ukraine, between 45 per cent and 66 per cent of Jewish artisans and industrial workers derive their subsistence from purely Jewish secondary industries, such as tailoring and shoe-making, and from industries in which the labor conditions are bad, such as the tobacco trade. In Palestine only 20 per cent of the industrial workers and artisans are in kindred work and 56 per cent (12.6 per cent of Jewish workers in Poland) are found in the basic industries, such as metal, wood, building, stonecutting, chemicals, and so forth. Thus, the proportion is almost reversed. In Poland, 2.9 per cent of Jewish workers are employed in the building trades, 5.9 per cent in the metal industries, and 0.6 per cent in the stone industry, as against 43.6 per cent in the clothing industries. In Palestine, 30 per cent, 17.3 per cent, and 4.7 per cent are em-

TABLE IV

Occupational Distribution	Jews Palestine (Per cent)	Jews Poland (Per cent)	Non-Jews Poland (Per cent)
Agriculture.....	31.6	4.3	49.6
Industry and handicrafts.....	22.5	{ 46.5	{ 20.5
Building and public works.....	9.6		
Transportation.....	5.5	2.0	5.5
Clerks, shop assistants, etc.....	23.3	29.1	14.2
Domestic service.....	6.5	18.0	7.3
Miscellaneous.....	1.0	0.1	2.9

The above table illustrates the transition to agriculture and to a normal social structure, of the Jewish inhabitants of Palestine (compare the

employed in the first three, and 8.2 per cent are employed in the tailoring trades.

A comparison of the occupational



distribution of the Jewish immigrants in America and Palestine respectively will confirm the significance of this process. In America the category "Miscellaneous" includes 37-42 per cent, and in Palestine 46 per cent, of the entire immigration. This category is subdivided as follows:

The establishment of intensive agriculture demanded an investment of £8,000,000 of which half went to the purchase of land. Thus, waste, largely unbuilt land, and to a smaller extent land on which buildings were few and far between, have been transformed into economically productive regions.

TABLE V

	Palestine (1920-28)	America (1915-28)
	Percentage of Jewish Immigrants Classified under "Miscellaneous"	
Farmers and farm workers	49	5
Laborers	30	24
Domestic servants . . . . .	..	42
Traders	20	24
Miscellaneous	1	5

DEVELOPMENT OF THE COUNTRY

This productivization of the Jewish population in Palestine is an occurrence of extraordinary importance for the national, social, and cultural renaissance of the Jewish people. But the Jewish immigrants have also been of inestimable importance for the *development of Palestine itself* and for its economic and social progress. According to the Memorandum of the "Vaad Leumi" to the Mandates Commission of the League of Nations in June 1930, the Jews invested about £45,000,000 between 1920 and 1929, half of it being in constructive works, while the other half was expended on the purchase of provisions and payment of rents to Arabs, taxes to the Government, purchase of foreign goods, and so forth. Building activity in the towns accounted for £5,000,000, while £4,000,000 was invested in the establishment of a modern industry which was nonexistent before the War but which now employs 11,349 people in 2,688 establishments.

A hundred and seven colonies in which 45,000 people live have been established over an area of 1,200,000 dunams (300,000 acres). Marshes have been drained. In every field, in cities and other plantations, in dairy and vegetable produce, entirely new and scientific methods are employed which have revolutionized the agriculture of the country and which the Arabs have with some hesitation begun to use in many places. There can be no question whatsoever that the general economic capacity and wealth of the country have been fabulously increased by these investments, which would never have been made without Jewish immigration.

The growth of new and large urban settlements has provided a market for the agricultural produce of both Jews and Arabs. Tel-Aviv, for example, had about 2,000 inhabitants at the end of the War, and now has about 46,000. The situation is similar in Jerusalem, Haifa, and Tiberias, all of which have grown enormously, while other towns which were untouched by Jewish im-



migration have on the whole remained stagnant.

The development of industry has permitted the Government to increase its income from taxation, and, through public works and the development of health and educational systems, largely for the benefit of the Arab population, to use this income for the development of the country, the payment of its debts and the development of its own strategic and military aims. The direct relationship between Jewish immigration and the income from taxation becomes clear from the following figures:

TABLE VI

Year	Jewish Immigration	Government Income
1922.	8,685 ^a	1922/23 £1,809,831
1925.	34,386	1924/25 2,604,446
1927.	3,034	2,280,000
1929.	5,249	2,705,000

^a Figures of the Zionist Organization.

Though the Jews do not yet constitute 20 per cent of the population, they pay 45 per cent³ of the Government taxes. The Jews pay £7.24 per person per year in taxes, while the Arabs pay £1.83. Despite this, the Jews receive only £19,501⁴ out of an educational budget of £137,135, whereas the Arabs receive £117,614. That is, the former receive only 14.2 per cent, despite the fact that they provide 45 per cent of the Governmental income. No more than 5 per cent of the users of Government hospitals are Jews. In 1929, only 7 per cent of the Government budget for

³The Government Treasury officials dispute this figure but agree that it is not less than 35 per cent.—H. V.

⁴There is a report that the High Commissioner has recommended an increase in the subsidy to Jewish education for next year.—H. V.

health and hygiene was expended for the Jews, while 93 per cent was spent on the Arabs. This discrepancy is found in all other Governmental departments, particularly in the public works, in which only 3 per cent of the employees in 1929 were Jewish despite the fact that the Jews produce 20 to 25 per cent of the agricultural, and 60 per cent of the industrial products of the country and pay 45 per cent of the taxes.

EFFECT ON ARAB POPULATION

What, then, is the effect of Jewish immigration on the Arab inhabitants? This must be determined on the basis of general principles, before the Jewish immigration as a whole can be judged; for permanent economic harm suffered by the Arabs would certainly not be compatible with Jewish immigration.

Arab emigration—

Enduring harm to Arab economic interests would lead to an increase of emigration equal at least to that from other Arab countries into which there is no influx of Jews. What is the actual situation?

According to Government Census of November 1931, the fellahin⁵ of the country had increased between 1922 and 1931 (a period of nine years) by about 43 per cent—from about 488,000 to about 700,000. Whereas 10,254 Arabs emigrated between 1922 and 1928, 5,010 immigrated; that is, the surplus of Arab emigrants over immigrants amounted to about 600 a year. This should be compared with 1913, in which year, according to the American Consul, 2,000 Arabs left from the Jerusalem region alone for America. For the entire country Arab immigration is now two fifths of what it was before the War.

⁵The numbers of the Bedouin tribes were only estimated in 1922, and hence the basis of comparison with later years is extremely uncertain.



A comparison of Arab emigration from Palestine and Syria after the War gives the following picture:

TABLE VII

	Palestine	Syria
1920-1924.....	6,480	37,465
1925-1926.....	4,013	26,956
1927-1928.....	2,939	23,678

Between 1920 and 1928, therefore, 13,432 Arabs left Palestine and 88,099 left Syria. The population of Syria is 3.4 times as great as that of Palestine, while the emigration is 6.6 times as large from the former.

Standard of living—

The rise in wages among the Arab population as compared with the pre-war period will serve as an index for computing the improvement in the standard of living. At the commencement of Jewish colonization, an Arab agricultural laborer in the neighborhood of Jewish settlements received about a shilling a day (25 cents at par); in the same region he now receives between two and two and a half shillings for eight hours' work. Using the index figures for calculation, to make allowance for the increased cost of living, it appears that the real wage has increased by 50 to 55 per cent. Near Hebron, which is far from the influence of Jewish immigration, an Arab agricultural laborer still receives less than a shilling a day; near Jaffa he receives one to one and a half shillings on Arab farms, whereas in the Jewish colonies he receives from two to two and a half shillings per diem.

Here one can perceive the direct influence of the higher standard of living of the Jews, which has appreciably raised that of their neighbors. He who has visited Arab villages in the neighborhood of Jewish colonies is

astounded at the cultural transformation which has come about in the space of a few years. Only where the effects of Jewish immigration have not reached, has everything remained as it was. There are many Arabs who have been enabled, by the sale of part of their land, to secure the means necessary so to intensify the cultivation of the remaining area that the smaller tract gives better returns than the large one formerly gave. Jewish towns and colonies provide the fellah with an extensive field for the disposal of his products. Thousands of Arab workmen are directly or indirectly employed in Jewish enterprises, and further thousands in Governmental works made possible by the Jews' share in taxation.

The increase in purchasing power per Arab can be estimated by the fact that before the War the amount of imports was less than £3 a head; it is now estimated at £4.5, as against Egypt's £3.4 and Syria's £3.9 (£2.3 and £2.6 respectively before the War). These figures show quite clearly the influence of Jewish immigration on the purchasing power of the Arab inhabitants. If there is at present a temporary period of unemployment among the Arabs—the actual size of which is difficult to estimate, as the official figures are undoubtedly and recognizably exaggerated—it can be attributed to the drop in prices on the world market and the general world crisis, and not to Jewish immigration.

CONCLUSION

Taking all the above factors together, and without considering the very slight density of population and the prospects for and potentialities of a future Jewish immigration, the following conclusions can be drawn:

(1) Postwar Jewish immigration into Palestine, despite all external po-



litical and other checks, can well bear comparison with that of Jews into other countries. It has created a self-supporting and steadily progressing Jewish working population within a group of industries and professions which represent a revolution in Jewish social life. This Jewry is today the nucleus of what, under suitable political conditions and with the support of the Government, the League of Nations, and so forth, can become a steadily growing, culturally and nationally independent population on its own soil.

(2) The Jewish immigration has enabled the Government to further the development of the country as a whole, and notably increase its income, without Jewish colonization having as yet been furthered by that Government. In fact it would be quite correct to say

that the Jewish immigrants have established themselves firmly in the country, not with the assistance of, but despite, the Government of Palestine.

(3) Jewish immigration is to the advantage of the Arab inhabitants in all branches of economic development, and, by means of the capital brought into the country, serves to establish a higher standard of living while providing a model which, when copied, has led to the considerable progress of the country. This development cannot be observed in other Arab countries, such as Trans-Jordan, Iraq, and others, and is a direct consequence of Jewish immigration, which is therefore a factor of economic and social progress that should, in the interest of all progressive elements throughout the entire world, be encouraged.

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The Concessions for the Mosul-Haifa Pipe Line

By ALFRED BONNÉ

THE antecedents of the Pipe-line Concession are inseparable from the actual concession for the exploitation of oil and the struggle of the powers for control of the oil-bearing regions. The possession of oil resources, lacking which all traffic by land, sea, and air is nowadays unthinkable, allows the owners control in these spheres only when access to such resources is also in their hands. Without the assurance of unhindered transport, the possession of oil wells is useless, particularly in time of war, to such countries as depend upon sources of supply from abroad.

I. BEFORE THE CONCESSIONS

The struggle of the Great Powers for the sources of oil supply, which played so important a part in international affairs during the ten or fifteen years prior to the World War, was therefore no less concerned with transport facilities than with the actual exploitation of the wells; this concern showed itself both in the form of spheres of influence for pipe-line and railroad concessions and in the shape of actual occupation of the areas necessary for uninterrupted transit and transport.

With the growing recognition of the world-wide economic and political importance of oil control, the efforts of the powers to gain possession of this commodity grew still more intensive and concentrated in all regions of oil supply. When, before the War, well-founded presumptions of the existence of large petroleum sources in Mesopotamia were expressed by the predecessor of the Anglo-Persian Petroleum Company, a series of interested groups

immediately appeared and proposed the granting of concessions. Germany, represented as early as 1903 by the Deutsche Bank-Baghdad Railway group (spoken of in their charter as *Société Imperiale Ottomane du Chemin de Fer de Bagdad*), obtained an option on the exploitation of all oil-bearing regions within a distance of twenty kilometers on either side the Baghdad Railway; but this option was never used. Another group, the D'Arcy Exploration Company, who held the oil concession for Persia later acquired by the Anglo-Persian Petroleum Company, applied soon after for the Mosul Oil Concession as well, but without achieving any immediate result.

Shortly before the War a British-German syndicate, consisting of the Deutsche Bank, the Shell Group, and the National Bank of Turkey, came to an understanding with regard to the allocation of shares in the company about to be formed for the purpose of taking over and exploiting the Mesopotamian Concession. This new organization was the Turkish Petroleum Company, in which the allocation of shares was as follows: Deutsche Bank, 25 per cent; National Bank of Turkey (British) 50 per cent; Anglo-Saxon Petroleum Company (Shell Group), 25 per cent.

BRITISH CONTROL OF MESOPOTAMIAN OIL

With the foresight it has so frequently shown, the British Government, which had been observing carefully the developments in the Meso-



potamian project, now decided to take a hand and bring the new company under its preponderating influence by means of the Anglo-Persian Company.¹ The prospects for exercising British control over the production and transport of Mesopotamian oil were very favorable; for it could be foreseen that following the collapse of Turkey, which must occur within none-too-long a space of time, the important oil fields of Mesopotamia would have to come under British influence. "We must . . . draw our oil supply, so far as possible, from sources under British control or British influence, and along those sea and ocean routes which the Navy can most easily and most surely protect."² Responsible British statesmen could hardly express themselves more openly.

The intervention of the British Government led to the reconstitution of the Turkish Petroleum Company in the Spring of 1914. The Anglo-Persian Company, which is controlled by the British Government, received the share of the National Bank of Turkey, while each of the other two groups remained with 25 per cent of the shares, as before. After this reconstitution and increase of capital, the Turkish Petroleum Company made use of the claim to the concession, brought in by the German group, which had been granted to the Baghdad Railway in 1903. On June 28, 1914, the same day that the unhallowed murder at Sarajevo provided the excuse for the World War, the Turkish Petroleum Company was granted at Constantinople an assurance regarding its exploitation of the Mesopotamia oil fields. This document was to prove

of decisive importance in the later developments and conflicts that surrounded the establishment of possession of these fields.³

As a result of the World War, the struggle centering around Iraq oil and the control of its transport routes ended in Great Britain's favor. During the actual period of hostilities, however, British interest in the Mosul fields seemed to have retreated into the background. The Sykes-Picot Agreement of May 1916, which regulated the partition of the lands conquered in the Middle East between Great Britain and France, allowed France the entire Mosul district as far south as some 60 kilometers north of Baghdad. Mosul, together with the Damascus and Aleppo Vilayets, was to come under French control as an Arab Protectorate, while Great Britain was given Haifa, Acre, and Mesopotamia south of Baghdad. To be sure, England had not renounced the concession it had only just received, but demanded French recognition of its rights in so far as they had been definitively settled before the War.

PETROLEUM AGREEMENT OF SAN REMO

But the whole question of the possession of the Mosul district was again brought to the fore soon after the War, despite the Sykes-Picot Agreement. At the Peace Conference of 1919 a serious conflict took place between Great Britain and France regarding the matter. This was finally settled by Mosul again becoming part of the British sphere of influence, while France received the share of oil formerly allotted to Germany on the

¹ Earle, Edward Mead, "The Turkish Petroleum Company—A Study in Oleaginous Diplomacy," *Political Science Quarterly*, 1924, p. 269.

² From Winston Churchill's Speech of July 17, 1913, published in Cmd. 7419, 1914.

³ The Turks, and later the Americans as well, denied that this understanding dealt with a concession. The Statement of the Turkish Government concerned the promise of a concession rather than the actual concession itself. *Vide* E. M. Earle, *loc. cit.*



strength of the latter's holding 25 per cent of the shares. Many further slight points of difference appeared, but the whole matter was finally settled by the Petroleum Agreement of San Remo.⁴ According to this Agreement the French Government or its empowered representatives were to receive 25 per cent of the crude oil production of the fields if the British Government itself undertook to exploit them. Should the exploitation of the fields be undertaken by a private company, the French Government was entitled to 25 per cent of the shares in the company, which was to remain under lasting British control (Par. 7). Great Britain could allow France this share without reducing its own holding of 50 per cent, as it merely meant that France took over the German shares in the Turkish Petroleum Company, which had been expropriated in 1918.

With regard to the transportation of the oil to the Mediterranean Sea, the agreement made provision for the laying of two separate pipe lines, together with the requisite accompanying railways; to this the French Government agreed. France likewise declared itself prepared to allow the transport of oil from Mesopotamia or Persia through French territory to one or more harbors of the Mediterranean without any tolls or customs duties.⁵

This agreement gave Great Britain and France a satisfactory arrangement for the tapping and transport of the oil, but a whole series of difficulties and hindrances now played their part in delaying the carrying out of the project. These difficulties came from various quarters.

⁴ Text in Parliamentary Papers, Cmd. 675, 1920.

⁵ It is worthy of note that in this 1920 agreement the possibility of a pipe line through Trans-Jordan and Palestine, the regions under British control, was not taken for granted.

OPPOSITION FROM VARIOUS SOURCES

After the territorial conflict with Turkey and the final inclusion of the Mosul region and part of Iraq, considerable opposition arose within the young state of Iraq itself to the oil groups, on account of their being controlled by British policy.⁶ The monopolistic attitude of the Turkish Petroleum Company aroused fears that the conditions governing the granting and the carrying out of the concession would prove unfavorable for Iraq under British pressure, and, as in other petroleum-bearing regions under imperialistic sway, would lead to lasting political control and economic exploitation of the country. This fear caused the negotiations of the Company with the Iraq Government to be exceptionally prolonged; they were completed only in 1925, though the proposals of the Turkish Petroleum Company regarding details of the concession were presented in 1923. One of Iraq's chief demands was for its participation in the capital of the Company, since such participation had been provided for in the San Remo Agreement. This demand was finally dropped, to be replaced by royalties of an annual grant of £400,000 and a tax per ton produced to be paid to the Government.

No less serious was the opposition that came from quite another quarter, which, to begin with, had not participated in the negotiations in any way; this was the United States of America. This opposition was directed against the political and juridic character of the Mesopotamian oil interests as they were shown after the War. To begin with, America questioned the very

⁶ Official British reports contain short references to this opposition, as Colonial No. 58, p. 218. Even since the signing of the Convention, the Opposition and Nationalist groups have not ceased their press attacks.



validity of the concession, arguing that the Turkish Government had granted nothing that would be recognized in law as a concession, but only a vague promise to grant a concession at some future date. The second objection of the United States based itself upon the principle of the Open Door, which was infringed by Great Britain's private negotiations in the matter under discussion; Mesopotamia being a mandated territory, all states had equal economic rights there. Particularly bitter was the dissatisfaction with the San Remo Agreement, according to which every oil concern that wished to tap the Mesopotamian oil fields had to be under lasting British control.⁷

This is not the place to go into the details of the complicated negotiations and discussions which led the United States to appeal to the League of Nations. Here again the conflict ended in compromise; the American interests vested in the Standard Oil Company were, like the French, allowed 25 per cent of the shares in the Turkish Petroleum Company, which were put at their disposal by the Anglo-Persian Oil Company. The 5 per cent commission which had been promised to the Armenian, C. S. Gulbenkian, at the establishment of the Company, for his valuable services as agent, was shared equally by all the partners; so that the present holdings of the various groups in the Iraq Petroleum Company (which has replaced the Turkish Petroleum Company) are as follows: Standard Oil Company, Anglo-Persian Oil Company, Royal Dutch Shell Concern, and Compagnie Française des Petroles, 23.75 per cent each; Participation and Investment Company (Gulbenkian), 5 per cent.

⁷ The official documents are included in The Publications of the Department of State, Near Eastern Series, No. 1: Mandate for Palestine, Washington, 1927 repr. 1931.

II. THE CONCESSIONS ⁸

The following are the agreements which control the carrying out of the concession by the Iraq Petroleum Com-

⁸ Since the writing of these lines, a new concession agreement has, on April 20, 1932, been reached between representatives of the Iraq Government and the British Oil Development Company. For some years, this company has in vain competed with the Iraq Petroleum Company for the exploitation of the Mosul fields. After the concession for the exploitation of the district east of the Tigris had definitely been assigned to the Iraq Petroleum Company, an understanding was reached between these two interest groups. The British Oil Development Company, in addition to the British group led by Sir Edward Mountain, is composed of French, Italian, German, and Swiss interests. The agreement of April 20 is considerably more advantageous for the Iraq state than the one it entered into with the Iraq Petroleum Company, since the decisions of the San Remo Agreement regarding prewar rights, which the I. P. C. insisted upon, could not come into question. The B. O. D. C. has a right to exploit all lands north of the thirty-third parallel and west of the Tigris. The selection of the oil fields must be made within seven years, the concession itself being for a period of seventy-five years. The B. O. D. C. is in duty bound to pay the Iraq Government the annual sum of £100,000, which is increased by £25,000 a year until the maximum sum of £200,000 has been reached. With the beginning of production, a sum of 4 shillings per ton of oil produced must be paid.

The two most important clauses of the agreement with the B. O. D. C. determine the transfer to the Iraq Government of a part of the produced oil equal to 20 per cent of the total of oil produced by the company, and makes secure the domination of the company by British interests. Article 32 states:

"The company shall be and remain a British company registered in Great Britain and having its principal place of business within His Britannic Majesty's Dominions, and the Chairman shall at all times be a British subject. . . . The Iraq Government shall have the right to appoint a director to the board of the company; and the Iraqi director . . . shall enjoy the same rights and privileges and receive the same emoluments from the company as the other directors."

For Palestine, the interesting question remains whether or not the British Oil Development Company will use the Haifa pipe line of the Iraq Petroleum Company. The B. O. D. C. has



pany and the transport and transit of the oil from its place of origin to the Mediterranean Sea:

(1) Agreement between the Government of Iraq and the Turkish Petroleum Company, dated March 14, 1925;⁹

(2) Agreement between the Government of Iraq and the Iraq Petroleum Company (formerly the Turkish Petroleum Company), dated March 24, 1931, revising the Agreement of March 14, 1925;¹⁰

(3) Supplementary Agreement of March 24, 1931, between the Government of Iraq and the Iraq Petroleum Company;¹¹

(4) Agreement between the High Commissioner for Palestine (on behalf of the Palestine Government) and the Iraq Petroleum Company, dated January 5, 1931;¹²

(5) Agreement between the Government of Lebanon and the Government of Syria on the one hand, and the Iraq Petroleum Company on the other hand, dated March 25, 1931 (two verbally identical documents).¹³

The agreements of March 14, 1925 and March 24, 1931 contain the decisive provisions for the exploitation of the oil and its transport from Iraq by means of a pipe line. The second agreement replaces a series of the provisos and articles of the first by new conditions, and taken together, both documents constitute a complete agree-

ment. An analysis of the entire document is not necessary in this article; it will suffice to deal shortly with such points as have a bearing on Palestine.

LOCATION OF PIPE LINE

By Article VI of the agreement of March 24, 1931, the Iraq Petroleum Company undertakes to construct a pipe line with a capacity of not less than three million tons of oil a year. The commencement of this pipe line must be in a region which belongs to the Vilayets of Baghdad and Mosul, and which is bounded on the west by the Tigris, on the north by the Mesopotamian-Turkish frontier, and on the east by the Persian border. This region excludes the zone reserved by a separate agreement of August 30, 1925 for exploitation by the Anglo Persian Oil Company on the part of the Government of Iraq.

The beginning of the pipe line may tentatively be considered to be round about Kirkuk, in the neighborhood of which the very rich wells of Baba Gurgur have been found. The pipe line will then follow a southwesterly course to the Euphrates, which it will cross between Haditha and Hit. At the Euphrates the line will divide, one section running by way of Rutbs to the Bay of Acre, while the other section will lead to the Syrian port of Tripoli. Very important is the proviso that until a total quantity of four million tons a year via Haifa is reached, at least 50 per cent of the entire capacity of the whole pipe-line system must pass through the Haifa Harbor. December 31, 1935 is fixed as the terminus *ad quem* for the establishment of the pipe line.

The Company may transport oil for other companies through its pipe lines at its own discretion, provided that in any case the quantity of oil extracted

undertaken the duty to transport at least one million tons of oil a year, and it has been suggested that it might be advantageous for it to conduct its own pipe line to the Mediterranean coast. Such a line would only have to be about half the length of that of the Iraq Petroleum Company.

⁹ Printed in Colonial No. 58 (1931) p. 303 ff.

¹⁰ *Ibid.*, p. 316 ff.

¹¹ *Ibid.*, p. 323 ff.

¹² Official Gazette of the Government of Palestine, No. 276, v. 1, 2, 1931, pp. 75-85.

¹³ Le Commerce du Levant, Nos. 88-91.





MAP SHOWING PROPOSED PIPE LINES

Reproduced from the July 30, 1932 issue of *Petroleum Times*, London

from the above-mentioned region and transported through the pipe lines, is not less than three million tons a year.¹⁴

With regard to its effect on Palestine, the most important agreement is that of January 5, 1931, which should be considered more closely.

III. REGULATION OF TRANSIT THROUGH PALESTINE¹⁵

The convention regulating the transit of mineral oils of the Iraq Petroleum Company through the territory of Palestine was signed January 5, 1931 by the High Commissioner for Palestine on the one part and Mr. Skliros for the Iraq Petroleum Company on the other. In verbal content, the convention is almost identical with that between Mr. Skliros and the Government of the Republics of Syria and the Lebanon signed on March 25, 1931,

¹⁴ Article 6 of the Supplementary Agreement of March 24, 1931.

¹⁵ See Official Gazette of the Government of Palestine, No. 276, 1, 2, 1931, pp. 75-85.

which regulates the transit of mineral oil through those territories. The following analysis of the main provisos of the Convention between the High Commissioner and the Company therefore also holds good in general for the kindred one signed by the Government of Syria and the Lebanon.

General rights of the company—

In accordance with Article 1 of the convention, the Company receives the right (referred to in the text as the "concession") to construct, maintain, and operate one or more pipe lines and all the works ancillary thereto, and do all things necessary for the undertaking, under the following conditions:

The duration of the concession is to be for seventy years from the date of its signature. The pipe line is to end in Acre Bay. Provided that should it be found impracticable to terminate in that locality, it may terminate elsewhere on the coast of Palestine.

The Company has the right to aban-

don to the High Commissioner all rights accruing to it under the convention upon giving three months' notice. Details of the transfer, such as the valuation of property of every sort, shall be decided by a special evaluating body (Art. 2). At the end of the period of concession, all the rights of the Company under the agreement, together with its immovable property, in Palestine, pass into the hands of the Government, provided that no extension of the concession has been arranged.

Economic and financial rights—

The convention allows the Iraq Petroleum Company far-reaching economic and financial privileges, such as no other commercial undertaking in Palestine has hitherto received—not even the two chief exploitation companies of the country, the Palestine Electric Corporation and the Palestine Potash Company, the economic utility of which for the common weal is unquestioned. Article IV states:

No import tax, transit tax, export tax or other tax, or fiscal charge of any sort shall be levied on petroleum, naphtha, ozokerite, natural gases, whether in a crude state or any form of derivatives thereof, whether intended for consignment in transit or utilized for the industrial operations of the undertaking.

An exception from the general exemption from import duties was made only for those products of the Company that are put on the local market of Palestine for sale or for purposes other than those given above.

Further, the Company has the still more far-reaching right of bringing in duty free, all stores, equipment, materials, and so forth that are required for their undertakings. This includes all equipment for offices, houses, hospitals, or other buildings which will be the property of the Company and used

for its purposes. Goods for the personal use of the Company's employees are liable to the import duties in force (Art. V).

Whereas Article IV specifies exemption from taxes for only the property of the Company in transit (i.e., oil, and so forth), Article V includes all materials directly or indirectly required for the development and the needs of the undertaking in Palestine, as being duty free. Here, as well, the scope of this exemption is astounding, and is far wider than has yet been allowed any other commercial company in the country.

Article VII gives the Company the right to construct one or more private ports in the region intended for the pipe-line terminal, and to levy port, harbor, crannage, or other dues. Of special importance is the provision that the right of entry of ships to such port or ports shall be at the discretion of the Company.

The Palestine Railways stand at the disposal of the Company at a special schedule of rates, to be agreed between the Company and the High Commissioner, during the period of laying the pipe line or lines. These special rates will be established in so far as such a reduction is consistent with existing international obligations (Art. VIII).

The farthest-reaching concession of all is the freeing of the Company from every kind of land tax, income tax, or any other toll or liability. It is intended to levy taxes only on that portion of the Company's products which is destined for local consumption. Against this should be set the site owned by the Company, which, together with the income and the other business of the company, is entirely tax free (Art. VII).

These privileges constitute something entirely new for Palestine. No private enterprise or company has



hitherto been so entirely released from the burden of taxation. The concession is all the more impressive since it offers the Company, on its establishment in Palestine, facilities of considerable value and no small profit-bearing capacity. The proviso that the exemption from taxation shall not apply to such dividends of the Company as are paid in Palestine, need, under the circumstances, hardly be taken into account.

Article XVII is also of considerable importance; according to it the High Commissioner will, for the duration of the convention, lease state lands to the Company at a nominal rental. Lands in private hands can, in the absence of an agreement between the owner and the Company, be expropriated by the High Commissioner.

Technical rights—

A concession for the construction of so large an undertaking as is represented by the laying of a pipe line will naturally safeguard the securing of numerous rights of a technical nature to the executing organization. But here the Company seems once again to have received exceptional rights in a considerable number of cases, particularly in so far as concerns such means of communication as are usually retained in the hands of the state. Thus, the Company has the right to construct and maintain its own telegraph, telephone, and radio installations, with the reservation that such installations shall be used exclusively for the purposes of the undertaking and must be supervised by the Government (Art. XIII). The Company is likewise allowed to use all forms of transport, whether by land, sea, or air, for the movement of its employees and materials (Art. XIV).

The Company also possesses the general right of using for the purpose

of its undertaking the necessary building materials (soil, clay, lime, gypsum, stone, and so forth), and of cutting timber in Government forests in accordance with the necessary regulations (Art. XV). Finally, the Company, in order to provide water for the purposes of the undertaking, has the right to sink wells and otherwise take such measures as are necessary. It may also take water from lakes and rivers, with the proviso that prior rights shall first be satisfied and the local inhabitants shall not be deprived of a reasonable supply of water for domestic, industrial, and agricultural purposes. Where special rights of users are already in existence, the water supply can be expropriated subject to the consent of the High Commissioner and the assurance of a supply for local needs (Art. XVI).

Apart from such unequivocal rights, the Palestine Government also undertakes to allow the Company general technical facilities in a series of cases for the carrying out of its aims. Thus there are certain authoritative facilities for the loading and unloading of ships and for the import and export of cargoes independent of time, place, or public holidays (Art. V, 4). The port authorities are to be instructed by the High Commissioner to afford the Company and its contractors every facility for the unloading and handling of cargo (Art. VI). The High Commissioner will likewise cause every facility to be given for the construction of a port by the Company, in which the appropriate Government departments will discharge the necessary customs, quarantine, immigration, and police supervision (Art. VII).

The undertaking to secure the normal protection for the Company's property and employees is also important, even if rather less so than in Syria and Iraq on account of the greater



security of the inhabited transit zone of Palestine. This undertaking holds both for the time of construction and afterwards (Art. XVIII).

Rights of the Government—

Considering the unusually inclusive concessions and powers granted the Company, the latter's reciprocal duties to the Government seem very modest. Naturally the Government reserves itself, at a number of points, the right of approving plans, private agreements, and special precautions and negotiations in connection with the carrying out of the concession (Arts. II, 2, 3, 4, 5; VI, XVII, XVIII). For instance, the Company undertakes to erect no works within the precincts of Holy Places or sites of antiquity (Art. III).

Of great importance is the pledge of the Company to employ local labor for the purpose of the undertaking; but even here the proviso is added that should the supply of suitable local labor prove insufficient, the High Commissioner will allow special facilities for the temporary admission of foreign labor. The Company must repatriate, when the purpose in view is accomplished, any persons so admitted who may not have obtained the consent of the High Commissioner to remain in Palestine (Art. XI). The formula "provided that if the supply of suitable local labor is insufficient" is elastic enough to allow the Company to decide to bring in cheap foreign labor at any time.

Article XXI finally pledges the Company, so soon as it shall have come to the necessary agreements with other countries and territories through which the pipe line is planned to pass, to complete the undertaking within eight years from that date. Should the Company fail to honor its pledge, the High Commissioner will have the power to cancel the convention.

IV. CRITICISM AND REVIEW

The final signature of the agreement regarding the exploitation of Mosul oil by the Iraq Petroleum Company and its transport to the Mediterranean marks the end of an important chapter of international mineral oil politics. The struggle for the petroleum treasures of Hither Asia, commenced before the War, has been won by the Anglo-Saxon powers. Quite apart from the effect of this victory on international politics, which only the future can show, an entire series of weighty consequences falls to the lot of the countries affected by the exploitation of the concessions. The convention governing the Transit Concession through Palestine has given foreign financial interests, and the powers represented by them, such authority and rights as have never hitherto been granted. The utilization of these powers is based on an agreement made without any consultation or participation of representatives of the local population. In Iraq and Lebanon the corresponding agreements were, after all, ratified by the representative organs of the inhabitants, and in Syria by a Government set up by the High Commissioner. This leaves all the more room for criticism, because the agreement between the Company and the Palestine Government disregards vital interests of the population in a number of instances.

Thus, the question of the labor employed in the Company's undertakings can scarcely be considered as satisfactorily settled. The Company always has the opportunity of utilizing the difference between local wages and standards of life and those of the neighboring countries by stating that the supply of suitable local labor is insufficient, and thus can import cheap labor with lower standards of living



from the surrounding countries. It was only fair to expect that in this convention, as in the law governing the construction of the Haifa Harbor, there should be a fair-wages clause.¹⁶

RIGHTS OF LOCAL POPULATION DISREGARDED

Another defect is that the Company is not obliged by the convention to provide compensation for damage caused others by the nature of the undertaking. In Palestine, the pipe line must pass through a flourishing agricultural region; it is therefore astonishing that the Government has not included a clause to protect the neighboring tenants, particularly as it has on many occasions affirmed that the protection of the fellahin and the smallholders, who stand to be most affected by the pipe line, is one of its basic economic and political tasks in Palestine.

One stipulation which can infringe considerably on the rights of neighbors is the right of the Company to take water from streams and lakes for its requirements. Provision is made for a "reasonable" supply of water for domestic, industrial, and agricultural purposes; but no details are given as to who shall decide what is reasonable, or on what grounds. The Government should have demanded, in view of the importance of water in agricultural colonization, that the utilization of water supply could be allowed only subject to the agreement of all other parties interested or their representatives. The Company would always be in a position to conduct water from regions with a surplus by its private system.

The indifference with which the

interests of the local population are treated is very regrettable. Even though the letter of the Mandate texts may not have been infringed in any one particular, the fact remains that the Power most concerned in the Iraq Petroleum Company has allowed that Company the very important right of transit through Palestine without demanding any adequate compensation in return, without taking the interests of the inhabitants sufficiently into consideration, and while limiting many of the prior rights of these inhabitants. It is not the granting of the concession that is criticized, but its form, dictated by the interests of the Mandatory power and the oil company. There is no room to doubt that any applicant other than the Iraq Petroleum Company would have been offered vastly different conditions. The common interests of the oil company and the Mandatory power has given the company the invaluable right of transporting its goods free of charge, though the company would have been glad to pay a fair price for the right in order to make use of its concession in Iraq.

ECONOMIC CONSEQUENCES OF THE CONCESSION

There will doubtless be an entire series of positive economic consequences of the concession. Thousands of people will find their living in the new building activities and factories of the Company. The direct supply of a commodity will lead to the lowering of its price and will attract many industries which need cheap power. Apart from its importance as the port for Palestine and its hinterland, which will, together with the establishment of railways and roads, lead to its continuous eastward expansion, Haifa, the new oil harbor, will also become of international economic and strategic importance.

¹⁶ In reply to a question in the House of Commons, assurances were given that a fair-wage clause, similar to that applying to the Haifa Harbor, would be applied.—H. V.



On the other hand, part of the Orient will be drawn inextricably into the world's capitalistic economic organization. Whereas hitherto the crises of the world market have had relatively weak repercussions at the periphery of civilization, considerable instability will now begin to be experienced in the labor market and those economic fields dependent on oil, as a result of the current variations in petrol prices and the resultant curtailment of production. Social differentiation and the class struggle will become more and more apparent in Palestine with the development of the oil industry.

So far as the international petroleum market is concerned, the opening of the Mesopotamian oil resources means a grave threat to the monopoly position of America and Russia. The consequences of this threat cannot as yet be foreseen, but it is obvious that in the future the filling of Europe's need for

oil will cause a shift in favor of Mesopotamian oils.

The pipe line and its terminal point also play a very important part in the military system and strategy of the British Empire. The acceleration in executing the concession can moreover be attributed to the necessity, having regard to the situation in Egypt, of assuring a supply of oil for the British fleet that is entirely under England's control. Positions of such great strategic importance, however, rouse the desires of the foes of the British Empire. It is by no means difficult to foresee that, should a state of war ever come about between Great Britain and its enemies in the East, the pipe line will be the region of the most intense military activity, and will, in fact, be the theater of war. Are the economic advantages brought to Palestine by the pipe line worth the risk? It is a question that can scarcely be answered in the affirmative.

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The Coöperative Movement

By HARRY VITELES

AREA AND POPULATION

THE coöperative movement in Palestine should not be compared with the coöperative movement in the United States, which has about 12,000 coöperatives with 3,200,000 members (including contract members, shareholders, shippers, consignors, and patrons) and an estimated business for the 1931-32 marketing season of 1,925 million dollars. The readers should bear in mind that Palestine is not much larger than Vermont in area—about 10,000 square miles—of which only about one half can be said to be cultivable at present and until more is known of the water resources and the soil contents of the south ("Negeb"), which, together with the deserts, constitutes about one third of the total area of Palestine. Its population of 1,035,821, including about 66,000 Bedouins, is somewhat less than that of Rhode Island and Vermont combined. Palestine is predominantly agricultural and rural, twenty communities having a population of over 5,000. Only nine communities have a population of 10,000 or more, and four have 45,000 or more. Jerusalem, with 90,407 persons, is the largest city.¹

COÖPERATIVE MOVEMENT PREDOMINANTLY JEWISH

Though the coöperative movement in Palestine antedates the British Mandate by more than thirty years, most of the societies are less than ten years old. Primarily, the coöperative movement, especially in the fields of coöperative

¹ About 60 per cent of the population in Jerusalem is Jewish.

credit and marketing, has been confined to the Jews, of whom, according to the Government census in November 1931, there were 174,610.² About 50,000 Jews reside in the agricultural and rural communities. The possibilities of developing coöperation among the Arabs will be dealt with later. For the present, it will suffice to quote from the report of Mr. C. F. Strickland,³ who was sent by the British Government to examine the possibilities for developing Arab coöperatives:

The Arab cultivator of Palestine is a man similar in temperament, standard of life and agricultural practices to many of the Muslim cultivators . . . in the northwest of India. He appears, however, to enjoy a slightly higher percentage of literacy and a very acute intelligence. He may be compared favourably in the latter respect with certain of the peasant classes in Southern Europe.—Page 1, par. 2.

The cultivating methods of the small Arab farmer are as primitive as in the majority of undeveloped countries. . . . His backwardness is due to lack of opportunity as well as lack of security in the past, to instability of character and to the load of debt which hampers all his operations.—Page 3, par. 3.

There will . . . be difficulties in organizing any self-governing group among the fellahin who are limited in their views and for the most part illiterate. On the other hand their illiteracy is less than in many parts of India, where coöperation has attained a measure of success . . . in natural intelligence and in readiness to

² The Jewish population in October 1932 is estimated at 180,000.

³ Report by Mr. C. F. Strickland of the Indian Civil Service on The Possibility of Introducing a System of Agricultural Coöperation in Palestine, 1930. Printing and Stationery Office, Russian Buildings, Jerusalem.



consider and accept the coöperative idea when placed before him, the Arab appears to me to stand above the Indian, and in many cases, also the European peasant. . . . In one respect the Arab has been fortunate, in that the plan of joint borrowing under the title of the "*Kafala mutasalsila*" is still generally understood and practiced; there can be no better introduction to the *Raiffeisen* system and the coöperative idea.—Pp. 5, 6, par. 5.

An important, if not the predominant tenet of the Jewish Federation of Labor—itsself organized in a coöperative form, and the mother and promoter of a number of salient coöperative enterprises—is the establishment of a coöperative social and economic order. In recent years, coöperation has been superimposed by Government edict in several countries, or has been fostered by Government assistance. In Palestine, on the other hand, it is difficult to convince the Jews that "coöperatives" cannot be considered as the panacea for all evils; that certain forms of coöperative endeavor should evolve gradually.

The Jewish coöperative movement in Palestine developed in spite of the fact that during the Ottoman régime coöperatives had no legal status, and also during the British Mandate without any encouragement or assistance from the Palestine Government except for the enactment of the Coöperative Societies Ordinance 1920, a few reductions in stamp duties for credit and agricultural coöperatives, and an amendment to the Ordinance which allows members to charge future crops to their coöperatives. Palestine has had no experience with extensive Governmental credits to coöperatives, with which, in recent years, Americans have become familiar through the operations of the Farm Loan Board, the United States and State Departments and Bureaus of Agriculture, and

other governmental or quasi-governmental institutions.

Credit unions were and still are practically the only form of coöperative known to most of the Jews in the Diaspora, with the possible exception of Soviet Russia. Of agricultural coöperation, coöperative agricultural settlements, workers' productive societies, and building coöperatives, the Jews generally, and particularly those who came to Palestine before the War, had little or no knowledge. The application of the maxim "Necessity needs no teacher" is reflected in the early development (1880) of coöperatives for the purchase and sale of agricultural products, and to develop water resources and to combat and to drain the stagnant, malaria-infested swamps, where there was too much water.

COÖPERATIVE LEGISLATION

The Coöperative Societies Ordinance 1920, one of the first enacted by the British Civil Government, closely follows the text of the Bombay Coöperative Act 1912, and defines a coöperative as "any society which has as its object the promotion of the economic interests of its members in accordance with coöperative principles." A minimum of ten members of either sex is required for registration. The existence of any number of unregistered coöperatives is proof that there is no rigid enforcement of the proviso which makes it compulsory for every enterprise using the name of "Coöperative" to register under the Coöperative Societies Ordinance 1920.

Until now, the Government's only contact with the coöperatives has been, in the first place, when the society files application for registration, and in the second place, when every society submits an annual balance sheet, profit and loss statement, and returns certified by an auditor holding a Government



license—a requirement not too rigidly enforced. While there are about 350 coöperatives on the Government's Register (six non-Jewish), it is estimated that not more than 200-odd are functioning. The Government has under consideration proposals for amending the Coöperative Societies Ordinance 1920, one of which is to strike a society from the roll unless it starts operations within a certain period after registration.

A Committee of Five appointed by the Government, two of whom were Government officials and three were laymen engaged or interested in co-operative work, submitted its report on the need of amending the Coöperative Societies Ordinance and Regulations over two years ago. Action on this report, as well as on Mr. Strickland's recommendations and draft coöperative legislation, was postponed pending the appointment of a full-time Registrar of Coöperatives.

RESOURCES OF SOCIETIES

Mr. Strickland states in Paragraph 8 of his report previously referred to: "The bulk of the Jewish Societies are good, and there is a healthy coöperative spirit among them." Of the 200-odd active registered societies, about 50 are credit unions; 70 agricultural coöperatives (including coöperative agricultural settlements and irrigation societies); 35 building societies; and the rest are workers' productive societies, consumers' (distributive) societies, and so forth. The 200 active registered coöperatives, all Jewish, have about 40,000 members. About one out of every five of the Jewish population of Palestine is a member of a coöperative. There are thousands of women members, and in a number of societies they hold key posts in the administration.

When it is considered that the majority of the societies—particularly the

credit unions and the agricultural coöperatives—have been in existence less than seven years, it is gratifying to find that they have a paid-up capital and reserves of about \$1,500,000,⁴ representing savings of the members. A practical demonstration of the co-operative as well as of the thrift consciousness of the "Yishuv" (the term by which the Jewish community in Palestine is known) is the \$3,500,000 of deposits with the credit unions. Not only do most of these deposits represent the savings of the local population in a country where an annual income of \$600 for an urban "white collar" worker or a teacher is considered good, but most of the deposits are in amounts of \$100 and less—a significant factor for credit unions.⁵ A run on a coöperative is thus far unknown.

The credit unions' financial independence is reflected in their small indebtedness of only \$250,000 to the banks. As in other countries, the members are jointly and mutually liable for the debts of the coöperatives. In the case of the active societies in Palestine, this joint and mutual liability amounts to nearly \$7,000,000.

Only one credit union and four other societies have failed. The creditors received less than 100 per cent in the

⁴ All conversions of the sterling and the Palestine pound have been made at par—i.e., \$4.86.

⁵ The following table shows the average amount of deposits and of share and reserve capital per member, in the Jewish credit unions in four countries:

Country	Deposits per Member (in dollars)	Share per Member (in dollars)
Palestine.....	113	21
Lithuania.....	60	6
Poland.....	38	8
Besserabia.....	30	9



case of only two coöperatives, neither of them a credit union for an agricultural society.

It is of interest to note, furthermore, that though the credit unions' loans are character loans, secured by the borrowers' signatures with one or two guarantors, the societies have had to call upon the guarantors thus far in only a very limited number of cases. Furthermore, the societies have had to write off as bad debts, less than 5 per cent of the total amount issued.

COÖPERATIVE MARKETING AND PURCHASING

The development of the country, particularly in the production of marketable agricultural products by the Jewish farmers, is reflected in the increase of coöperative purchases and sales—\$5,000,000 in 1931 as compared with \$2,000,000 in 1928. The quantities would show a much greater increase, for there has been a decrease in prices during the last three years. Over 70 per cent of the total citrus crop grown by Jewish farmers (compared to only about 40 per cent in 1928) and nearly 90 per cent of the Jewish farmers' surplus milk and dairy products, vegetables, bananas and other fruits, eggs and poultry, honey, and other products are marketed co-operatively. Practically every Jewish vintner delivers his grapes to the coöperative "Vigneronne," which markets about 80 per cent of all the wine, liquors, and so forth manufactured in Palestine.

A brief description of the principal types of Jewish coöperative endeavors in Palestine will now be given.

AGRICULTURAL COÖPERATIVES

Every Jewish village has its coöperative for the purchase and sale of agricultural products, and most of them have agricultural loan and saving

societies (with limited liability) from which the farmers can obtain seasonal and other credits. Because of the small number of farmers in some of the settlements, it has been necessary to experiment with a type of coöperative which combines the functions of a credit union, a marketing and purchasing society, and in some cases even distribution. Many villages operate agricultural machinery, incubators, bull pens, and so forth, on a coöperative basis.

A more recent development in agricultural coöperation is that of the irrigation societies, and local orange producers' coöperatives for harvesting, packing, and marketing. These local orange producers' coöperatives and others to be organized, it is hoped, will join with the three older orange coöperatives and will form the proposed Palestine Fruit Growers' Exchange, to be modeled after the California Fruit Growers' Exchange.

Among the largest marketing organizations are: (1) the Coöperative Society of the Wine Growers of the Cellars of Richon-le-Zion and Zichron-Jacob Ltd. (1896) Vigneronne, which has cellars with a capacity of over eight million liters, and annual sales of about \$400,000 (at par); (2) the Pardess Co-operative Society of Orange Growers (1900) Ltd., which will market about 1,000,000 cases during the 1932-33 season; and (3) the "Tnuva" (Coöperative Marketing Association of the Jewish Agricultural Settlements in Palestine), which embraces nearly all of the Jewish farmers engaged in mixed farming. Its sales of milk, dairy produce, vegetables, bananas, eggs, poultry, and so forth, have increased from less than \$150,000 four years ago to about \$900,000 (estimated) during the current year, in spite of the decline in prices.

Of great importance to the farmers



are adequate veterinary service and insurance of livestock. The Jewish farmers have organized the "Hacklait" Cattle Insurance Company, Ltd. (organized in 1919); the "Shomroni" Cattle Insurance Coöperative Society (founded in 1929); and a half dozen local cattle insurance coöperatives. Such cattle insurance coöperatives cover about 5,000 head of cattle of over 1,500 members for an insurance value of about \$1,000,000.

Kvutzoth—

A group having similar religious, political, economic, or social background pool their resources and substitute collective for individual property. As Charles Gide points out in his book *Communist and Coöperative Colonies*, this is one of the oldest types of coöperatives, though not with a particularly brilliant past. In Palestine such coöperatives are known as Kvutzoth, Kibbutzim, and Irgunim. The Kvutzoth, which are coöperative agricultural settlements, differ from the "collective farms" in Russia, because they are voluntary organizations, while the collective farms, for the most part, are instituted and formed (sometimes under coercion) by the state, and the members are given certain rights as *workers* but not as owners.

Palestine is fertile soil for the seed of Coöperative Agricultural Settlements. Like the coöperative colonies in other countries, the twenty-four Kvutzoth in Palestine, with a total population of about 2,500, include, for the most part, individuals from the same country, district, or town, who have like economic, political, or social interests. The Kvutzoth, unlike the collective farms in Russia, do not pay wages. The earnings are pooled and every member of the Kvutzoth gets what he needs—food, clothing, medical attention, cash assistance for relatives

abroad, or help to bring them to Palestine. The sick are given special diets or sent away for convalescence; the infirm are given the lighter tasks; the aged are allowed to continue to live their religious and traditional life.

There is no personal property—whether it be a plow, a horse, or a cow—which a member of a Kvutzah can claim as being his own. He leaves the Kvutzah as empty-handed as he came. He can leave when he wishes, just as he joined, without any coercion. The children are generally housed, both day and night, in central buildings. While there is a certain amount of specialization in the work, every member must do the work assigned to him. In a few Kvutzoth, family houses are being built; the children are with the parents at night, and in some cases, children over a certain age remain with the parents all the time.

Kibbutzim, Irgunim, and Hevroth—

The forty-odd Kibbutzim, Irgunim, and Hevroth, with about 2,500 adult members, differ from the Kvutzoth because they are not independent groups like the Kvutzoth, which choose their members and therefore generally become "closed" units which are not considered part of any of the other groups.

A Kibbutz may either have its own farm or work for others as the case may be. It may or may not be waiting for permanent agricultural settlement. A Kibbutz generally depends upon work for others. The Kibbutzim are more like the Agricultural Workers' Productive Societies in Italy, except that the latter do not pool their resources or earnings, and do not have a joint household except when working away from home.

Moshavim—

The twelve Moshavim, or Workers' Smallholders' Settlements, with a popu-



lation of about 2,400 adults, differ from the Kvutsoth mainly because the principle of private property is recognized, every farmer having his own movable and immovable property; every member disposes of his earnings; and the family life is maintained in separate houses. In the smallholders' settlements, the important coöperative feature is that the coöperative purchase and sale of products, communal activities, mutual aid in the case of the sick and the widows, and so forth, are compulsory in the sense that the smallholder who does not comply with these social principles is made uncomfortable. In some smallholders' settlements, there is the pooling and joint development of certain types of land. For instance, grain farming is found to be more profitable if done by a small group of experienced farmers; the same is true of plantations and other work.

CREDIT UNIONS

Credit coöperation is simpler and requires less suppression of individuality than does, say, agricultural coöperation. In the case of the credit union, a member begins to feel his responsibility only in time of trouble, when he has to contribute (generally a multiple of his paid or subscribed share capital) towards the deficits incurred. The aptitude for credit coöperation⁶ in

⁶ Probably one of the principal reasons for the failure of the few Arab coöperative societies which have thus far been organized is that they were agricultural or marketing, rather than credit unions. Strickland, in discussing coöperative marketing societies for Arabs, writes: ". . . still less is it practicable to undertake those more advanced forms of coöperation or agricultural organization which require a broad view beyond the confines of the village . . . wherever the peasant was originally indebted, as in Ireland, it must be remembered that the credit societies, though they have now receded in the background, were the first stage in the building, on which the creameries and other bodies have now been superposed." (Page 4, par. 3.)

particular is reflected in the fifty credit unions in towns and villages, for every type of population—artisans, small traders, laborers, farmers, and rentiers, and having about 25,000 members. Most of these credit unions have been established since 1925. Eight of the fifty are workers' credit unions, three urban and five rural, and had over 7,200 members at the end of 1931. The share and reserve capital of the fifty credit unions amounts to about \$1,000,000, and deposits and savings to nearly \$3,500,000.

WORKERS' PRODUCTIVE SOCIETIES

Workers thrown out of work by business depression, strikes or lockouts, or desiring to operate on a coöperative basis, united into *Workers' Productive Societies*. In Palestine, practically all these are affiliated with the General Federation of Jewish Labor.⁷

There has been a larger number of official and unofficial liquidations of both small and large Workers' Productive Societies than of any other type of coöperative societies. The reasons for the large mortality rate are the same as for similar enterprises in other countries—that is, insufficient financing when organized; inexperienced and inefficient sales machinery; inefficient management; organization not because

⁷ It is regrettable that this volume does not contain an article on the labor movement in Palestine. There is no other single organization which is contributing so much in developing social economic enterprises which not only are of interest and of great value to the workers, both Jews and Arabs, in Palestine, but which also can serve as a salutary example as to methods to the labor movement in other countries. See section on Labor Movement by Prof. Leo Wolman in the Report of the Palestine Joint Survey Commission; articles in the *Labor Review* of the International Department of Labor; *The Jewish Labor Movement in Palestine: Its Aims and Achievements*, submitted to the Labor-Socialist International Congress, Brussels, Aug. 1928, by the General Federation of Jewish Labor in Palestine.



of a real need but rather as a means of combating unemployment.

In Palestine there is an additional factor—the colonizing influence—the effect of which on the whole coöperative movement is discussed later. Here it is sufficient to say that a very significant social-economic experiment—a labor contracting bureau, organized by and affiliated with the General Federation of Jewish Labor in Palestine, which executed millions of dollars of work and furnished work to several thousand people—failed because it deemed its prime function to be that of an employment and training institution for workers. It is also questionable whether this labor contracting bureau, though an important social-economic experiment, was a true coöperative, since it lacked the two important fundamentals of coöperation—participation of every member (in this case the worker) in the capital of the society, and mutual liability and responsibility for the losses. But this is not the place for a discussion of this venture.

The 56 Workers' Productive Societies (these are exclusive of the temporary and permanent labor contracting groups, the number of which is unknown) have 850 members and employ 137 workers and apprentices. These 56 societies differentiate between wages according to type of work and skill, and do not pay during periods of unemployment. Though the maximum wages are fixed, the members receive only what is left after all the other expenses have been covered. The largest individual group of 26 Workers' Productive Societies, with 239 members, is directly or indirectly dependent on building trades. The second largest group consists of 14 societies with 411 members (the largest one is in Tel-Aviv with 76 members) engaged in motor transportation of all kinds. It is significant to note that a large portion

of the entire transportation system in Jerusalem, Tel-Aviv, Haifa, and their suburbs, as well as that between these three cities, is organized in several co-operatives, due to the initiative and efforts of the Coöperative Division of the General Federation of Jewish Labor in Palestine.

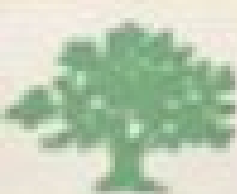
Yachin—

An interesting experiment is the "Yachin" Agricultural Contracting Coöperative Association, Ltd., which started operations in 1927. This organization undertakes plantation work of all kinds at a fixed price, generally for absentee owners. Working with a minimum permanent staff, consisting mostly of office help and technical supervisors and foremen, it carries out the work through groups on a contract basis. Deep-plowing is contracted out to one group, grafting of trees to another, and so forth, at a fixed price and on the responsibility of the group. These groups are members of the Yachin and are beginning to participate to an increasing extent in the management. Like the labor contracting bureau mentioned in the preceding paragraph, the Yachin lacks the two fundamental principles of coöperation, viz., members' (workers') participation in the share capital, and mutual responsibility for the losses.

BUILDING, LAND PURCHASE AND SETTLEMENT SOCIETIES

The desire to own a house or to build a new community in a suburb has been the driving force in the organization of the Coöperative Land Purchase and Building Societies in Palestine. These societies are characterized by the large number of nonresident members—for the most part prospective settlers in Palestine.⁸ Nearly all of these socie-

⁸ Mr. Strickland criticizes this aspect (page 18, par. 18): "I find it . . . impossible to believe



ties have confined their activities to the purchase and amelioration of the land, the installation of water systems, and the construction of roads and the necessary community buildings. Many of these coöperatives either are liquidated or remain dormant.

There is a second group, similar in structure to the Building and Loan Association in the United States, which helps its members obtain mortgage loans, such as the Hatzaphon Irrigating Contracting Society in Tel-Aviv. A third group consists of societies such as the Commercial Center in Haifa and Tel-Aviv, which have constructed commercial centers (shops).

CONSUMERS' COÖPERATION

Consumers' coöperation requires a large, stable, urban wage-earning population with a labor philosophy and a highly developed appreciation for small savings in the future, such as dividends on purchases. Though some of these elements are found in Palestine, the consumers' coöperative movement until now has not been more successful here than among the Jews in other countries.

The Hamashbir Palestine Coöperative Wholesale Society, Ltd., affiliated with the General Federation of Jewish Labor, successor to the old "Mashbir," is now seeking to develop a consumers' coöperative movement, primarily in the villages, for both farmers and agricultural laborers. About a dozen such societies have been registered and are already functioning, mostly in villages. But, unlike most of the consumers' stores in other countries, those in Palestine have not adopted the Rochdale principle of cash sales.

that the coöperative system can cover the principle . . . that a group of persons residing principally in Rumania is entitled to operate in land transactions in Palestine under the shelter of the coöperative law."

SPECIAL CHARACTERISTICS

Has the Jewish coöperative movement in Palestine special characteristics that differentiate it from the coöperative movement in other countries?

Palestine is "a country in the making," populated by groups of Jews coming from many different countries, and therefore having a heterogeneous, if not conflicting, social and economic philosophy; and furthermore, Palestine has a constantly changing economic grouping. There is not yet and probably will not be for many years a preponderant form of coöperation in Palestine, such as, for instance, consumers' societies in England, agriculture in Central and Eastern Europe, and so forth.

It is too early to speak of a crystalized form of coöperation in Palestine. Everywhere, coöperative forms have been adopted to suit the needs of "a country in the making." For instance, seven years ago it was thought that because of the small size of many of the agricultural settlements it would be best to include within one society coöperative credit, marketing, purchasing, and sometimes distribution. Later there was a movement to organize primary and single-purpose societies. Experience has shown that the multiplication of societies with interlocking directorates was undesirable. It was also thought these resulted in increasing borrowing by members, administrative expenses, investments in movable and immovable property, and so forth. Now there is a movement back towards centralization within one society of all the functions (with the exception of distribution), but to arrange for financial and administrative autonomous departments.

Colonization influences—

Yet, on the other hand, the Jewish coöperative movement in Palestine has



special characteristics which arise from what, for the want of a better term, may be referred to as a "colonization influence." There has been a fusing of the aims of colonization and coöperation. Out of this identification have arisen certain departures from accepted or what might be called "true" coöperative practices. Inasmuch as Palestine is a potential home for any Jew anywhere who may want to come, the coöperatives admit absentee members, generally prospective settlers, who organize abroad for purchase and development of the land. (Strickland's criticism of this phase has already been cited.) A few societies also have sold shares abroad on the theory that a Jew should not be denied the opportunity of contributing towards the economic development of the country merely because he does not reside in Palestine.

The high cost of settling and the latent urge to do it as quickly as possible create the need for relatively large credits. Therefore there is a duplication and unhealthy multiplication of urban credit unions, with the resultant duplication in membership, the same individual obtaining credits from, and therefore responsible for the liabilities of, more than one credit union.

This urge for settlement also has had its positive influences. One of these is the development of the thrift or saving habit, which has been referred to when discussing the \$3,500,000 deposits—large number of small savings—with the credit unions. There are not a few social workers who criticize this extreme thriftiness of the population because it results in lowering the standard of living for the adults—not for children, to whom the best is given, on the ground that these must be prepared for the later struggles. A worker earning but \$1 a day (at par) will save towards the purchase of a

cow, a piece of land, and so forth. Yet another positive result of this desire to settle is the scrutiny and supervision by the societies—particularly the rural credit societies—over the use of the loans so that these are used productively and not squandered.

The unpunctual payment of wages, or the payment with promissory notes or scrip, and the necessity for selling agricultural produce on credit (which is in part a corollary of the first and in part made necessary by the competition with the traders who sell the unorganized Arab produce) impede the expansion of both the urban and rural consumers' movement on the Rochdale principle—cash purchases and cash sales. On the other hand, there is the knitting of a close relationship between the agricultural producers and the consumers—a phase of coöperation which is receiving much attention now in every country, particularly in England and Germany. It is paradoxical but yet true that in Palestine there has been a movement away from this close coördination between agricultural producers and the consumers.

Central institutions—

To some extent, the coöperative movement has grown from the top downward, central institutions, some of which are not coöperative in form, having been built up before the local units. Before the War, the Anglo-Palestine Bank and the Palestine Jewish Colonization Association (Pica), and during the last decade the Central Bank of Coöperative Institutions in Palestine Ltd., and to some extent also the Workers Bank Ltd., have been the financial and organization entrepreneurs in the coöperative movement.⁹

The coöperatives are not yet pre-

⁹ The credit unions have started to organize their own central financial and auditing institutions.



pared to take over the central financial coöperative institutions. If they had created their own central institutions, it would have been a more coöperative process. However, in view of the pioneer character of the country, the absence of any Government financial assistance, and the not unnatural impatience of the "Yishuv" at slow growth, it is doubtful whether the coöperative movement could have grown up so rapidly without the assistance of central institutions organized and financed by "outsiders"—social-economic institutions interested in the development of Palestine.

Some contend that the growth of the coöperative credit movement in particular has been far too rapid; but it is this branch of the coöperative movement in Palestine that has been fostered and nurtured less by the "alien" central institutions than have the other coöperative enterprises. These have created their own resources, perhaps sometimes forgetting the strict law and letter of the coöperative "Bible."

Other examples of the reversed process of coöperative evolution in Palestine are: (1) a second endeavor to create a coöperative wholesale society first, and then local consumers' societies; (2) a central building contracting coöperative—now defunct—without the guild and craft societies; and (3) the agricultural contractors' bureau, which is only gradually associating the producers' or crafts' groups in its management.

Auditing unions—

With all the understanding and appreciation of the practical benefits of coöperation, there is still lacking an understanding of the need for a comprehensive organization embracing all the coöperatives, which should take over the organization and educational work which has had to be done, until

now, mostly by the Central Bank of Coöperative Institutions in Palestine, Ltd. This is due in part to the marked differences between the various groups about the aims of coöperation; differences in coöperative philosophizing; and in part to the accentuated differences between the "labor" and "non-labor" coöperatives. Yet these differences are more theoretical than practical, based more on psychological prejudices than on realities. In spite of the general admission of the desirability of one all-embracing central organization (auditing union) with departments for various types of coöperatives, this seems to be out of the question. The laborites will have their own; the non-labor agricultural coöperatives theirs, and so forth.

ARAB COÖPERATION

In the first part of this article several quotations were given from Mr. Strickland's report on the advisability of introducing agricultural coöperation in Palestine among the fellahin. The Jews, particularly the coöperators, have long urged the organization of Arab coöperatives. Therefore they welcomed one of the first acts of the new High Commissioner, Sir Arthur Wauchope, which was to implement Mr. Strickland's recommendations by appointing one of the senior officers of the Government as Registrar of Coöperative Societies in accordance with the following recommendation (par. 11):

The Palestine Government should therefore select the most competent man available from its existing officers who are familiar with village work. . . . In order that he may speak with authority on the technical subject with which he is dealing, he should be sent for a period of six months' deputation to examine rural conditions in general and the coöperative movement in particular in several selected countries.



It is hoped that the Government will also bear in mind the following paragraph (par. 13):

The Registrar will proceed with caution. There can be no greater mistake than the hasty registration of half-baked societies. It is better to disappoint an eager group of fifty persons, teaching them and wearying them until only fifteen remain, than to extend credit to a number of indebted cultivators whose sole idea with regard to the proposed society is that it will give them money at 12 per cent. Government should not be disappointed if the first society is only registered when the Registrar himself has been six months at work in Palestine.

Arab-Jewish credit societies—

Mr. Strickland in paragraph 15 of his report advised against the "utilization of Jewish societies to extend a knowledge of coöperation to the Arabs in the case of coöperative credit." Was it that he did not wish to risk coöperation by possible political explosions which might occur if a mixed Arab-Jewish society were to take extreme measures to collect the debt due from an important Arab member? For otherwise, from a strictly coöperative point of view, Mr. Strickland's suggestion is strange. This is perhaps another instance why the accepted coöperative principles cannot as yet become the coöperative law in Palestine. It is hoped, however, that the successful joint work of Arabs and Jews on various Government subcommittees—particularly on the General Agricultural Council and its subcommittees—will pave the way and show that joint Arab-Jewish credit societies are both possible and practicable.

While 100 per cent Arab credit societies must be organized in the 100 per cent Arab communities, a few mixed societies might be organized to serve contiguous Arab and Jewish

villages or the mixed populations in certain districts of Jerusalem and Haifa, as an experiment. Joint work in credit societies has been and can be successful because credit coöperation is easier to understand, there is more immediate direct benefit, and less, if any, room for suspicion and lack of confidence.

Arab coöperative marketing—

Mr. Strickland writes (page 4, par. 3):

It may be possible, in addition to affording him a controlled source of credit, to proceed direct to the organization of marketing, but here again the difficulty will be the character of the Arab peasant. So long as his outlook on life is hopeless and his attitude towards his fellow villagers is one of suspicion, he will seldom be loyal to a marketing association, and without the *intention* of loyalty on his part it will be difficult to enforce any marketing contract which he may enter and break. . . . Stability of character is a plant of slow growth . . . still less is it practicable to undertake those more advanced forms of coöperation or agricultural organization which require a broad view beyond the confines of the village.

While advising in paragraph 31 that separate marketing societies should be formed in each Arab village where there is a prospect of commanding a sufficient quantity of produce, e.g., oranges, Mr. Strickland does not think that the "Arab societies will be able to set up their own marketing organizations in the near future; nor will it be necessary for them to do so, since in this sphere the Jews and Arabs can be combined with advantage to all parties." Past experience would indicate the reverse to be true. The Arabs thus far have remained adamant to every approach by the Jews and the Government for coöperation in marketing of citrus crops, bananas, and so forth.



This is perhaps not unexpected, because in general, coöperative marketing is a more advanced form of joint work than is coöperative borrowing, and requires a higher degree of consciousness of kind. The general distrust on the part of the Arab, and, to no small extent, the opposition of the exporters and politicians are the principal difficulties to be overcome. Extensive coöperative marketing, particularly of citrus crops—the most important product affected and on which the future of Palestine so largely depends—through a joint Jewish-Arab fruit exchange seems many years off, unless the Palestine Government is prepared to follow the South African and New Zealand Governments and use coercion. Mr. Strickland writes (paragraph 32), “I am myself a convinced believer in the compulsion of minorities in the field of agricultural marketing.”

A SOCIAL EXPERIMENT

Whether coöperation among the Arabs will proceed at a slow or rapid pace in credit or marketing, there is no doubt that the Jewish accomplish-

ments in this field will make the road less thorny for the Government and the Arabs. If Arab-Jewish relations are improved through coöperative effort and organization, then another important social experiment will have been worked out; to wit, the significance and value of coöperation in bringing about amicable relations between two inimical groups. That coöperation can serve as the instrument for the fairest economic exploitation of Palestine in the joint interest of both the Arab and Jewish masses and for cementing the two peoples together, has been admitted by many.

The significance of the experiment of Palestine coöperation is that, unlike in many other countries, the coöperatives, because they were first in the field, have not and probably will not have the same struggle with entrenched private competitive industry and finance. The Palestine coöperatives should be able to work out their own salvation satisfactorily, under conditions where the interference of entrenched competitive and private industry (including agriculture) is at a minimum.

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Mr. Viteles is the author of monographs and articles on the coöperative movement and on various branches of agriculture, such as the citrus industry, the almond industry, viticulture, and aviculture.



Jewish Education in Palestine

By ISAAC B. BERKSON

I. HISTORICAL BACKGROUND

THE Jewish school work in Palestine, particularly the main system of education which has grown up under the influence of Zionism, must be viewed in the light of previous developments in Europe, as modern forces breached the walls of the Jewish ghetto. The changes impinged upon a strongly rooted school tradition. The biblicentric character of Judaism had given rise over two thousand years to an ideal of universal education—for the boys at least—and to an ideal of lifelong devotion to learning. In the passing of the centuries this ideal was, if possible, intensified as tomes of lore, Talmud and Commentaries, were piled in an inverted pyramid on the original foundation of the Written Torah. Even in ancient days, study of the Law was accounted by some rabbis a form of religious devotion more spiritual than prayer; it was the way to salvation—indeed, salvation itself.

In educational philosophies dominated by the Anglo-Saxon tradition, there has always been an undercurrent of belief that the true education is not to be had in the schools, but in the occupations of life. Judaism, though in its earlier days realistic, preaching an emphasis on the living deed, ultimately reached quite the opposite conception: learning came to be regarded as life's essential occupation. In certain centers of Jewish life in Eastern Europe, the "Perpetual Student" became the social and spiritual ideal.

RENASCENCE OF HEBREW LANGUAGE

Upon this intense religious-intellectual tradition the waves of naturalism and rationalism, and later of nationalism, began to beat in the first half of the nineteenth century. The highly developed hunger for learning could no longer be satisfied by the ancient religious classics, and Hebrew, until now the language of the prayers and of the classic texts with their commentaries, began to be revived as a means of bringing the science and literature of Europe into the ghetto. The religious spirit of passive absorption gave way to a need for literary self-expression.

Before this reawakening, every boy knew Hebrew, in a sense; he could understand the prayers and translate from Pentateuch and Prophets, and the more advanced students could read the difficult Aramaic texts of the Talmud. But in the centers of Jewish life in Eastern Europe where the sense of form had been lost, even scholars could rarely write a sentence in grammatically correct Hebrew.

Under the impulse of the desire for Western knowledge, the need of self-expression, the reassertion of æsthetic feeling, and the growing sense of a reawakened national consciousness, there occurred a remarkable renaissance of Hebrew as a living tongue, at first in classic Biblical form, and afterwards in more flexible synthesis with later styles of Mishna and Talmud. A considerable literature grew up, including poetry, novel, and short story as well as scientific, historical, and literary essays. In many circles it became an

ideal to use Hebrew as a spoken tongue. Schools were opened where Hebrew was employed as the language of instruction and where Hebrew grammar and the modern Hebrew literature had a place.

The renaissance of Hebrew, first stimulated by the Jewish *Aufklärung* which took place in the nineteenth century, was finally brought to a full development by the national-cultural aspiration. Thus, the Hebraic movement was roughly contemporaneous with, though somewhat antecedent to, Zionism, which, it should be understood, is one aspect and instrument—rather than the objective—of the will for a renewal of Jewish life and culture.

BEGINNINGS OF HEBRAIC EDUCATION IN PALESTINE

In Palestine itself, the effort to create a new type of Hebraic education began about fifty years ago. The Russian *Lovers of Zion* movement—precursive of the more official Zionism formulated in the Basle Programme in 1897—brought to Palestine pioneer groups imbued with the ideal of “Back to the Land,” in its general sense of “return to the soil,” and in its special meaning of “return to Zion.”

Two types of schools existed at that time in Palestine: the Heder, Talmud Torah, and Yeshivah type, in the old medieval tradition; and schools of the *Alliance Israelite Universelle*, which had been founded after the Damascus riots of 1860 to raise the Oriental Jew from the degradation of ignorance and poverty to a state of self-support and self-respect. The old schools, Heder, Talmud Torah, and Yeshivah, were entirely religious in character, though arithmetic was not infrequently a part of the curriculum, and the language of instruction was Yiddish—Arabic or Ladino occasionally—the texts being

the traditional Hebrew classics. The *Alliance* schools resembled modern secular schools: the Hebrew studies were considered religious subjects; the language of instruction was French.

The new settlers were not satisfied with the schools they found. Jewish teachers inspired with the ideal of the Hebrew Renaissance set before themselves the aim of developing a modern school in which all subjects would be taught, secular as well as Jewish, and all in Hebrew.

The difficulties should have appeared insurmountable. Terminology was inadequate, textbooks were nonexistent, and the teachers themselves frequently spoke Hebrew with difficulty. But schools developed in various colonies. In 1893 the *Lovers of Zion* founded a Hebrew School for Girls at Jaffa which became the model for other efforts. In 1907 a course of study was formulated by the Teachers' Organization which led in the work of creating the modern Hebrew school. At the eve of the World War, there were already sixty institutions of the new type, in all grades—kindergartens, elementary, secondary, and teachers' training schools—with a total registration of 2,600 pupils.

In the meantime, in emulation of the *Alliance Israelite Universelle*, other Jewish foreign organizations had established schools. The Anglo-Jewish Association had founded the Evelina de Rothschild School in Jerusalem, in which the main language of instruction was English. The German school society, *Ezra*, affiliated with the *Hilfsverein der deutschen Juden*, was particularly active and had succeeded in developing a system of schools, including a teachers' training school, in which Hebrew played a more important part than in the schools of the French and English associations.



A "BATTLE OF LANGUAGES"

Nevertheless, in 1913, when the *Hilfsverein* was about to open a Technion in Haifa, it was announced that the language of instruction would be German. A critical moment had arrived in the conflict which had been developing between the modern Hebrew schools and the educational work of the foreign societies. The latter were suspected of being outposts of the imperialist ambitions of various European nations. A "Battle of Languages" ensued which stirred the new Jewish community to its depths. The teachers left all the *Ezra* schools. A Society for Development of Hebrew Education was organized. The schools were reopened under the auspices of the Teachers' Organization and the Society, with the aid of various Zionist bodies. The cause of Hebrew was victorious.

Then came the War, the schools suffering in the vicissitudes of poverty, conscription, and exile, but a remnant of the school works was saved by Zionist funds. After the British occupation, when a Department of Education was formed under the auspices of the Zionist Administration, the existing nucleus of modern Hebrew schools served as the basis for the development of a unified Hebrew school system.

II. PRINCIPLES AND VIEWPOINTS

A number of main principles had been established: the unity of the Jewish school system on a national basis; instruction of all subjects in Hebrew; a course of study uniting the European curriculum with Hebrew subjects into an organic program; recognition of education as an integral part of the upbuilding of Palestine for which the central Zionist agency must be concerned. Another point is noteworthy,

the admission of girls to schools on an equal footing with boys. There is in the Jewish tradition, indeed, no active opposition to the education of girls as such generally marks Oriental peoples. Not infrequently girls were sent to school or had private tutors at home. There are also some cases of learned women cited. But the vast majority of girls had to be content with ability to read the prayers and to write a simple letter in Yiddish, and with such Jewish lore as they imbibed at home through the ritual and through grandmothers' tales. The ease with which girls were admitted into the new Hebrew schools testifies to the authenticity of the spirit of modernism which marked the Hebraic movement.

RELIGIOUS AND SECULAR IDEALS

An important problem which faced the builders of the Hebrew school system in Palestine was the religious question. The Hebrew Renaissance and Zionism will no doubt be adjudged by the historian as being in the direct line of Jewish tradition, expressing the very essence of the Jewish will to preserve cultural and spiritual values of the past. However, in the light of beliefs and practices of the day, these movements were nonconformist and to a large extent secularistic in spirit. Thus, while "Back to the Bible" was conjoined with "Back to the Land," this was felt to be a return to pure, original, classic source of Jewish culture and literature; certainly not an affirmation of orthodoxy, which centered its teaching rather in Talmud and Medieval Commentaries.

Moreover, among the leaders of Zionism were men who gave little heed to the Jewish ritual; and while the rank and file were made up of Jews who had a conservative attitude toward religious aspects of Jewish life, the emphasis on revival of language and on secular in-



terests made national culture rather than religion the center of interest. There were, of course, even those who wished to remold Jewish life and thought along secularistic lines, and to rebuild the Jewish people in sheer imitation of the cultural pattern of European nations. As the modern Hebrew school in Palestine took on form, it tended to resemble very much the American public school, in which religion, regarded as a matter of the home, is not included in the school program.

Despite the secularistic tendency which it assumed due to the impact of the forces of modernism, intrinsically there was nothing in Zionism which opposed religion. Rather, it gave a new dress to the old Messianic ideal. From the beginning, the pro-Palestinian movement was supported by the more moderate among religious Jews. In fact, the very first of the celebrated precursors of Zionism was Rabbi Hirsh Kalischer of Thon, in Prussia, who as early as 1860 advocated colonization of the Holy Land and sought to convince his orthodox colleagues that the Messianic idea of restoration of the Jews to Zion could become a fact only by slow working of historical forces. It was but natural, then, that among the new settlers were some of orthodox viewpoint, and that many among the pious Jews who dwelt in the Holy Land should be won over to the national ideal.

These more conservative circles could not be satisfied with the modern school which was evolving as a Hebrew copy of European schools, with the Bible occupying the place of classic literature. So, following upon the general educational development, there began to grow up at the beginning of the present century a modified type of Hebrew school, supported by parents with the help of orthodox groups in

Germany, in which a synthesis of nationalism and religion was attained. In the program of these schools the study of the Talmud received due emphasis, and religious practice was inculcated. When the school system was taken over by the Zionist Organization, after the War, the orthodox schools were sponsored by the Mizrahi, the religious wing of the Zionist movement, and they became part of the system of schools, with certain autonomous rights.

SOCIALIST AND LABOR GROUPS

During the last decade the Socialist Zionists have also begun to play a prominent rôle in Jewish life in Palestine and in the school system. Though Zionism in its development was essentially a middle-class movement, Socialists, like orthodox Jews, took a part even at the very beginning, though this part was long a minor one. It is interesting, though quite incidental, that the second great precursor of Zionism was Moses Hess, who played an active part in the Socialist struggle in Germany in the middle of the nineteenth century. The rising influence of the Labor group in the Zionist Congress and in the colonization work in Palestine dates from after the War.

The Labor group, like the Mizrahi, have a definite doctrine to inculcate. Socialism is the way to salvation, and hard manual labor is the ritual. Palestine is to be redeemed not alone by Jewish ownership of the land, but by the hard work of tilling it through Jewish hands. In the schools which have developed in the Socialist settlements, special emphasis is laid on work and especially on agricultural training. The schools have been influenced in a measure by the informal pedagogical concepts of the progressive educational movements. The Labor schools are still the smallest of the three groups in



point of numbers, but they represent an active and growing influence on the educational ideals in Jewish Palestine.

III. THE HEBREW PUBLIC SCHOOL SYSTEM

As a result of the factors described above, three types, Mizrahi, Labor,

and General, will be found in the school system of the Jewish Agency, which has inherited the educational functions of the Zionist Organization. As may be seen from Table II, the General schools are in the majority, but all schools receive equal consideration in the distribution of funds, and

ENROLLMENT, ETC., IN SCHOOLS MAINTAINED BY OR AFFILIATED WITH THE JEWISH AGENCY FOR PALESTINE (1930-1931)

TABLE I

(In accordance with grades of instruction)

	No. of Schools	No. of Teachers	No. of Full-Time Teaching Posts	No. of Pupils
Kindergarten.....	138	177	177.0	5,000
Elementary.....	106	544	467.3	15,031
Secondary.....	4	86	76.3	1,489
Teachers' Training.....	4	45	29.8	500
Vocational and Others.....	6	45	37.7	513
Totals.....	258	897	788.1	22,533

TABLE II

(In accordance with social and religious viewpoint)

	No. of Schools	No. of Teachers	No. of Full-Time Teaching Posts	No. of Pupils
General.....	139	555	490.5	13,996
Mizrahi.....	60	254	212.6	6,739
Labor.....	59	88	85.0	1,798
Totals.....	258	897	788.1	22,533

TABLE III

(In accordance with financial categories) for further explanation see Table IV.

	No. of Schools	No. of Teachers	No. of Full-Time Teaching Posts	No. of Pupils
Category A (Maintained).....	86	529	447.7	15,019
" B (Assisted).....	82	202	187.8	3,913
" C (Pica).....	17	38	33.2	774
" D (No financial assistance)...	73	128	119.4	2,827
Totals.....	258	897	788.1	22,533

each group enjoys a wide range of autonomy in choice of teachers and in the determination of the course of study. These powers are exercised through special committees, one for each type of school. The Labor schools have at present a more independent administrative status than the other groups, but negotiations are in progress to assimilate their mode of affiliation to that of the other schools. The basic principle of organization, then, gives play to group divergencies in social and religious outlook, and in this respect differs radically from the American public school system, which strongly opposes all divisions in the state schools along political or religious lines.

Despite the wide differences, however, common elements prevail in organization and in content of course of study, and the three types of schools together truly constitute a national system of education for the Jewish section of the population. Hebrew, as the common language of instruction, serves as a powerful unifying factor. The Jews in Palestine come from many parts of the world and speak a variety of languages, and Hebrew thus provides a common medium of discourse. Viewed historically, Hebrew unites with the past. Hebrew serves also, in a sense, to unite the religious and secular culture, for the great religious classics are also the classics of Hebrew literature. In the light of the diverse conditions of Jewish life in Palestine, the facts that all Jewish public schools have one language of instruction and that the language of instruction is Hebrew constitute a factor of unity, the importance of which cannot be exaggerated.

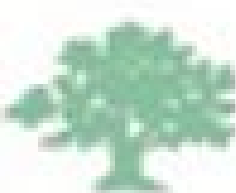
Within the course of study itself there are many common elements. The Hebrew Bible, whether as the religious source or as a literary classic,

holds a central position in all types of schools. Jewish history, the celebration of holidays, home geography—which includes a study of the Homeland in various aspects, natural, historic, and social—and the inculcation of the ideal of Rebuilding the Land, are additional unities on the Jewish side of the curriculum. Besides these factors, there is the common core of general secular subjects—arithmetic, nature study, geography, drawing, general history, English in upper grades of urban schools, Arabic in secondary schools, and so forth.

INTERNAL UNITY

The basic internal unity of common language, common Jewish subjects, broad Jewish national aim, and common core of general subjects, developed gradually over a period of many years, and was already present in its main features when the Department of Education of the Zionist Administration was formed in 1919. As has already been noted, the teachers, organized in a strong association, has already taken important steps in the development of unity in course of study and in school organization. A unifying influence was exerted also by the Board of Education (Va'ad ha-Hinnukh) organized in 1914, after the "Battle of Languages."

The important contribution made by the Zionist Organization in the period after 1919 was to consolidate and further strengthen the internal unity by important administrative measures. The schools founded by various societies, *Hilfsverein*, *Pica*, *Netzah Yisrael*, and various local communities, were now made subject to a single organization. The authority of the Va'ad ha-Hinnukh (Board of Education) over the common elements in all types of schools—without prejudice to autonomous rights of minority types—was confirmed. Central ad-



ministrative and supervisory machinery was established through a Department of Education, and the main share of financial responsibility was assumed by the Zionist Organization.

The Zionist system of schools thus became the chief educational factor among the Jews, and in 1927, when the Government voted the Hebrew schools a share of its educational funds, it decided to transmit the grant-in-aid to the Department of Education of the Zionist Organization, reserving to itself certain rights of control and supervision through its own Department of Education. The Palestine Zionist Executive was thus recognized as the directing authority of the Hebrew public school system, which is regarded as parallel to the system of public education for the Arab section of the popu-

lation directly conducted by Government. In 1929, with the formation of the enlarged Jewish Agency, consisting of Zionists and non-Zionists, the educational work was taken over along with the other tasks of the Zionist Organization.

IV. FINANCIAL AND ADMINISTRATIVE PROBLEMS

From the financial viewpoint the schools are divided into several categories—"maintained," "assisted," and so forth. The elementary school system of eight grades is for the most part in the "maintained" class, while the secondary schools, and to a growing extent the kindergartens, are in the "assisted" class, receiving only fixed grants. From Table IV it will be seen that about half of the revenue is

TABLE IV—ESTIMATED INCOME AND EXPENDITURE OF SCHOOLS MAINTAINED BY OR AFFILIATED WITH THE DEPARTMENT OF EDUCATION OF THE JEWISH AGENCY (1930-1931)

	Categories ^a A and C (LP)	Category ^b B (LP)	Category ^c D (LP)	Total (LP)
INCOME				
1. Jewish Agency	66,974	8,746,520	....	75,720,520
2. Government	19,175	.....	....	19,175,000
3. Pica	5,645	.....	....	5,645,000
4. Local Communities, Fees, Town Councils, etc.	30,216	25,591,380	20,767	76,574,380
5. Miscellaneous	60	5,852,000	2,046	7,958,000
Totals	122,070	40,189,900	22,813	185,072,900
EXPENDITURE				
1. Kindergartens	11,340	5,744,200	11,883	28,967,200
2. Elementary Schools	86,003	10,403,700	3,225	99,631,700
3. Secondary and Teachers' Training Schools	10,642	23,133,000	5,055	38,830,000
4. Vocational Schools . . . . .	....	400,000	2,650	3,050,000
5. Administrative and General Expenses..	14,085	509,000	....	14,594,000
Totals	122,070	40,189,900	22,813	185,072,900

^a Schools provided and maintained by the Jewish Agency; and schools provided by Pica (Palestine Jewish Colonization Association) but maintained by the Jewish Agency.

^b Assisted schools (including all Labor schools).

^c Schools which receive no financial assistance but which are under supervision.



derived from foreign countries and the other half from local sources, including tuition fees, participation of local communities derived from voluntary self-taxation, and the Government grant-in-aid.

JEWISH AGENCY INCOME INSUFFICIENT

The Jewish Agency, which is the largest single contributor, is finding it increasingly difficult to carry this large financial responsibility. The local communities have been steadily adding to their contributions from year to year; but in the face of a growing school population on the one hand, and the decreasing income of the Jewish Agency on the other hand, no solution of the financial difficulties has been found. The income of the Jewish Agency, depending upon voluntary collections in many different parts of the world, has always been subject to fluctuation and has seriously suffered in recent years with the general deflation of psychology of "drives" and the onset of the economic depression.

A crisis in the school system occurred in 1927, when the teachers' salaries fell over six months in arrears and the Jewish Agency (then the Zionist Organization) appropriation was sharply reduced. From 1927 onward an extraordinary effort was made to balance the budget and to introduce stability into the financial administration. Matters improved, and by September 1929 all arrears had been paid and the teachers were receiving their salaries more or less regularly. This improved condition lasted for a year only, until the Fall of 1930, when the world-wide economic depression began to make itself felt in a radical way on the collections of the Jewish Agency. The appropriation of the Jewish Agency was reduced from LP76,000 for 1930-31 to LP40,000 for the current school

year (1931-32), and the salaries again fell six months behind.

The irregularity in receipt of funds and the recurring "crisis" are playing havoc with the orderly and efficient management of the educational work. It is being realized, more and more, that the school system with its growing needs cannot be made to depend mainly on funds derived from voluntary collections abroad. The prevailing viewpoint among the leaders of the Jewish Agency is that a larger share of the financial burden and the chief responsibility for administration should be transferred to local Palestinian bodies, to the organized Jewish communities, and to the Palestine Government. There are undoubtedly great difficulties in the way, among which are unsatisfactory local organization and an inadequate taxation system. But these and the other obstacles must be surmounted if the Jewish educational system is to be properly administered.

GOVERNMENT SUPPORT INSUFFICIENT

One of the main obstructions lies in the insufficient support given to education by the Government. Jewish townships and villages wherever organized are straining themselves to give a maximum contribution either in form of local self-taxation or through tuition fees, but not many communities can conduct the educational work without assistance from a central authority. The grant-in-aid from the Government covers only one ninth of the educational costs—considerably less if private schools are included. The Government grant to the Jewish schools is fixed on the basis of the ratio of Jews in the total population. But a far larger percentage of the Jewish children attend school, and calculated in terms of per capita cost, the Government spends roughly LP1 per capita on every child in the Hebrew public



school system and LP5 on every child in the Arab public school system.

The question has been raised as to whether the number of children attending schools ought not, as in other countries, to be included at least as one factor in the determination of the amount of grant-in-aid given in respect of the educational services. It should be evident, however, that the main difficulty does not lie in the method of apportioning the present Government education budget, but rather in the small amount now voted for the educational services as a whole, which is insufficient for the needs of the country. Christian Arabs are fairly well provided for through the various mission schools. But of the Moslem Arabs, only one out of five or six children of school age are in regular attendance in any school, including religious as well as government schools.

Only about six per cent of the Government expenditure is devoted to educational purposes. Government pleads poverty in reply to the demand to increase its allotment to education, but one cannot avoid the feeling that the inadequate consideration given to the educational problem is, in some measure, due to the general conservatism prevailing in colonial administrations in the East with reference to public support of educational and other social services. The Hebrew public school system, like public education in general in Palestine, depends in the last analysis upon more generous support from the Government if it is to be properly maintained and developed.¹

V. THE NON-PUBLIC SCHOOLS AND VARIOUS EDUCATIONAL ACTIVITIES

In addition to the 22,500 children who are enrolled in the schools of the Jewish Agency, over ten thousand Jewish children attend various non-public schools. The most important single group is that of the *Alliance*, which conducts eight schools with three thousand pupils. Hebrew and French are the languages of instruction, and English is now taught in the upper grades of the elementary schools. As already noted, the *Alliance* schools antedate the Hebraic and Zionist movement in Palestine, and they are technically non-Zionists. But among the directors of the schools some have been sympathetic to the Jewish national aspiration, and the schools as a whole have been markedly influenced by the general educational development. The Evelina de Rothschild School in Jerusalem, established by the Anglo-Jewish Association, has also maintained its independent existence and now has an enrollment of about five hundred pupils. The anti-Zionism of this school has yielded in recent years to the pressure of events. The schools founded by the *Hilfsverein*, as indicated above, have passed over to Zionist control and have been completely absorbed in what is now the Hebrew public school system.

Less affected by the modern forces are the Talmud Torahs and Yeshivas, of the orthodox religious types, in which for the most part Yiddish is still the language of instruction; the texts, Bible and Talmud—mainly the latter—being in Hebrew or Aramaic. Hebrew is regarded as a Holy Tongue, not to be profaned through use as a medium of discourse. Practically no secular instruction is imparted, outside, perhaps, of some arithmetic. About three thousand children still attend these schools.

¹ In justice to the Government Education Department it should be said that Mr. Humphrey Bowman, its Director, has repeatedly urged an increase in the educational grant. Sir John Hope-Simpson, Special Commissioner to Palestine to report on various problems of development, has also made a strong plea for increase of educational facilities.



The remaining third of the children in non-public schools are scattered in a variety of private institutions. In nearly all these the language of instruction is Hebrew, and in national outlook these schools do not differ significantly from the general public schools.

AGRICULTURAL AND TECHNICAL TRAINING

Particular interest attaches to the problems of agricultural and technical training, in the light of the long bookish tradition of Jewish education and in view of the practical needs in the rebuilding of Palestine. So far as agricultural training is concerned, satisfactory progress has been made.

A fairly large number of the elementary schools in the colonies include gardening as part of the regular school program, and all of the Labor schools provide opportunities for contact with some form of agricultural work, gardening, dairying, or poultry raising. From the viewpoint of agricultural training of a prevocational type, the Children's Villages, of which there are three,² are most interesting. These are institutions primarily for orphans, in which practical training with an agricultural bias is combined with the general education of the child. The children do a large part of the work themselves in various branches of the farm and the household, under the guidance of the workman-teacher.

The most important institution for agricultural training as such is the Mikveh-Israel Agricultural School, established by the *Alliance Israélite Universelle* in 1870. The school is of secondary grade, graduation from an eight-year elementary course being prerequisite for admission. The course lasts three years, and general subjects are included in the program of studies.

The Women's International Zionist

² One of these has recently been closed.—H.V.

Organization maintains, as one of its chief activities, an agricultural school for young women at Nahalal, a colony near Haifa, where a two-year practical course is given in the dairy, poultry, vegetable, and three nursery branches. The same organization also maintains several farming groups for young women in various parts of the country, mainly for training purposes.

The Government has begun on the Kadoorie Agricultural School for Jews, which is being erected from funds made available under the bequest of a wealthy Oriental Jew. It may be noted that the Kadoorie Agricultural School for Arabs, made possible by the same bequest, was opened in January 1931.

Despite a variety of activities that may be placed in the category of vocational and technical education, this branch of training is not so well developed, in either character or extent, as the agricultural work. Something is done in the way of manual training in most of the Hebrew schools, and sewing is part of the regular course of studies in girls' classes; but the work is not well organized. There are several special trade schools, one for boys and two for girls. For many years the *Alliance* conducted a trade school in Jerusalem, but it was recently shut down. On the other hand, the American Women's Mizrahi Organization plans to open a school in Jerusalem for training elementary school graduates in domestic science. There are a number of secondary schools, two of these loosely affiliated with the Jewish Agency system, which give commercial training.

The outstanding institution from the viewpoint of technical training is the Hebrew Technical Institute at Haifa, whose stormy beginning has already been noted. Its main department consists of a four-year course in engi-



neering or architecture. Graduation from a secondary school is prerequisite for admission. A trade school for metal workers is also conducted for elementary school graduates. In recent years there has been considerable discussion of the work of this institution, with the view of reorganizing its course of study in a more practical direction.

THE HEBREW UNIVERSITY

By some, the Hebrew University is regarded as the crown of the Hebrew educational system. On the other hand, others have opposed its development as inconsistent with the present pioneering stage of Jewish Palestine. But this obvious objection must yield to the realization that a university in Jerusalem, in which Hebrew is the language of research and instruction, is a true expression of the very deeplying cultural motif in the Jewish Renaissance. The Hebrew University was proposed far back in the early days of Zionism by Professor Hermann Schapira, the founder of the Jewish National Fund, the object of which is to acquire land in Palestine as the inalienable property of the Jewish people. The simultaneous projection of these two ideas was a response to genuinely experienced needs, and for that reason there was no less method in this particular bit of impracticality than there was in the Zionist vision taken as a whole.

The cornerstone was laid soon after the British occupation. The site chosen was Mount Scopus, which commands a magnificent view of the hills of Jerusalem, of the valley of the Dead Sea, and of the Mountains of Moab. The University was formally opened by Lord Balfour in 1925, although certain of the activities were begun earlier. The work was at first confined to research, and a number of institutes

were established: biochemistry, microbiology, mathematics, natural history, and Jewish and Oriental studies. New lines of work have been added: some of the institutes are expanding into departments, and instructional work has developed in connection with several of the institutes. In 1928 a Faculty of Humanities was established and undergraduate work was formally introduced. The first class completed its studies this year, the students receiving Master of Arts degrees.

The Library, in addition to its function of serving the needs of the regular university work, should be mentioned as having a number of independent purposes. It is the outgrowth of the Jewish National Library founded in 1892 by Dr. Joseph Chasnowitz, a physician who used to accept rare books as fees from his patients. The Library now contains about a quarter of a million volumes, among which are valuable manuscripts and incunabula. A reading room with periodicals and newspapers is conducted for the general public, and a quarterly bibliographical review is published.

Already the University can be defended on practical grounds. It offers an open door to students barred from European universities by the *Numerus clausus* and anti-Semitic propaganda. This research work has to a considerable degree been associated with the development of the country, as in the study of indigenous animal and human diseases. The *Wirtschaftsarchiv*, established in 1931, collects and classifies economic information on Palestine and the Near East. The departments of Jewish and Oriental studies also naturally lose their character of esoteric studies and become subjects closely connected with the history of the living peoples of Palestine and nearby countries. To students of



Jewish history, literature, and affairs, the Hebrew University is taking its place as the world-wide center of learning. Undoubtedly it is beginning, if as yet in unseen ways, to play a part in the spread of science and learning in the Near East.

AUXILIARY ACTIVITIES

To this brief outline of the main educational work must be added a mention of some of the auxiliary activities. Physical education and health receive due attention: an intensive system of school hygiene is conducted by the Hadassah Medical Organization; three playgrounds on American lines have been established under the Bertha Guggenheim Memorial Fund; sports are being developed by the Maccabee, Boy Scouts and other organizations, and hiking, introduced by teachers who studied in Switzerland, has been greatly stimulated by historic interest, scenic beauty, and patriotic spirit, and has become a regular feature of the school work. In the field of adult education, the Cultural Committee of the Labor Federation has been most active: there are evening classes for working children, for youth, and for adults; a circulating library of newspapers, periodicals, and books, and a reading center are maintained; automobile trips at holiday seasons are organized; and support is given to an amateur dramatic group, "Ohel," which works along "Little Theater" lines. Noteworthy is the abundance of publications: there are three daily newspapers and a large and varied array of periodicals; and on the average, every day sees a new Hebrew book come off the press.

VI. RELATIVE ACHIEVEMENT

The foregoing description of Jewish educational activities will probably

convey the impression that the Jews of Palestine are well provided with educational opportunities. Indeed, Sir John Hope-Simpson, in his Report on Immigration, Land Settlement and Development, says "magnificently provided," and goes on to contrast with a strikingly different picture of Arab education, particularly in rural communities. All this is true, but in a relative sense only. The Jewish achievement may be termed "magnificent" if we bear in mind that it has been accomplished through voluntary effort, with little assistance from Government. To those who know its inner history, the upbuilding of the Jewish educational system in Palestine represents a remarkable victory for the creative spirit of the Zionist ideal.

To the educator who judges not by comparison with the general educational neglect in Oriental countries, but in accordance with a moderate European or American standard, much will appear wanting. Every aspect of the situation has its negative as well as positive aspect. Apparently almost all Jewish children receive an elementary education; but about two thirds of those entering the first grade drop out before they reach the sixth grade, while a full third of the children receive only three years' schooling.

The Hebrew public school system may appear well unified, but as a matter of fact, it has been developed by affiliation of schools founded by other organizations, and the variety of origins has left distinct marks. Furthermore, the diverse social and religious viewpoints constitute a strong strain on unity of organization, and the Department of Education has nothing like the degree of authority which its name might imply.

Looked at from the pedagogical point of view, similar contradictions would be found. There are, indeed,



examples of fine teaching, and certain schools would rank above the average American public school. But the teaching staff represents all degrees of training and of lack of training, and some of the instruction is not so very far removed from that customary in the unorganized medieval Heder.

From one point of view the renaissance of Hebrew as the living tongue of the Jews in Palestine is to be accounted the prime educational achievement; on the other hand, the lack of textbooks and adequate literature has undoubtedly acted as a serious educational impediment.

Finally, the voluntary character of the support, fluctuating and inadequate as it is, naturally constitutes an unending source of difficulty for the proper management and orderly development of the school system.

These and other internal difficulties which loom large to those who are responsible for the school work are hardly the subjects for discussion in this short general article, but a mention of them was thought necessary to avoid giving a false picture of perfection that might have resulted from brief summarizing. There is still a great deal to be done before the Jewish school system in Palestine is brought up to a normal modern standard.

VII. RELATIONS OF EDUCATION TO THE JEWISH-ARAB PROBLEM³

First should be emphasized the importance of a problem that has already been touched upon, namely, the disparate standard of Jewish and Arab—particularly Moslem Arab—education. The grading up of the general level of education among Moslems to that prevailing among the Christian and Jewish sections of the population is an essen-

tial element in the problem of relations between the various communities. This may be stated, objectively, as the need of a compulsory system of elementary education of moderate level, supported by the Government.

It is true that widespread elementary education is likely to foster a patriotic spirit and to promote the more rapid development of Arab nationalism. But such a development is in any case inevitable, and in the writer's view desirable as a necessary stage in the evolution out of a feudal system of organization, with all its social consequences. The Jewish-Arab living together must be worked out as a relation between two peoples both equally advanced in enlightened national self-consciousness. This is demanded not only by a humanitarian outlook, but also by an intelligent selfishness on the part of the Jews.

The juxtaposition of a largely illiterate population with a highly literate one is bound to create difficulties in many directions and is bad for both sides. From the economic point of view, the presence of a large source of cheap labor, in the illiterate adult, male and female, and in the child deprived of schooling, constitutes the greatest danger to self-respecting Jewish labor. At the same time, the lack of elementary education is one of the chief difficulties in the way of the Arab's improving his methods of cultivation and his economic position generally.

An illiterate population, furthermore, is subject to the wildest kind of propaganda, such as is now being developed again in connection with the Moslem Holy Places. Literacy, it is true, may facilitate spread of propaganda, but it is bound also to affect its character and to reduce the likelihood of religious fanaticism and of outbursts of violence. Certainly, popular education is a safeguard of security.

³ The views expressed in this section are purely personal opinions, and sole responsibility for them rests with the writer.



Finally, self-government must prove a travesty if not accompanied by universal elementary education. Jews and Arabs, therefore, have a common cause in urging the establishment of an adequate system of elementary education.

SEPARATE SCHOOL SYSTEM NECESSARY

Americans are prone to decry the existence of separate school systems for Arab and Jew and to transfer to the Palestinian scene their own principle of a common public school system for all classes, races, and religious groups as a means of improving the relations between the communities. This is a basic error. It is of the essence of the matter to realize that we are dealing with two peoples distinct in religion, language, and history, and that the whole problem arises because each group wishes to maintain its national and cultural identity. The Jews would not accept Arabic as the common medium of instruction; needless to say, the Arabs would not accept Hebrew; and neither Arabs nor Jews would accept English as such. The concept "Palestinian Nationality" can have an economic, political, and civic significance, but culturally speaking, it is a pure abstraction. The relationship must be worked out in terms of two distinct peoples, coöperating with each other. It is neither necessary nor practical to think in terms of reducing both peoples to some nonexistent common denominator.

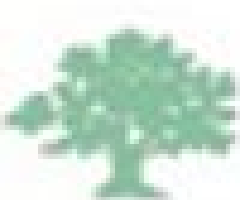
Two parallel systems of education, therefore, are indicated by the conditions—one Arabic and the other Hebrew. Both systems should be under Government supervision, but not necessarily conducted by Government. I believe the wiser policy for Government would be to confine its supervisory function to matters of finance, sanitation, hygiene, and orderly man-

agement, and to the very minimum of universally recognized educational requirements, granting the widest latitude to each group in working out its educational program and trusting it to find the best pedagogical procedures. There are well-recognized dangers, educational and political, in such a policy of autonomy in the educational administration; but it appears to be the only wise way in the long run. In any case, the teaching process is a subtle affair, and the danger of utilizing the schools for intriguing and subversive political propaganda cannot be prevented even though the Government control the schools. This can be avoided in the last analysis only through establishment of good relations in the country as a whole, among the various communities and in relation to the Government.

MUTUAL ACQUAINTANCE WITH THE OPPOSITE GROUP

That each group should know the language, the literature, and the cultural history of the other is most frequently put forward as the best educational means of promoting mutual respect and coöperation. In this connection it is emphasized that Hebrew and Arabic are cognate, that the two groups have racial affiliations, that Jews were in the past the mediators between Arab and European culture; in short, that the two groups are culturally and racially kin, and that the more they know of each other, the more friendly will be the mutual attitude.

As a matter of fact, Arabic is taught in all Hebrew secondary schools and in a few of the elementary schools of the Jewish Agency, and in all schools of the *Alliance Israelite Universelle*. A not inconsiderable portion of the native Oriental Jewish population learn Arabic either at home or on the streets. The School of Oriental Studies at the



Hebrew University has established, as its first step, an Arabic Department; and the University Library has purchased the Goldzieher Library, one of the finest collections of Arabica and Islamica in the world. This would indicate on the part of the Jews a very serious interest in the Arabic language and culture, despite the fact that no such interest has been shown by Arab circles in Hebrew and its literature.

Unquestionably, it is desirable that Jews become intimately acquainted with Arabic language and literature, modern and classical, and more, not less, should be done in this direction. However, doubt may be expressed as to whether acquaintance with Arabic culture has the decisive importance that many seem to believe. The common elements in the Jewish and Arab racial and cultural heritage can easily be exaggerated. But the main point is that peoples are not much bound together by common elements in their past; the prime factors are, rather, common conditions and interests in the present, and common purposes and destiny in the future. Common cultural origins among Germanic or Romanic nations, for instance, have not greatly mitigated conflict in the presence of diversity of economic and political interests. Is it not more likely that community of culture and feeling may be found along the lines of modern European achievement in art and science, and that common aspiration may be strengthened by European social-economic movements, rather than that these things should come by way of racial and literary affiliations in the past?

In this connection it is not infrequently proposed that Arabic should be made compulsory in the Jewish elementary schools, as well as in the secondary schools. At present, English is taught in upper grades and it the only foreign

language prescribed in the elementary schools. It should be understood that a difficult technical problem is involved, for the elementary school is already overburdened with subjects in the attempt to unite a Hebrew with a modern education, and the teaching of more than one foreign language in the elementary schools is not desirable.

A categorical answer to this problem with all its practical and theoretical difficulties is not easily given. One might ask, thinking along the line of the argument in the preceding paragraph, whether more may not be really gained in the way of promoting a community of ideas by giving all children, Jewish and Arab, a direct contact, through English, with modern European science and thought, than would be obtained by having all the Jewish children study Arabic. Perhaps the best solution is to allow schools to choose either Arabic or English, depending upon local needs. That a portion of the Jews should know Arabic is essential; but that all of the Jews should is not absolutely necessary—certainly not more so than that all Swiss should know French, German, and Italian.

NATIONALITY VERSUS NATIONALISM

The crux of the matter rests in the question of what each group conceives to be its destiny in Palestine. If Jews and Arabs are to coöperate harmoniously in a future Palestinian society, then each nation must interpret its nationalism in accord with that school of thought in which a strict differentiation is made between *nationality* and *nationalism*, parallel to the distinction between *individuality* and *individualism*. Nationality has to do essentially with the social and cultural self-expression of kinship conscious groups, and therefore differs radically from (in some senses is diametrically opposed to)



nationalism, in which political sovereignty, with its inevitable concomitant of domination of one group by another, is an indispensable element. A finely adequate statement of what nationality in this sense signifies is given by Professor Clarke,⁴ who deals with the problem of harmonizing a national with an international philosophy of education. He says:

The way of salvation lies through a re-statement of national philosophy in its proper cultural terms. Professor A. E. Zimmern has defined a nation as "a body of people united by a corporate sentiment of peculiar intensity, intimacy and dignity, related to a definite home country."

There is nothing definitely political in this; sentiment, *idem sentire*, is of the essence of it. The common sentiment informs and draws sustenance from a whole way of life, and it is this way of life conceived as a scheme of values, which constitutes the nation's philosophy of education. To have free and full play for its language (or languages—nationality is not necessarily monoglot); to express itself freely in a literature; to choose for itself its reverences and sanctities and observances; to cherish in its own way the tombs of its ancestors; to live and die in accordance with its own use and wont; to eat, drink, sleep, marry and give in marriage according to its own chosen habit, and to change the habit if it chooses: such are the prerogatives of nationality. All are of the stuff of culture, not of politics, and in an intelligently or-

dered world not one of them should need for its security the organization of the nation as a state-unit in the old sense of independent sovereignty.

To the Jewish mind, such a conception should be most welcome. The Jews are a nation in the essentially non-political sense of the cultural nationalist philosophy. This philosophy, under the name "Cultural Zionism," has found clear expression in the writings of Ahad Haam, revered master in modern Hebrew literature, and constitutes one of the recognized views in the Zionist movement.

Unfortunately, the forces of moderation have been weakened by Jewish experience in the last decade. The failure of internationally sanctioned minority treaties in Eastern Europe to prevent the Jews from being crushed out of life by social abuse and economic restriction; the Arab excesses in Palestine and the development of Arab nationalism along extreme political lines; the British Administration's coolness toward the Jewish national home, disappointing the hopes of even the most moderate—these forces are working to strengthen the hands of those who hold that only through complete statehood can the Jews safeguard their rights to live as a people.

Much will depend upon what concept of nationalism is imparted by the teachers in the schools. And it must be emphasized that the duty implied falls upon Arabs as well as Jews.

⁴ In the 1929 Educational Year Book of the International Institute of Education: Teachers College, Columbia, pp. 79-80.

Dr. Isaac Baer Berkson, member of the Palestine Executive of the Jewish Agency for Palestine, was formerly director of the Department of Education of that Agency. Born and educated in the United States, he has since 1917 been engaged in educational activities, as director of the Central Jewish Institute, New York; supervisor, Schools Bureau of Jewish Education, New York; supervisor of instruction, United Jewish Schools of Philadelphia; etc. He is the author of "Theories of Americanization" (1920).



Education in Palestine

By KHALIL TOTAH

SCHOOLS in Palestine are of three types, viz., Government schools, private schools managed mostly by foreign societies, and Hebrew schools. As the last type is treated separately elsewhere in this volume, this discussion will be confined to the first two categories.

GOVERNMENT SCHOOLS

Education in Palestine is in the hands of a Government Department of Education which, in the words of its official report (1929-30), "fulfills a triple function. In the first place, it supervises education in general, advises the Central and District Government authorities, inspects schools, Government and non-Government, distributes grants in aid, collects and collates statistical information, and conducts, controls, and supervises examinations. . . . Next, it administers and maintains out of public funds the schools of the Arab system, known as Government schools, employing therefor a considerable staff of teachers. Lastly, it controls by inspection and otherwise the Jewish public system to which a block grant in aid¹ is assigned from public revenues."

The department of education is administered by: one director; one deputy director; one supervisor of technical education; one principal, Government Arab College; one principal,

¹ The sum payable was calculated on the proportion of Jews to Arabs in the census population. On this basis, the amount of the contribution to all Jewish schools was fixed provisionally at about twenty thousand pounds (\$100,000). Annual Report of Dept. of Education 1929-1930, p. 7.

Women's Training College, and inspectress of girls' schools; two senior inspectors; one superintendent of physical training; one chief clerk; three headquarters inspectors; five district inspectors (Galilee, Samaria, Southern, Jerusalem, Hebron); and four assistant district inspectors; making a total of twenty-one, and excluding three inspectors for Jewish schools. Associated with them is a clerical staff of fourteen. Of these, the director, the deputy director, the supervisor of technical instruction, the principal of the Women's Training College, the superintendent of physical training, and the chief clerk are British. With these officials holding the most responsible posts, it may be safely stated that the control of the policy is in British hands. The director is appointed by the High Commissioner for Palestine, who in turn is appointed by the Colonial Office in London.

Finance—

The Department of Education is financed by funds raised from taxes. The Government allots a certain sum to education, as it does to its other departments, such as agriculture, public health, public works, and so forth. The educational budget has been on the rise, in late years, as is shown by comparing the budget of 1923, which was £97,279 (\$486,395) or 5.94 per cent of the whole budget for Palestine, with that of 1930, which amounted to £150,156 (\$750,280) or 6.52 per cent. The average budget for the last eight years has been £118,109 (\$590,545), which is 5.51 per cent of the total budget. How this compares with the



educational expenditures of other countries is shown below:²

TABLE I

Country	Per Cent	Country	Per Cent
Argentina.....	24.6	Greece.....	5.6
Australia.....	9.4	Japan.....	10.0
Austria.....	6.6	Mexico.....	8.5
Belgium.....	9.0	Poland.....	16.0
Bulgaria.....	12.0	Rumania.....	12.0
Denmark.....	19.8	Spain.....	6.0
Egypt.....	7.5	Sweden.....	18.0

With no army and navy to support, it would seem that the Palestine Government might be able to make a more liberal provision for so vital a matter as education.

Number of schools and pupils—

For 1931 the Department of Education reported 308 schools, 589 male teachers, 155 female teachers, 19,346 boys, and 4,942 girls, making a total of 744 teachers and 24,288 pupils.³ Of the 308 schools, 255 are in the villages. Roughly, this means that one village in four is furnished with a school for boys, while only one village in a hundred enjoys a school for girls. One regrets to note that there are but eight village girls' schools, with a total enrollment of 669.⁴

According to the 1931 census there are 850,559 Arabs in Palestine. Assuming that 15 per cent of this population would be children of school age, there would be 127,583 children to be educated. Of this number, the Department of Education has 24,242 pupils in its schools, and the Christian and Moslem schools together report 23,797 in theirs, thus leaving 79,544 unfortunate children to grow up illiter-

ate. In other words, the Government schools are giving a rudimentary education to about 19 per cent of the Arabs.

The Director of Education is aware of this situation and states in his report that "the shortage of accommodation which has for long been felt has now reached a serious stage"⁵—indeed, so serious as to make it necessary for the parents and the children who were refused admission two years ago to make a demonstration in front of the offices of the Governor of Jerusalem. The report adds: "In September 1930 places in town schools could be found only for 2,422, viz., 51.18 per cent of the applicants. The shortage of accommodation in Government schools is causing grave concern to the Department."⁶ So, after an occupation of thirteen years, or after a decade of civil administration, the Government states that "no complete new school has been erected from general revenues since the occupation."⁷

Training of teachers—

The Government maintains two institutions, one for men and the other for women, where teacher training is done. The Government Arab College for men is a four-year complete secondary school leading up to the Palestine Matriculation and then devoting the fifth year to teacher training. In 1930, eighty-two students were enrolled, and "of the students who completed the fourth class in July 1930, seven were selected for training."⁸ The report states further that "for financial reasons, the numbers at present are limited to those necessary for replacement of casualties in the existing teaching *cadre*."⁹

⁵ Report for 1929-1930, p. 24.

⁶ *Ibid.*, p. 21.

⁷ *Ibid.*, p. 24.

⁸ *Ibid.*, p. 27.

⁹ *Ibid.*, p. 11.

² *New York Times*, Oct. 7, 1929.

³ Annual Report of Dept. of Education 1930-1931, Appendix, Table XXV.

⁴ *Ibid.*, Table IV.



The Women's Training College is a combination of an elementary and a secondary school where woman teachers are trained. "The syllabus and the course covered in the lower classes are those of a higher elementary school, while the two upper classes are of secondary standard, with the addition of the theory and practice of teaching."¹⁰ The college enrolled 63 students in 1930.

Secondary education—

"The only Government school providing a complete secondary course (four years) is the Government Arab College."¹¹ In Jaffa there is a secondary school with the first three secondary classes. Besides these two secondary schools, there are the first two years of a secondary course in nine of the towns, where such secondary instruction is given. An annual fee of £3 (\$15.00) from well-to-do pupils attending secondary classes is charged. The number of teachers with degrees is increasing in the secondary classes. Practically all are secured from the American University of Beirut.

Curriculum—

It is evident from the above statement regarding secondary education that it is elementary instruction that proves the major task of the Government. It is difficult to measure objectively the quality of teaching where there are as yet no common standards, but the following course of study may give one an idea as to the type of work done.

Agricultural and technical education—

Through the generosity of a private Jewish donor, the Government has established the Kadoorie Agricultural School. It opened in January 1931 with forty resident pupils following two courses of study, one of three years' duration and the other of one year. The American Near East Foundation is making a grant of £1,000 (\$5,000) a year for two years to train rural teachers in agriculture. This institution is sorely needed and it is hoped that it will form a nucleus for extended agricultural education.

The new syllabus which was designed to meet the needs of rural Palestine

TABLE II

RURAL SCHOOLS

Subjects	Year		
	1st	2nd	3rd
Religion and Reading of Koran.....	6	7	9
Arabic.....	12	12	11
Arithmetic.....	6	6	5
Hygiene.....	2	2	2
History and Geography.....	3	4	4
Nature Study.....	2	..	..
Physical Training.....	1	1	1
Drawing.....	1	1	1
Agricultural Instruction.....	..	6	6
Hand Work.....	..	..	..
Total Weekly Lessons.....	34	39	39

¹⁰ Report for 1929-1930, p. 12.

¹¹ *Ibid.*, p. 10.



TOWN SCHOOLS						
Subjects	Year					
	1st	2nd	3rd	4th	5th	6th
Arabic Language.....	11	12	9	9	8	8
Arithmetic.....	5	5	5	5	5	5
History and Geography...	2	3	2	2	2	2
Nature Study.....	2	2	1	1	..	..
Hygiene.....	1	1	1	1	..	..
Science.....	..	..	..	..	2	2
Drawing.....	2	2	1	1	1	1
Manual Work.....	..	..	..	..	2	2
Geometry.....	..	..	..	..	2	2
English.....	..	..	8	8	9	9
Religion.....	..	3	1	1	1	1
Physical Training.....	..	3	1	1	1	1
Total Weekly Lessons ..	23	31	29	29	33	33

SECONDARY SCHOOLS				
Subjects	Year			
	1st	2nd	3rd	4th
Religion and Ethics.....	1	1	2	1
Arabic.....	7	7	5	5
English.....	10	10	8	8
History.....	3	3	3	4
Geography.....	2	2	2	1
Arithmetic, Algebra, Plane Geometry, Trigonometry.....	8	8	6	5
Physics.....	2	2	5	5
Chemistry.....	1	1	3	3
Botany.....	1	..	..	..
Zoölogy.....	..	1	..	..
Manual Training.....	..	..	2	2
Total Weekly Lessons ..	35	35	36	34

was put into practice in eighty-nine schools. A period a day is devoted to agriculture in the second and third elementary years.

Sericulture has been introduced in nine schools and demonstrations have been made for the benefit of the inhabitants. Twenty-six teachers were given a course in sericulture during the breeding season, and some 2,200 mulberry trees were planted in 36 village schools.

School gardens in the urban centers, an annual Arbor Day for the country, and an annual Wild Flower Competition have been added features of the agricultural program of Government schools.

For technical education a supervisor has recently been appointed to develop this branch of training. A month's course was given to forty-two teachers during the summer vacation. The

subjects taught were chalk drawing, clay modeling, drawing, and light wood work. Weaving, bookbinding, carpentry, and iron work have been introduced in some of the town schools.

NON-GOVERNMENT SCHOOLS

The non-Government schools are bewildering in their variety of language of instruction, church affiliation, nomenclature, standard, and character. Yet they can be said to have one feature in common, and that is the religious motive. Of course that is natural, for what country is more intimately associated with the fountain-head of religion than the Holy Land? Divergent as the non-Government schools may be in everything else, they are united in their religious aim and general character. Palestine being the Land of the Three Faiths, its non-Government schools range themselves nicely into three categories—Jewish, Christian, and Moslem. The following figures may show the general extent of this non-Government educational activity.

TABLE III¹²

	No. of Schools	No. of Pupils	Per Cent
Jewish	377	33,527	40.8
Christian	181	17,080	20.7
Moslem	137	7,319	9.
Total	695	57,926	70.5
Government Schools	308	24,288	29.5

Thus it is clear that over two thirds (70.5 per cent) of the pupils that attend school in Palestine are in what might be called private schools, only nominally controlled by the Department of Education.

Christian schools—

The various nationalities of the societies governing these non-Government Christian schools are as follows:

TABLE IV¹³

	Schools	Pupils
French	38	4,709
British	21	2,027
German	18	1,851
Italian	13	1,751
American	8	421
Swedish	1	159

According to church affiliations, they are:

TABLE V¹⁴

	Schools	Pupils
Catholic	102	10,210
Protestant	50	4,281
Greek Orthodox	27	2,504

The earliest Christian education in Palestine was carried on by the Greek Orthodox Church. Such education may be said to have been Byzantine in origin. Catholic influence in Palestine came with the Crusades and was given new life by the treaties of Francis I and by the Crimean War. Protestant institutions also profited from the War. England, France, and Italy, having supported Turkey against Russian ambitions in the middle of the nineteenth century, reaped many a favor and concession to build churches, start missions, and establish schools.

The two churches of Western Christendom, the Catholic and the Anglican, are mostly responsible for the educational activity in Palestine. Thus, Christian schools in the Holy Land are Catholic and Protestant: in terms of culture, they are Latin and Anglo-

¹² Compiled from Annual Report of Dept. of Education 1930-1931, Appendix, Table XXV.

¹³ *Ibid.*, Table XIX.

¹⁴ *Ibid.*, Table XV.

Saxon. France and Italy support the former type, while the latter is maintained mostly by British, American, and German agencies.

The Catholic schools have played and still play an important rôle in the educational life of the country. As was shown above, 102 Catholic schools were reported with 10,210 pupils, while the Protestant schools number 50, with 4,281 pupils. The work is carried on by several agencies and orders of the Church, viz.: Frères des Écoles Chrétiennes, Soeurs de Notre Dame de Sion, Soeurs de St. Joseph de l'Apparition, Franciscan Fathers, Salesian Order, and Latin Patriarchate.

Educationally, the most influential of these have been, perhaps, the "Frères" schools, which are found in Jerusalem, Jaffa, Haifa, and Bethlehem. Especially before the War, French education and culture were in demand in the Near East. The aristocracy spoke French, aped French manners, and sent their children to French schools; hence the popularity and influence of these institutions. The "Frères" still educate a large number of boys and fit them for the commercial and social urban life of Palestine. They do elementary and secondary work. Since the War, another Catholic secondary school has been added to the list through the funds of Cardinal Ferrari, and is now under the control of the Franciscan Fathers. Several orders maintain schools for girls where French, music, and embroidery are taught. Notable are the many institutions of a charitable nature, chief among which is the work done by the Sisters of Charity. The Salesian Order has schools at Haifa, Jerusalem, and Bethlehem, and a unique agricultural school at Beit Jemal—a short distance from Beth-shemesh of the Bible. The Latin Patriarchate has elementary parochial schools in many of the towns

and villages in Palestine and Trans-Jordan. The Schmidt Girls' School maintained by German Catholics is worthy of mention. Finally, it is safe to state that the Catholic Church is the most active Christian agency in Palestine and perhaps the most influential politically, which has some bearing on the extent of her education.

Protestantism entered Palestine and Syria rather late—the first quarter of the nineteenth century. It, too, enjoyed greater freedom for action with the conclusion of the Crimean War. Of Protestant educational factors in Palestine, the Anglican church deserves the greatest credit. In 1853 Bishop Gobat School, the oldest boarding school in the Holy Land, was established, and it has been serving the country for over three quarters of a century. The "Preparandi" School, a sister of Bishop Gobat School, which later became the English College, served the Arabic language as no other institution in Palestine has done. Its late disappearance, due to financial difficulties, is a great loss. Besides these two institutions, the Anglican Church Missionary Society has contributed much toward the spread of education. Before the War it had a school in practically every large town and in many of the villages. These schools, too, have suffered on account of financial reverses.

The Anglican bishopric of Jerusalem is supporting three influential schools—St. George's in Jerusalem for boys, the Jerusalem Women's College, and the Haifa School for Girls. The Jerusalem Women's College is the best girls' school in the country. It has a good staff of teachers and prepares the young women for the Matriculation and Intermediate examinations of English Universities. It also has a department for the training of teachers.

Of unique significance is the tech-



nical school managed by the German Protestants. Its official title is *Evangélistisches Verein für das Syrische Waisenhaus* or the Syrian Orphanage. It was established about 1860 to care for the orphans of the Lebanon massacre and later for the orphans of the Armenian massacres. Today, it has 233 boys and 52 girls to whom it is giving an elementary education plus training in some trade such as carpentry, blacksmithing, printing, and so forth. A branch for the blind is also maintained. Herr Schneller, the veteran director, with his two sons who are now directing the school, may be called one of Palestine's benefactors.

By Americans, perhaps the best established educational effort is that carried on by the Society of Friends (Quakers) at Ram Allah. Started in 1868 by Eli and Sibyl Jones, associates of the poet Whittier, the work has developed into two boarding schools, one for boys and the other for girls, and twelve village schools, which of late have dwindled to two for financial reasons. Besides academic work leading up to the university, domestic science is offered to girls and agricultural training is contemplated for boys.

The Christian Missionary Alliance has had schools for boys and girls, which have lately been turned into training schools for religious workers.

American educational influence in Palestine, however, does not rest with these few institutions. It operates indirectly through the training of leaders in the American University of Beirut and that of Cairo. In 1931 there were 284 Palestinian students at Beirut and 30 at Cairo. An increasing number of physicians, dentists, pharmacists, lawyers, and secondary school teachers working in Palestine have received their education at the American University. Many of the Government officials in the administrative

branch are graduates of the same university.

Scotland is represented through its school at Safed in Northern Galilee, where, besides secondary education, some college work is done. The Scotch have schools also in Jaffa.

Sweden claims a share in the education of Palestine, as it is responsible for a school in Jerusalem.

National schools—

By this term is meant schools supported by funds raised in Palestine and administered by Palestinians. In this respect they are indigenous, having their roots in the soil of the country, in contrast with the missionary schools, which are subsidized and controlled by foreign societies. There are Christian and Moslem schools that come under this category. Those under native Christian care are:

TABLE VI

	Schools	Pupils
Greek Orthodox Patriarchate.	15	1,163
Syrian Orthodox Patriarchate.	2	100
Orthodox Charitable Societies.	4	589
Protestant Native Community	1	61
Ram Allah National Schools. .	2	200

In addition, there are the schools of the Greek Catholic Community in the vicinity of Haifa and Acre, which, however, are not reported.

Moslem schools—

In view of the fact that 87.5 per cent of the pupils in Government schools are Moslems, the above title may require explanation. Though the Government schools are attended mostly by Moslems, there are 94 schools with 5,644 pupils that are independent of the Government. They are supported from private religious endowments left by pious Moslems, and administered

either by local committees or by the Supreme Moslem Council. Most of them are of an elementary nature except Rawdat-al-Maarif in Jerusalem and Al-Najah in Nablus (ancient Shechem), which are secondary. Humble as these elementary schools may be, they can boast of independence and self-respect. Their funds come from the soil, they are not foreign, and their management is native. These, as well as the Christian national schools, are considered by the Arabs as "national" institutions, and therefore the bulwark of Arab patriotism. One should like to see them more adequately financed and better administered, as they represent a healthy consciousness of independence and self-support. Among them is a trade school under the control of the Supreme Moslem Council.

CRITICISM OF GOVERNMENT EDUCATION

The Arabs of Palestine are quite emphatic in their criticism of the Department of Education. They contend that it is "foreign" and therefore hostile to their political aspirations. They argue that the general policy of Government education is to bring up a generation which is to be docile and subservient to imperialism and its chief attendant evil, Zionism. More than once have the Arabs of Palestine demanded the control of this most pivotal department, but without success. The Government knows only too well that if the schools were in Arab hands they would become hotbeds of antagonism to the British policy, the Balfour Declaration, and perhaps the existence of the Mandate itself.

The Education Ordinance of 1932¹⁵ takes cognizance of this fact when it gives the Director of Education authority to require "the dismissal of any

teacher, whether in a public school or assisted school or in a non-assisted school, who has been convicted of imparting teaching of a seditious, disloyal or otherwise harmful character."

The Department of Education is often accused of being overstaffed, overpaid, and much too British. A case might be made for overstaffing were it not for the fact that Palestine is too small an administrative unit, which necessitates a greater overhead, not only in education but in other branches of government as well. However, this is really a political issue and cannot be laid against the Department of Education. As to overpayment, it may be remarked that the scale of salaries, especially to Britishers, is greater than the resources of the country justify. The High Commissioner, e.g., receives from Palestine taxes £7,210 (\$36,050).¹⁶ The Director of Education, like the heads of the other departments, receives a salary of £1,200 plus £200 as what is called an "expatriation allowance." He is also allowed something towards travel and house rent. In addition, there is a pension. Thus it may be safe to estimate that the Director of Education costs the country two thousand pounds, or ten thousand dollars, a year. The deputy director receives a maximum of £1,050 plus £150 "expatriation allowance."¹⁷ This salary is equivalent to \$500 a month, to say nothing about the pension, travel allowances, house rent, and so forth. Whether these figures seem large or small in Europe and America, they sound fabulous to Palestinian ears. Moreover, it is doubtful if any of the British officials could get such salaries in England.

Compared with this scale of remuneration is that of the teaching staff, which is as follows. Untrained

¹⁶ Palestine Blue Book for 1930, p. 67.

¹⁷ *Ibid.*, p. 110.

¹⁵ *Official Gazette*, Feb. 16, 1932.



elementary teachers are paid £60 or \$300 per annum and may reach £168 (\$840) as a maximum. College trained elementary teachers begin with £108 (\$540) and stop at £168 (\$840). College graduates start with £168 (\$840) and may reach the maximum of £480 (\$2,400).¹⁸

With regard to the "Britishness" of the Department, it is sufficient to point out that the director, his deputy, supervisor of technical instruction, supervisor of physical education, the principal of the Women's Training College, and chief clerk are British. The *number* of Britishers, however, is not of so much importance as the responsibility attached to their posts.

With a political policy for which this Department is not responsible, however; with an Arab population which is hostile to such a political policy and seizing every opportunity to incite its youth to defy it; with "politics," three official religions, three official Sabbaths, and three official languages to interpret; with innumerable feasts and "holy days"—no wonder that a bigger staff and more money are needed than in a more homogeneous and normal community.

INADEQUATE EDUCATIONAL EXPENDITURE

The educational budget is unquestionably inadequate for the needs of Palestine. Jewish provision for the education of Hebrew children approaches the standards of civilized countries, and should guide the Palestine Government's expenditure for Arab children. In such a case it would have to spend £800,000 (\$4,000,000) a year for schools, instead of £150,000 (\$750,000). When the Government needed funds for the construction of a port at Haifa, it borrowed over a million pounds for the purpose. Might it

not do the same for the extension of education, which is as necessary as a harbor to the life of the 90 per cent illiterate population? One wonders whether this "stepmotherly parsimony" to education may not be partly responsible for the huge and disproportionate expenditure of £475,850 (\$2,379,250) on police and prisons.¹⁹ Guizot's words, "open a school and close a prison," may be relevant to this situation.

Moreover, whereas the Government draws its revenues from taxing everybody, it furnishes education to only 29.5 per cent of those who attend school at all. The 70 per cent, besides paying taxes, are obliged to submit to another tax in the form of tuition fees to private schools. As was stated above, the Government of Palestine is furnishing educational facilities of a simple type, to less than one fifth of the Arabs; 51.18 per cent of those who apply for admission are turned away. An estimated number of 79,544 unfortunate children are denied the most rudimentary education. The neglect of girls' education is equally inexcusable. The rural population, which constitutes nearly two thirds of all the inhabitants, is provided with eight schools for girls.

Perhaps it is to overcome this obstacle that the Government has furnished the Director of Education with power to require local authorities to open schools and maintain them. "If Local Education Authority fails to collect a rate adequate to maintain the school or schools within its area," says the recent Education Ordinance, "the High Commissioner in Executive Council shall have power to impose and to enforce payment of the necessary rate as if it were a Government tax." This, in reality, would constitute a fourth burden on the already overtaxed

¹⁸ Annual Report.

¹⁹ Blue Book, 1930, p. 67.



peasant, as he pays a Government tax, which is supposed to give his children an elementary education, the local tax, possibly tuition fees to private schools for lack of Government schools, and lastly this new educational tax. One would be more fearful of the consequences of this Ordinance on the peasant were it not for the faith in the British genius for sense and moderation.

TEACHER TRAINING AND SECONDARY EDUCATION

Teacher training, which is so essential to the quality of teaching, is limited to the "replacement of casualties," with the Government. Seven students were under training in 1930 in the Government Arab College, and 63 students attended the Women's Training College. That such a number is pitifully small for an Arab population of about three quarters of a million cannot be denied. A notable contrast is the Zionist report of four training colleges with 500 students.

While the Department of Education maintains one complete secondary school, 25 secondary classes in different towns, and an enrollment of 353 students, the private schools have 97 secondary classes with a total of 1,283 students. There are 34 girls doing secondary work in Government schools and 348 in private institutions.

One would forgive the Government for its lack of enthusiasm for secondary schools if it would exert more energy for elementary and vocational education. The product of secondary schools demands clerical posts, which are scarce, while elementary education followed by the vocational may be so given as to create a class of producers instead of comparative parasites.

INFLUENCE OF CHRISTIAN SCHOOLS

The non-Government schools, which are preponderantly Christian, have had

and still have tangible influence on the country. Without the graduates of these schools, e.g., the Government would find the administration of Palestine more difficult. Thus the Government, in view of its inadequate facilities for education, has reason to be grateful to these Christian schools for sharing with it the responsibility of educating the country. There are about 23,000 pupils in Government schools and about 15,000 in Christian schools. For sharing the educational burden, private schools receive four shillings (one dollar) per elementary pupil and ten shillings (\$2.50) per secondary student per annum.

Missionary schools are often criticised by both Moslems and Christians. The former accuse them of "missionarizing," which is perhaps a milder form of proselyting, and the latter complain that the postwar tuition fees are too heavy.²⁰ Moreover, the feeling is quite universal that, in spite of their service, mission schools are detrimental to Arab solidarity. Like the Government schools, they are controlled by foreigners and are said to be lacking in zeal for Arab nationalism. Some are even accused of being political propagandists for their own governments. It is pointed out, e.g., that French schools emphasize French history and geography more than they do Arab; that American schools exalt American customs more than they foster Arab culture and native manners; that Italian schools serve Italian rather than Arab interests; and that German education is conducive to loyalty to Germany instead of love for Palestine.

These mission schools use a foreign language as the medium of instruction; the headmasters are usually foreigners, and the atmosphere is likely to be

²⁰ The usual fees charged for tuition, board, and lodging are about £40 (\$200) per annum.



foreign. The general effect is bound to lead to confusion and variety instead of national unity. Whether it is intended or not, one cannot deny that a conglomeration of French, British, Italian, German, and American schools reflecting their own culture, consciously or unconsciously stressing their own religious beliefs, and teaching their respective languages, is bound to have a denationalizing and disintegrating effect.

NEED FOR PRACTICAL EDUCATION

Intelligent educational opinion in Palestine is aware of the futility of a "bookish" education for a country which is mostly rural. Both the Government and non-Government systems are guilty of the tendency to produce a class of "white-collar-job" seekers, many of whom are unemployed and unemployable.

Next to finance, perhaps, this is the crux of the educational problem in the Holy Land, where education, elementary though it be, seems incompatible with manual work. A Palestine peasant was once heard to exclaim: "What! do you expect my son to work—he can read!" Thus, before Palestinian eyes could become accustomed to the strange sight of a literate community earning its daily bread by the sweat of its brow, they would have to undergo a surgical operation. Leadership in this direction should come from the Government.

All schools in Palestine need a radical change in their courses of study. Rural education should be overwhelmingly agricultural, and town schools distinctly vocational. Rural education, what there is of it, needs a thorough conversion from a sterile exercise of memory into a fruitful contact with Mother Earth. To carry out such a policy, rural schools would have to

be surrounded by many acres of land and instructed by an army of teachers who themselves were agriculturists, and neither afraid nor ashamed to roll up their sleeves and actually get their hands dirty. Such a program would do much to create a fairly intelligent peasantry which would be happy and contented in squeezing its living from the soil.

CONCLUSION

In fine, one might conclude that the task of educating the majority of Palestinians is a joint responsibility. It is a partnership between the Government and the private schools. These two agencies, in spite of their many sins of omission and commission, have accomplished much and have more to accomplish. The Government has authority and the control of the funds. The missionary schools bring into the country much needed financial aid, and, better still, devotion, intellectual freshness, and valuable educational experience.

To the Government's credit may be placed the dignifying of the Arabic language as a medium of instruction; the sending to Beirut, Cairo, and England of several students for education; the slow raising of the educational level; the encouragement of wholesome sport; the cultivation of love for flowers among the children, and the arousing of their interest in native arts and crafts.

In closing a discussion on one of the many attempts by Great Britain to provide an ancient people with a modern system of education, one is reminded of the words attributed to Lord Curzon that an educated "native" is a nuisance. Whether the facts here presented betray the Palestine Government to be of Lord Curzon's opinion or not is left to the reader.

In any case, it would behoove Pales-



tinians to learn all they can from the British, because they have many valuable lessons to teach. It would be well for the Arabs to improve the opportunity of contact with Great Britain and get what they can, for Great Britain has much to give. The German professor Dibelius concludes an exhaustive study of England with the statement that the British Empire is built on two basic assumptions, one of which is common sense. These

administrators from Eton, Rugby, Oxford, and Cambridge may not be in possession of modern educational technique, but they often display moderation, sanity, and common sense—qualities which youthful Palestinians may well prize. Such substantial elements in education may prove of more value to the educational system of Palestine than elaborate courses of study, misleading academic degrees, and futile certificates and diplomas.

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Public Health in Palestine

By I. J. KLIGLER

THE sacred number three plays an important rôle in Palestine. There are three climates, three peoples, three official languages, three principal religions, and three forms of medical and health activity. The interrelation and interaction of these elements are so basic that unless due attention is given them, it is impossible to obtain a clear idea of the forms and functions of the health organizations of the country.

CONGLOMERATE CONDITIONS

In many respects Palestine is, figuratively speaking, a country on the fence. It is on the boundary between the temperate north and the tropical south. It is the connecting link between the rational West and the mystic East. Historically and by aspiration the national homeland of the Jews, it is settled chiefly by Arabs, and administered by the English. Being a mandated territory its status is rather uncertain, because it is neither a colony nor a self-governing country, and few people have a clear idea of the nature of a mandated country.

In the small compass of this country—roughly 140 miles long and 60 miles wide—one finds a composite of the climates, the languages, the religions, and the standards of civilization of the world. In the Coastal Plain the climate is subtropical; in the highlands it is mildly temperate; in the Jordan Valley it is tropical. In an automobile trip lasting about two and a half hours, one passes from the subtropical region of the coast to the temperate climate of the hills, to the tropical Valley of the Jordan. At the

same time one passes from the western Tel-Aviv, through the semi-medieval Jerusalem to Biblical Jericho. Tel-Aviv is a purely Jewish city with modern concrete pavements, broad sidewalks, and modern houses containing such comforts as central water supply, electric lights, and baths (no sewerage system as yet). Jerusalem is a cosmopolitan city; the old part with its sixteenth-century wall, oriental bazaar, and stone-paved narrow streets, and the new part with its broad thoroughfares and western aspect, present a curiously fascinating meeting ground of the East and the West. Jericho is an old Arab city with nothing of the West or of today. In Tel-Aviv there is hustle and bustle, the excitement of getting on characteristic of our age; in Jerusalem the pace is slower and more sluggish; in Jericho there is mostly the lazy lolling in the shade characteristic of the tropics.

Under these circumstances it is natural that unusual health problems exist and that peculiar difficulties are encountered in solving them. The Jewish people are in a hurry. They are anxious to improve health conditions with the utmost speed in order to facilitate reconstruction and resettlement with a minimum loss of life and health. Hence they fret at any delay. The Arabs are conservative and suspicious of innovation; to many of them, life, disease, and death are still largely ordained by Allah. They understand medicines and have always used them in one form or another, but preventive medicine is a nuisance and perhaps even an invention of the Devil. They will take any amount



of "Quina," but tamper with their primitive irrigation canal or the natural, tortuous course of an overgrown wadi (creek), and there are loud protests. The Government's policy is first to keep order and then to improve conditions in the country as a whole to the extent, and only to the extent, that these activities do not noticeably interfere with the age-old habits and customs of the people.

MEDICAL AND HEALTH ORGANIZATIONS

As a result of these different aspects, standards, and tendencies, three distinct types of medical and health activities have come into being. First, there is the Government Department of Health—British in constitution and organization, and native in execution. Then there is the Hadassah Medical Organization—Jewish in constitution and American in inspiration and organization. Finally, there is a chain of missionary hospitals maintained by various denominations. The first is the official health agency carrying the governmental responsibility for the health activities of the country. The second is a voluntary organization supported by Hadassah, the Woman's Zionist Organization of America, whose purpose is to provide curative and preventive services to the Jewish population and to all others who may wish to avail themselves of their benefits. The purpose of the third is to bring physical and spiritual healing by ministering to the sick. The first two are unified organizations, country-wide in their activities and scope; the last consists of a large number of isolated hospitals located in various parts of the country.

Government Health Department—

The Government Health Department is a highly centralized system under the absolute authority of the

Director of Health. There is no health council or board of health. The director is assisted by a deputy director and two assistant directors, each with distinct functions. The deputy director is in charge of all medical activities, such as hospitals, clinics, and so forth, and the antimalaria service. One assistant director is in charge of the sanitary and epidemiological service, his division including a registrar of vital statistics and a sanitary engineer. The second assistant director is in charge of the laboratory service. These officials are all British.

The country is divided into four districts: Jerusalem, Jaffa, Haifa, and Samaria-Galilee. Each district is under the charge of a British Principal Medical Officer, who is assisted by a varying number of native staff. The Principal Medical Officer is responsible for all services in his district—hospitals, supervision of public establishments, and epidemic, malarial, and rural sanitation. He corresponds to the county medical officer in the United States. In the four large cities, Jerusalem, Jaffa, Haifa, and Nablus, local medical officers are assigned specific duties such as hospital, public establishments, or rural service. In the secondary cities, such as Nazareth and Tiberias, the same medical officer has charge of the dispensary, the epidemiologic service, the rural work, antimalaria service, and so forth; in addition to their work in the town, these medical officers must visit from thirty to forty villages about once a month.

The total staff of the Department consists of 11 British medical officers, 16 local medical officers in the hospital and medical service, 24 medical officers in the sanitary and epidemic service, 5 matrons and 5 staff nurses, and an unrecorded number of sanitary inspectors.

The budget of the Department in



1930 was LP108,551, of which LP 76,143 was spent on salaries and the rest on other charges. Of the salary expenditure, about one sixth is paid to the eleven senior British officials. In view of the generally backward conditions of the country and the complete centralization of the health functions (which means that even the large municipalities provide only garbage collection and plumbing inspection as their contribution to the health services), this budgetary provision is entirely inadequate. The Government provides 10 PT. or less than 50 cents per capita per annum for hospital and public health purposes. The health budget constitutes 4.7 per cent of the total Government expenditures.

Hadassah Medical Organization—

The Hadassah Medical Organization fulfills here the function that various private health agencies do in the United States, with a difference. The work is centralized in one body and covers both hospital and preventive services. At the outset the principal purpose of the organization was to establish a chain of hospitals to serve the needs of the community at large and to provide a good medical and nursing service. It established and still maintains or supports four hospitals, one each in Jerusalem, Tel-Aviv, Haifa, and Safed, and a nurses' training school in Jerusalem. Gradually, however, this organization came to fill many of those lacunæ for which no provision had been made in the preventive services of the Department of Health. It has organized an excellent maternity and child hygiene service in most of the large cities and in a number of the larger villages, covering maternity, infant and preschool, and school hygiene. Thanks to the generosity of the late Mr. Nathan Straus of New York, this organization has constructed two model

health centers—the first in Palestine and the only ones in this part of the world.

The system of the Hadassah Medical Organization is also highly centralized. As is the case in the Department of Health, full power rests in the hands of the director; but here the similarity ends. The services of this organization are more specialized, and the chief of each service is in charge of and fully responsible for the work of the various subordinates throughout the country engaged in that service. The pediatricist of the Jerusalem hospital is also in charge of the infant hygiene work and has direct supervision of all pediatric work and infant hygiene stations in the country. The school hygiene work in the country is under control of a chief of that service. The public health nurse is in charge of all the public health nursing work. The ophthalmologist is in charge of the trachoma and eye service throughout the country. Along with centralization of administration, there is thus a diversification and specialization in service; responsibility being placed in the hands of specialists interested in their specialty, it is natural that quality of service is properly emphasized.

The budget of the Hadassah Medical Organization for hospital and preventive activities totaled in 1930 LP 109,961. Of this sum about LP70,000 was spent on hospitals and LP40,000 on preventive and rural medical services. This organization spent, therefore, more than the Government Department of Health, and much of the improvement in the health conditions of the country could not have been achieved without this extensive service in addition to that of the Department of Health.

The Hadassah Medical Organization maintained in 1930 a staff of 44 physicians, 127 nurses, 41 public health nurses, and over 200 lay and technical



staff. Of the total expenditure, LP77,-398 was spent on personal emoluments and LP32,563 on other charges.

Sick Benefit Society—

The Sick Benefit Society constitutes a most important part of the Jewish health activity. It is a voluntary health insurance society organized by the Jewish Workers' Organization. The Society counts 18,000 members, who with their families constitute 30,000 souls. Its annual budget of about LP55,000 is covered chiefly by membership dues, partly by contributions by employers, and partly by the Jewish Agency and the Hadassah Medical Organization. The distribution of income in 1930 in percentages was approximately as follows:

TABLE I

Members and Workers' Coöperatives....	48
Employers.....	11
Patients fees.....	6
Agency and Hadassah.....	33
Sundry donations.....	2
Total.....	100

The organization is managed on a coöperative basis. It maintains its

own out-patient departments in the 5 principal cities, provides physicians and nurses to its rural members in 53 rural centers, and conducts a central hospital of 50 to 60 beds, and two convalescent homes. It employs 73 physicians, 49 nurses, and 9 pharmacists. In the absence of a compulsory insurance law, the growth and strength of this society is a tribute to the organizing powers of the Jewish Workers' Organization.

Health Council—

The Health Council is a central advisory and supervisory body constituted by the Jewish Agency to regulate and correlate the work of the Jewish health agencies—principally Hadassah and the Sick Benefit Society. This body consists of seven representative members. Its function is to advise on medical policy and on coördination of the work, to maintain contact with the Government Department of Health, and finally, to analyze and advise on budgets.

VITAL STATISTICS

The general mortality, and more particularly the infant mortality of a country have come to be regarded

TABLE II—GENERAL AND INFANT MORTALITY, 1924-1930

Year	Estimated Mid-Year Population ^a	Death Rate per 1,000 Population				Infant Mortality per 1,000 Births			
		Total	Moslem	Jewish	Christian	Total	Moslem	Jewish	Christian
1924...	681,245	25.0	29.9	12.6	16.8	184.8	199.0	105.7	151.9
1925...	719,508	27.2	31.2	15.1	18.8	188.6	200.5	131.3	162.4
1926...	761,896	24.4	28.6	12.1	17.9	163.0	172.5	108.1	158.0
1927...	778,369	28.0	33.0	13.4	20.1	200.5	216.7	115.3	187.0
1928...	794,526	29.0	35.1	12.1	18.9	186.3	203.5	95.8	157.9
1929...	816,060	26.5	31.7	11.8	17.9	186.5	204.9	89.8	155.8
1930...	843,132	23.1	27.9	9.6	19.2	154.3	169.6	69.0	134.4

^a The population figures are as officially estimated. The recent census has shown that the Moslem population was underestimated in the 1922 census, but a correction will not affect the trend of general mortality as shown in the table, and will naturally have no influence on the infant mortality rates, which are calculated on the basis of recorded births.

as an index of the country's health and of the application by the health authorities of the modern principles of the public health practice. From both these standpoints, the data shown in the accompanying table are extremely instructive.

It is apparent from the data in Table II that until 1930 there had been no appreciable change either in the general death rate or in the total infant mortality rate. The only noticeable improvement is seen in the data for the Jewish population. Thus, while the total death rate and the infant mortality of the Moslem and Christian populations have remained stationary, those of the Jewish population have shown a steady downward trend, reaching an unusually low point in 1930. The year 1930 was in all probability an exceptional one, due to the absence of measles and malaria epidemics, and it is extremely doubtful whether the general improvement recorded will be maintained in 1931.

The conclusions to be drawn from these data are obvious. It is apparent that the program of the Health Department has not been effectively directed towards safeguarding the lives and the health of the population. It is equally clear that the activities of the Jewish medical bodies have given an abundant harvest of lives saved. It is indeed an achievement that in a subtropical country, under sanitary conditions favoring a high infant mortality, it has been possible to reduce the infantile mortality to 69 per 1,000 births. This is particularly noteworthy in view of the relatively high birth rate, only slightly below that of the Christian population of Palestine, and considerably above the prevailing birth rate in civilized communities with an equally low infantile mortality.

A comparison of the Christian and

Jewish birth rates in Palestine is given in Table III.

TABLE III—JEWISH AND CHRISTIAN BIRTHS PER 1,000 POPULATION

Year	Jewish	Christian
1926.....	36.0	40.0
1927.....	35.1	38.9
1928.....	35.4	40.4
1929.....	34.1	37.8
1930.....	33.4	39.0

CONTROL OF COMMUNICABLE DISEASES

The control of communicable diseases is entirely in the hands of the Department of Health. In some respects Palestine is fortunate. Despite its subtropical location, it is not afflicted with some of the diseases prevailing in these regions. Infantile Leishmaniasis, prevalent in other Mediterranean countries, does not exist. Bilharziasis and hookworm, so common in Egypt, are reported only rarely. Similarly, diphtheria and scarlet fever, prevalent in the temperate regions, are of rarer frequency and milder character.

Diseases of infancy and early childhood—

The epidemic diseases responsible for most of the morbidity and mortality in the country are measles, malaria, dysentery and gastro-enteritis (including toxicosis and diarrheas of infancy), and typhoid. Measles, dysenteries, and gastro-enteritis are responsible for most of the deaths in infants and children under five years. Of the deaths recorded as due to infectious diseases, measles takes first place, and pneumonia (usually as a post-measles complication), second. In 1929 the deaths from these two infections accounted for 67 per cent of the total recorded deaths due to infectious diseases.



In general it may be said that the health problems in Palestine center around the diseases of childhood. About two thirds of the total deaths in the non-Jewish population occur in the age group 0.5. The significance of the mortality in this age group is demonstrated by data in Table IV giving a comparison of the Moslem and Jewish death rates in this age group in relation to the total deaths.

breeding in cisterns, the effective control of these cisterns by the Health Department has practically eliminated the disease. In the rural and those urban communities where streams, bogs, and marshes are responsible for the transmission of the disease, much remains to be done. In these regions, Jewish effort in control, drainage, and so forth, has largely brought the disease under control in Jewish and neighbor-

TABLE IV—MORTALITY UNDER AGE 5 IN RELATION TO THE TOTAL MORTALITY

Year	Total Deaths		Deaths under Age 5		Percentage of Deaths under Age 5 of Total Deaths	
	Moslem	Jewish	Moslem	Jewish	Moslem	Jewish
1929.	18,131	1,820	12,368	692	68.0	38.0
1930.	16,434	1,562	11,156	542	68.0	35.0

In the Moslem population over two thirds of the total deaths occur in the age group below 5, while in the Jewish population only a little over one third of the total deaths occur in this age group. It is apparent from these data where the center of gravity of the health problem lies, and that a concentration of effort towards the control of the diseases of childhood would offer the greatest reward in human lives saved.

Smallpox—

Vaccination is compulsory and is effectively carried out. In contrast with neighboring countries, Palestine has been entirely free from smallpox.

Malaria—

Malaria is one of the most important endemic and epidemic diseases in the country. In most of the cities malaria has been brought under control by the efforts of the Department of Health. In the urban communities, where malaria is transmitted by an Anopheles

ing Arab villages. In non-Jewish areas, such as Acre, the Huleh plain, the region east of Beisan, and other sections, malaria is still highly prevalent. But, by and large, tremendous progress has been made in the last ten years toward the control and, in many places, the elimination of this scourge.

Tuberculosis—

Notification of tuberculosis is incomplete. It is approximately correct only in so far as Jewish deaths are concerned, and an idea of the prevalence of this disease is obtainable from these data. According to the figures published in the 1928 report of the Department of Health, the death rates for the different communities were as shown in Table V.

It is obvious that these data are incomplete. Judging by the Jewish deaths and allowing the accepted ratio of 10 cases per death, there were in 1928 approximately 800 cases of tuberculosis in the Jewish population of

160,000, or a case rate of .5 per 1,000. This figure is probably lower than that prevailing in the country as a whole.

TABLE V

	Deaths	Death Rate per 1,000	Percentage of Total Deaths
Moslems...	159	0.28	0.81
Christians..	33	0.42	2.21
Jews.....	82	0.54	4.51

Up to the present the Government has done nothing to cope with the problem. The reporting is incomplete, isolation is not being carried out, and no provision whatever has been made by the Government either for the isolation or the treatment of early active cases.

The only active anti-tuberculosis work is being carried out by Jewish bodies. The Hadassah Medical Organization maintains thirty beds in Safed for early active cases. There is also an Anti-tuberculosis League, which, with the aid of Hadassah, maintains tuberculosis clinics in Jerusalem, Tel-Aviv, and Haifa. Over five hundred active cases are registered in these stations, and these and their families are under the supervision of the tuberculosis nurses attached to the stations. The fact that patients are admitted to the Safed hospital only through these stations has helped considerably to stimulate registration and attendance of patients and suspects at the stations.

PREVENTIVE SERVICES

Maternity and child welfare—

The first maternity and infant welfare stations were established by the Hadassah in 1922. Since then this organization has established and now maintains 22 centers. In 1930, 3,769

prospective mothers and 8,572 infants were in active attendance at these stations. Since the total Jewish births were 5,434, it appears that about 70 per cent of the potential mothers attend these stations.

The Health Department activities in this direction are very limited. No prenatal care is offered. Its infant welfare service was started in 1925 and consists at present of eleven stations maintained by the Government and three by municipalities. All these stations are located in the cities and serve only the Arab population. In 1930, 5,266 infants were registered in these stations.

Other voluntary organizations maintain six stations, three non-Jewish and three Jewish. In 1930 these stations registered 3,539 infants.

In general, the Health Department has not manifested a progressive attitude with regard to these important preventive services. It has given only inadequate attention to the needs of the Arab population and none at all to those of the Jewish population. The shortsightedness of this policy is apparent in view of the high infant mortality and mortality in children under five years of age. To quote Rosenau:

The Government must sooner or later realize that voluntary agencies cannot be expected indefinitely to carry on preventive work, which is a public health obligation of the community and state. The Department of Health . . . can very well afford to devote money to the saving of maternal and infant lives.

School hygiene—

In Palestine there are three systems of schools: the Government schools for the Arab population, the official Jewish school system, and mission and other schools. In 1930 there were 310 Government schools with 22,956 pupils and 760 teachers; and 566 non-Govern-



ment schools with 51,504 pupils and 2,709 teachers. At present the Health Department service is practically limited to Government schools; the other schools (among them the Jewish) are dependent on voluntary service.

The school hygiene service provided by the Health Department corresponds to that in other countries. There is periodic examination of school children, inspection of schools, instruction in hygiene to teachers, and control of infectious diseases. Special attention is given to treatment of eyes, a very important matter in view of the prevalence of trachoma and epidemic conjunctivitis.

In 1930, 11,058 children were examined—5,918 in cities and 5,140 in villages. Of these, 5,901—over 50 per cent—had trachoma and 513 had other eye diseases. Over two million eye treatments were given.

None of this service is provided to Jewish schools, and the lack is filled by the Hadassah Medical Organization. In 1930 the Hadassah school hygiene service cared for 25,000 school children. This service has been particularly effective in completely freeing the children of scabies, in reducing the trachoma incidence to 10 per cent, and in the organization of groups of children into health scouts.

HOSPITAL SERVICE

General and infectious—

The hospital service has an important bearing on the health of the community. Adequate provision of hospital facilities, particularly for infectious and communicable diseases, makes possible a better control of these diseases. In Palestine most of the hospital care is provided by voluntary agencies.

The mission hospitals fulfill an important function, satisfying to some extent the needs of the Moslem and

Christian population. In some of the communities these hospitals are alone in the field. The Scottish Mission Hospital in Tiberias, the French and English Hospitals in Nazareth, the French Hospital in Bethlehem, and the East Mission Hospital in Hebron furnish much-needed service in cities where no other hospital facilities are available.

Perhaps the outstanding mission hospital from the standpoint of the need of the local population and the extent of its service is the excellent Ophthalmic Hospital of the Order of St. John of Jerusalem. It has a bed strength of 45, and in 1930 had an average occupancy of 33.0. But of even greater importance is the outpatient service, which in 1930 had an attendance of 82,388, representing 19,457 new patients, of whom 13,148 were Moslems, 4,797 Christians, and 1,512 Jews.

The Leper Hospital maintained by the International Moravian Society is the only leper hospital in the country. It has a bed strength of 60, but its occupancy in 1930 was only 18.7.

One of the striking differences between the mission and Government hospitals on the one hand and the Jewish hospitals on the other is the relatively low average rate of occupancy of the former. With a few exceptions, the occupancy in these hospitals is rarely more than 50 per cent of the bed strength. Noteworthy exceptions are the Ophthalmic Hospital and the English Mission Hospital to the Jews, with an occupancy of over 70 per cent; the German Hospital in Haifa, with an occupancy of over 80 per cent; and the Edinburgh Mission Hospital in Nazareth and the Scottish Mission Hospital in Tiberias, with an occupancy of 70 and 85 per cent respectively. From every standpoint, these hospitals satisfy a real need and



provide the poor population with a service which could not well be dispensed with.

Table VI shows the number of hospitals and the bed strength provided by the Government and by non-Government bodies. The total bed strength is 1,926, or about 2 per thousand. Of this, the Government's provision of general and infectious disease

beds is less than 20 per cent. More noteworthy is the fact that in a country like Palestine the total bed strength for contagious diseases is 106, or one bed per 10,000 population.

Attention should also be called in passing to the percentage of occupancy of the various types of hospitals. This is significant in view of the charge occasionally voiced regarding the rela-

TABLE VI—DISTRIBUTION OF GENERAL AND INFECTIOUS HOSPITAL BEDS IN VARIOUS PARTS OF THE COUNTRY

	No. of Hospitals	Total Beds	General	Isolation	Occupancy	
					Total	Per Cent
<i>Jerusalem</i>						
Government.....	1	103	92	11	60.6	
Jewish.....	5	307	295	12	276.7	
Non-Jewish.....	4	340	340	0	152.6	
<i>Bethlehem</i>						
Non-Jewish.....	1	70	70	0	25.6	
<i>Hebron</i>						
Non-Jewish.....	1	32	32	0	13.6	
<i>Jaffa</i>						
Government.....	1	73	48	25	33.9	
Jewish.....	1	125	125	0	130.1	
Non-Jewish.....	3	164	164	0	63.6	
<i>Beersheba</i>						
Government.....	1	8	8	0	7.6	
<i>Gaza</i>						
Government.....	1	33	24	9	15.9	
Non-Jewish.....	1	63	63	0	22.9	
<i>Haifa</i>						
Government.....	1	70	30	40	38.0	
Jewish.....	1	55	55	0	51.5	
Non-Jewish.....	2	60	60	0	41.2	
<i>Acre</i>						
Government.....	1	29	24	5	15.5	
<i>Nazareth</i>						
Non-Jewish.....	2	116	116	0	54.1	
<i>Nablus</i>						
Government.....	1	56	52	4	41.0	
Non-Jewish.....	1	45	45	0	21.7	
<i>Tiberias</i>						
Non-Jewish.....	1	60	60	0	51.1	
<i>Safed</i>						
Jewish.....	1	53	54	0	47.4	
<i>Afulah</i>						
Jewish.....	1	64	64	0	52.3	
Total Government.....	7	372	278	94	212.5	57.1
“ Jewish.....	9	604	593	12	558.0	92.4
“ Non-Jewish.....	16	950	950	0	446.4	47.0

tively higher cost of the Jewish hospitals.

Mental hospitals—

There are two mental hospitals, one with a capacity of 60 beds maintained by the Government and the other with a capacity of 80 beds maintained by a voluntary local Jewish organization. Both are overfilled and there is a long waiting list clamoring for admission. The Government had planned the construction of a large institution adequate to meet the needs of the country, but these plans have been suspended in view of the economic depression.

SANITARY SERVICES

Good water supply and proper disposal of human waste constitute primary needs of organized communities. In this respect Palestine is still in the transition stage; that is, in the stage in which many of our American cities were thirty or forty years ago. Most of the cities of Palestine are still without a proper or adequate water supply, and none has a complete sewage system. Jerusalem, the capital, with its 90,000 population, still suffers periodically from water shortage. Only some sections of the town have sewer mains, and the untreated effluent still runs down an open creek in the Kidron Valley as it did ten years ago.

Water supply—

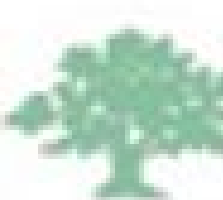
Only a few cities in Palestine have a satisfactory central water supply. In Jerusalem there is a central supply distributed to the houses from the main sources—the Ein-Harub and Ein-Farah springs to the south and east of the city, respectively. But these supplies are inadequate for the rapidly growing population, the average supply exclusive of cisterns being about 4 gallons per soul—an absurdly

inadequate amount. In Jaffa, only part of the city has a central supply, the rest still depending on shallow, often badly polluted wells. In Tel-Aviv there is a satisfactory supply provided from five deep borings pumped to service reservoirs for distribution to the entire city. In Haifa there is a central water supply only in the Hadar Hacarmel Quarter of the town, having about 5,000 inhabitants. This supply is obtained from two deep borings giving about 6,000 gallons per hour. The rest of the city, of over 40,000 souls, still depends on wells, usually very hard and often brackish. Tiberias now has a good chlorinated water supply from Lake Tiberias.

In contrast with this unsatisfactory condition prevailing in the cities is the water supply in the rural Jewish settlements. In practically every settlement without exception, there is a piped supply either from a deep-bored well or from closed springs. These waters are pumped to reservoirs and distributed by gravity.

Sewage disposal—

As stated above, sewage disposal is nonexistent. In Jerusalem some sections of the town are provided with sewers, but there is no disposal plant, and were there one, it would be useless because the sewage is far too concentrated for treatment. In Jaffa there is, in one small section of the town, a storm water drain emptying into the sea, which serves also as a sewer; but the leaching cesspit is still the prevailing form of disposal. The same condition prevails in Tel-Aviv. In Haifa a sewerage system exists only in a few sections, the discharge emptying into the sea; the rest of the city is still using the cesspit or septic tank. In the other cities, cesspits, percolating pits, or the still more primitive drypits still prevail.



CONTROL OF THE FOOD SUPPLY

In control of the food supply, too, the urban communities of Palestine are still in the pioneer, primitive state. The collection and distribution of food is still unorganized. There are large dealers in vegetables and provisions, but every morning the women (fellaheen) still come to market with their baskets of vegetables and eggs, squat on the pavement, and cater directly to the consumer.

To a considerable extent this holds true also with regard to milk. There are some organized distributors of cows' milk, the principal one being the Producers Coöperative "Tnuvah." The "Tnuva" also operates the model pasteurization plant in the Straus Health Center, producing, under the control of the Health Center administration, a Grade A, bacteriologically controlled, pasteurized milk. But, in addition, one may still see the goats brought to the house and milked directly into the consumer's container.

The Health Department has instituted a system of licensing for stores, shops, restaurants, and so forth, but this does not as yet reach the small farmer who peddles his own products. Hence, the only safeguard is to treat all food with suspicion and eat only cooked food, boiled milk, and sterilized or cooked vegetables.

NEEDS AND ACHIEVEMENTS

Much solid work has been done by both Government and non-Government bodies. Palestine is today as different from the Palestine of the Turkish period as our own South is different from that of fifty years ago. There is a good Health Organization; much has been done to improve recording of vital statistics, and there is an excellent and well-organized laboratory service.

However, there is no denying the facts that the preventive and sanitary services have not received due attention, that the mortality has remained stationary, and that there has been undue reliance on the work of voluntary and more particularly Jewish agencies, which have expended enormous sums for services which should have been and in the future must be provided by Government. Moreover, it should not be overlooked that the revenue and the expenditure of the Palestine Government are today at least five times as large as they were in the prewar days, even in terms of prewar values.

This article is written from the viewpoint of the hygienist stressing the health needs of a community rather than the achievements, and the needs are indeed large, even in the light of the achievements.

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Arab-Jewish Unity in Palestine

By FUAD SHATARA

PEACE, unity, and harmony in Palestine are a "consummation devoutly to be wished" and an objective the attainment of which is an essential prerequisite before any real progress can be achieved. The solution of the Arab-Jewish problem is the paramount task in Palestine today. The tragic events of the last decade have conclusively proved that this problem far transcends any other political maneuver or economic undertaking. The leaders who have either evaded this problem or relegated it to the background, instead of making an honest attempt to face it squarely, have clearly demonstrated their shortsightedness and are indirectly responsible for the clashes between Jews and Arabs.

Is Arab-Jewish unity in Palestine possible?

What are the motives behind Arab opposition?

ARAB OPPOSITION TO POLITICAL ZIONISM

I shall attempt to answer these two questions by an analytical and objective presentation of the Arab attitude toward political Zionism. The words "political Zionism" are used advisedly. By political Zionism the Arab understands an attempt to set up in Palestine a Jewish state which shall be, to use Weizmann's words, "as Jewish as England is English or America is American." In this *imperium in imperio*, the Arabs will be forced either to "trek along" (*Zangwill*) or to be "hewers of wood and drawers of water." In this *Judenstat*, a Jewish majority is a *sine qua non*.

This is not the spiritual and cultural

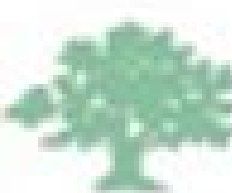
Zionism of Ahad Haam or Judah Magnes, with which the Palestine Arab has no quarrel. Between these two brands of Zionism—the right wing and the left wing—the Zionist Organization has taken a so-called central position; hence the Center Party in Zionist ranks, which I can best describe by quoting Herbert Solow's article in the November–December 1930 issue of the *Menorah Journal* (a Jewish magazine):

Even most extreme Ahad Haamists seem to have reconciled themselves to the situation, and the Zionist movement merged the concepts of a "cultural center" and the Jewish State in the vague, elastic phrase "Jewish National Home" which each might interpret as he pleased and all might support.

This compromise, an *unstable mixture*,¹ was described by chemist Weizmann as "synthetic Zionism" and by him dignified as a new Ideology.

It is easy to understand why the Palestine Arab has mistrusted and dreaded this Center Party even more than the extreme right wingers. To him it appeared that that party hobbled between the two extremes of Zionism, adopted a chameleon-like policy and changed its color to meet the environment and the occasion, and was everything to everybody. He read contradictory statements of policy, made by the same leaders on different occasions, and became convinced that the chauvinistic utterances more accurately represented the real intentions of Zionist leaders, while the mild and soothing statements were but anodynes intended to pour oil on

¹ The italics are the author's.



troubled waters and to eliminate as much resistance as possible until the Zionists obtained a majority in the land and a constitutional sanction for their chauvinistic designs, which they lack as a minority.

Arab opposition to political Zionism is therefore easy to understand—essentially it is an expression of the instinct of self-preservation and an assertion of an inalienable majority right which has been recognized from time immemorial. It is not religious, neither is it prompted by a “few mischievous effendies or agitators.”

ARAB-JEWISH RELATIONS IN HISTORY

The Arabs, like the Jews, are Semites. During the Golden Era of Arab supremacy, from the seventh to the fourteenth century A.D., when the Arabs were the only civilized race in the world, Jewish physicians, poets, and scholars found a haven of refuge from oppression in the courts of Arab caliphs. Suffice it to mention Maimonides, the philosopher and physician, Rabbi Ibn Ezra, and Ibn Rubban, the teacher of Ar Razi.

Arab contributions to world civilization constitute a fascinating topic which space does not permit to discuss here. George Dorsey, in his recent book *Man's Own Show—Civilization*, definitely states that were it not for the Arabs, the Renaissance would have been impossible. It is, however, germane to this discussion to state that there is a growing belief in the Arab world (including Palestine) that the Arab—that long-slumbering giant—is ready to shake off his shackles and lethargy and to resume his place in the family of civilized nations.

Prior to the World War and the issuance of the Balfour Declaration, Jews and Arabs lived in Palestine in friendly and neighborly harmony.

ZIONIST CLAIMS REFUTED

The facts that several Jews have on numerous occasions publicly expressed their opposition to Zionism, and that the Christians in Palestine have been as vigorous in their opposition to Zionism as the Moslems, are sufficient to refute the “religious fanaticism” theory. Among the many Jewish leaders who have publicly expressed their opposition to political Zionism may be mentioned: Henry Morgenthau, the late Professor DeHaan, Judah Magnes, Rabbi David Phillipson, and Rabbi Landman, editor of *The American Hebrew*. However, the most convincing refutation of political Zionism is the scholarly thesis of the late Professor Morris Jastrow, of the University of Pennsylvania, entitled *Zionism and the Future of Palestine*. In the Appendix to this book is given the petition opposing Zionism handed to the late President Wilson and signed by three hundred leaders of American Jewry.

It is furthermore very significant that every commission of inquiry appointed by the British Government, beginning with the Crane-King (American) Commission and ending with the Simpson Commission, has substantiated the claims of these “mischievous Arab effendies and agitators” and refuted the claims of Zionist zealots.

There are three principal phases of this question: the historical, the political, and the economic. Briefly, the Zionists claim that historically Palestine was a Jewish country, that it was returned to them by the Balfour promise, which has been indorsed by all the nations of the world, and that they, and not the Arabs, are equipped to develop the land economically for the benefit of all. Let us examine each of these three phases.



THE HISTORICAL PHASE

Historically, the Jews have been but one of many races that entered Palestine by the sword and were expelled therefrom in a similar manner. The word "Palestine" is derived from "Philistine," the arch enemies of the Jews. The history of Palestine goes back to the year 2500 B.C., when the land was settled by Semites from Arabia.

Out of the long period of over 4,431 years (2500 B.C. to 1931 A.D.), the Hebrew monarchy, which was established 1050 B.C., lasted only 97 years. It was torn asunder by internal strife and was succeeded by the Kingdom of Israel which lasted a little over two hundred years, and the contemporaneous but longer-lived Kingdom of Judah which was finally carried into captivity by Nebuchadnezzar in 586 B.C.

From the above it is clear that the existence of the Jewish monarchy, which political Zionists seek to revive in the form of a state, lasted less than four hundred years and was anything but successful. To use Lewis Browne's words, "it was but a 'door mouse' compared with the mighty empires of Persia, Babylon, or Egypt." It was torn asunder by internal strife and dissensions, and it is hard to see how it will be possible to prevent dissensions which cropped up among a homogeneous people from recurring among heterogeneous groups drawn from the four corners of the earth, as are the immigrants into Palestine today.

The Arabs, on the other hand, captured Jerusalem under the Caliph Omar in the year 646 A.D. and have lived in the land continuously ever since, or for a period of nearly thirteen hundred years.

The Palestine Arabs, like Americans, are a mixed race and have in their veins a predominant strain of Arab

blood intermingled with that of the numerous races who have invaded the land since the dawn of history. They feel that, having lived in the land continuously for thirteen hundred years, their title to the land is clear. Possession is two thirds of the law, and there is a limit to title of property. While willing to share with the Palestinian Jew their rights and obligations, they regard the claim of the European or American Jew to Palestine as no more valid than the claim of the Arabs to Spain or the claim of the Italians to the United States because America was discovered by an Italian.

The statement that the establishment of a Jewish state is a prerequisite to the revival of Hebrew contributions is not borne out by history. The greatest contribution of the Jews to the world's spiritual treasury, namely, the substitution of the idea of a universal God, the father of all mankind, for the previous Hebrew conception of a sectarian, warlike Jehovah, was made by Jeremiah at a time when the kingdom was on the wane, and was further elaborated by the Jews in the Babylonian exile. The subsequent great contributions of the Jews were all made in the Diaspora. Thus Jastrow says in *Zionism and the Future of Palestine*:

It is a fact of the utmost significance that the great contribution of the Jews to the world's spiritual treasury was made not while the national life was flourishing, but as it was ebbing away. The Prophets with their revolutionary doctrines made their appearance when the southern Kingdom was beginning to show symptoms of decline, and the movement reached its height after this Kingdom had disappeared and the national existence of the southern Kingdom was threatened. The religion of the Prophets is the swan song of ancient Hebraism, and the example of a people flourishing without a national background had to be furnished to the world in order to



bring the new conception of religion to fruition, which divorced religion from nationality and made it solely the expression of the individual's aspiration for the higher life and communion with the source of all being. The ancient Hebrews disappeared. It was the Jews, as we should call the people after the Babylonian Exile, who survived, and they survived despite the fact that they never recovered their national independence in the full sense of the word.

THE POLITICAL ASPECT

Politically, the Balfour promise, the cornerstone of political Zionism, was sandwiched between two well-known promises made to the Arabs which are contradictory to the Balfour promise. Subsequent events have clearly demonstrated that the wartime British Government were too free with their promises in regard to Palestine, which they did not then possess, and that incompatible promises were made during the War, the full significance of which was not then realized and the subsequent fulfillment of which has been found impossible. Thus *The Nation* in an editorial in the September 11, 1929 issue states:

It was the perversion of all decency, of all standards of common good faith and honesty in that struggle [World War] which led the wartime British Cabinet, loyal to their belief that anything which might help win the war was good and justifiable, into the career of perfidy which lies behind the bloodshed in Palestine to-day. . . . In two years the British appear to have promised Palestine, which they did not possess, successively to the Arabs, the French, and the Jews.

But promises or no promises, there is an overwhelming majority in Palestine who have inalienable and constitutional rights which cannot be bartered away by foreign diplomats. The rights of a majority are tacitly acknowledged by the feverish efforts of political Zionists to create a majority

for themselves in Palestine, unless two different standards of justice and equity are set up, one for the Jew and another for the Arab.

The following is quoted from a *New York Times* editorial under date of October 22, 1930:

Great Britain's new policy in Palestine is a blow at Zionist aspirations only in the sense that it registers a verdict already pronounced by the facts. The claims of "Political Zionism" were always inadmissible. Neither justice nor the forces of nationalism let loose by the war nor Great Britain's pledges to the Arab people would tolerate the imposition of Jewish ascendancy by high-pressure methods upon a native population four-fifths hostile. The Jewish Homeland promised in the Balfour Declaration was limited in that Document by the rights of the Arab majority. To all but a small faction of zealots it must have been manifest from the first that the building of the Jewish Homeland must take the form of colonization.

THE ECONOMIC PHASE

As to the economic phase, it is well to remember that granting even the most exaggerated and fantastic claims of Zionist propagandists, the Arab is unwilling to sell his birthright for an economic mess of pottage. He would rather be let alone to work out his own salvation and remain master in his own home.

According to the 1931 census, Palestine has a population of 1,035,154, or about 115 people per square mile as compared with 41.3 per square mile in the United States; with a birth rate of 52.88 and a death rate of 23.14 (1930). The population will double itself in about thirty years without the incoming of a single immigrant.

Arab-Jewish unity in Palestine is not only possible but highly desirable, but such unity can be achieved only between the Arabs and the Cultural or Spiritual Zionists. Arabs and Jews



are cousin races which should supplement each other's needs and not take advantage of each other's weakness. The Arab world is struggling to resume its place among the civilized community of nations. It is struggling against internal difficulties and against the external forces of imperialism and domination. The Jew can and should ally himself with the Arab and help him in his struggle and thereby win the eternal gratitude of the Arab and a place where he (the Jew) can revive his ancient language and traditions.

Physically and economically Palestine is limited, and one of the poorest countries in the world; culturally and spiritually it is unlimited, and one of the wealthiest countries in the world. Why, then, take the Holy Land off its unique pedestal and drag it down to the level of a petty Balkan state? Any attempt to give precedence in material things to one element of the population can only result in disaster; but a competition in cultural things is wholesome, desirable, and beneficial not only to Palestine but to the rest of the world.

One of the greatest obstacles in the way of peace is that the atmosphere in Palestine is charged with fear and suspicion. The Arabs are now a majority in the land, and as such, have certain inalienable rights. When their rights as a majority are threatened, is it any wonder that they have grave fears for their rights and status should they ever become a minority?

PROPOSED SOLUTION

As a solution for this knotty problem, the writer proposes the following:

(1) There should be immediate establishment of a representative form of government in Palestine similar to that proposed in the Passfield White Paper and repeatedly demanded by

the Arab Executive. The presence of the Mandatory power is a guarantee that the Arab majority will not trespass on the rights of the Jewish minority. Should the Mandatory power withdraw from the country, the League of Nations will safeguard minority rights in Palestine as it does elsewhere.

Jewish communities should be granted local autonomy in the administration of their internal affairs.

(2) Immigration should be regulated not by the representative government but by an immigration commission who should control immigration in accordance with the economic capacity of the country to absorb and support immigrants, with the proviso that an Arab majority shall always be maintained. According to the 1931 census this would permit the Jews to bring in about half a million immigrants, and give them a population of about three quarters of a million when the natural increase is taken into consideration. That number, if carefully selected, should furnish enough material for reviving Hebrew culture and traditions.

(3) Development and conservation of the natural resources of the country should be carried on for the benefit of all elements of the population, and not for any one section, or for a group of foreign capitalists. The development of the hydroelectric power, and the Dead Sea concession are cases in point.

(4) The economic independence of the Palestine farmer, be he Jew or Arab, is the cornerstone of the country's prosperity. This is just as true in Palestine as it is in the United States, where the farmer's plight has called for various forms of Federal aid, protection, and relief measures. All oppressive influences, whether they emanate from the mythical feudal



landlord or the numerous other causes which have forced the farmer to sell his land, should be permanently and thoroughly eradicated. Tariff protection, extension of farm credits, and introduction of modern farming implements and methods should be instituted so as to prevent the creation of an evicted, landless, and pauper class as shown by the Simpson report. Beyond this, further restrictions on the sale of land are both unnecessary and impossible.

(5) There should be encouragement of social, linguistic, educational, cultural, medical, communal, industrial, and business relationships between Jews and Arabs as suggested by Rabbi Louis Newman.

The above program would overcome two of the most important obstacles; namely, the setting up of a representa-

tive government, which has been persistently demanded by the Arabs and as persistently opposed by the Jews; and the removal of immigration regulation from the realm of politics to the realm of economics, where it rightly belongs. It would allay the justified fears of the Arabs by perpetuating an Arab majority, and at the same time permit enough Jewish immigrants to enter the land to form a "body" or "backbone" for a cultural or spiritual revival. It would not satisfy the extremists in either camp, but its adoption for an armistice period of say ten years would clarify the atmosphere of misunderstanding and suspicion and permit the moderates in both camps—who are the sole hope of peace and understanding—to get together and join hands in the upbuilding of the land and the revival of both Arab and Hebrew cultures.

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Palestine in the Light of Archaeology

By W. F. ALBRIGHT

IN FEW countries does archæology occupy a place as relatively important as in Palestine today. Not a Western nation of importance but is represented by at least one excavating expedition a year, while more than half of the undertakings are supported in whole or in part by American money. Since 1926 the number of yearly excavations has risen to an average of a dozen. There are also some half a dozen institutions in Jerusalem which are devoted primarily to archæological research. First in seniority is the Dominican École Biblique, now the official French archæological school. Second comes the American School of Oriental Research, founded in 1900. Twenty years later the British School of Archæology was established. The Germans are represented by separate Protestant and Catholic institutes, which are also supported by coreligionists in the neighboring Teutonic countries. Since the War, similar foundations have been established by the Jesuits and the Franciscans; the former, called the Pontifical Biblical Institute, has been particularly active. Recently the Hebrew University has established an archæological department, which is rapidly growing in importance.

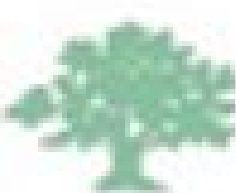
Shortly after the establishment of civil government in Palestine, in 1920, the mandatory power organized a Department of Antiquities, with Professor John Garstang of Liverpool University as Director. After an incumbency of seven fruitful years, he resigned in order to resume his own archæological work, and Mr. E. T. Richmond was appointed to the post.

A few months later, in the Fall of 1927, Mr. John D. Rockefeller, Jr., announced his generous offer of \$2,000,000 for the construction, equipment, and maintenance of an archæological museum in Jerusalem. The construction of a spacious and beautiful building is now well advanced. Under the terms of the Antiquities' Ordinance, the Director of Antiquities is assisted by an international archæological advisory board, consisting of representatives of different nationalities and interests. Thanks to the Department of Antiquities, excavation has become much easier for responsible scholars and institutions, while permits are seldom granted to incompetent persons or bodies.

EARLY EXPLORATIONS

Interest in archæological exploration in Palestine has been stimulated from the beginning by religious factors. Catholic, Protestant, and Jewish groups have vied with one another in supporting excavation in the Holy Land. But for this religious interest, little archæological work would have been carried on here, since little was to be expected in the way of artistic objects and museum pieces, as in Egypt, Mesopotamia, and Greece.

From the beginning of modern archæological research in Palestine, less than a century ago, there has been an active and steadily increasing scientific interest in Palestinian archæology. This has expressed itself partly in continuous improvement in methods and practices of exploration and excavation, and partly in parallel research in the natural sciences. The



first, and indeed most of the zoölogical, botanical, and geological investigation conducted in Palestine until recently, was directly due to antiquarian interest in the Bible and to the facilities provided by archæological expeditions. Nearly all cartographic and physiographic work done before the War had a primary archæological purpose.

In the seventeenth and eighteenth centuries, archæological and topographical explorations were carried on by a number of European scholars. Until the beginning of Robinson's work in 1838, none of this could be called scientific in the modern sense, though many important sites, such as Gerasa (Jerash), Petra, and Cæsarea Philippi (Banias) had already been discovered, while numerous maps, plans, and drawings had been published—all inadequate from our point of view. It was the American Biblical scholar, Edward Robinson, who, in two intense tours of exploration lasting only seven months in all, laid the foundations of the modern critical study of Palestine. Robinson had the Yankee energy and practicality, with a thorough German training in historical and philological research; a large part of the new data and conclusions which he assembled still retains its value after the lapse of a century.

Robinson's pioneer explorations were followed by the investigations of many other scholars, English, continental, and American, among whom the Frenchman, Victor Guérin, may be singled out for special mention. None of them introduced new methods, nor did any of them begin to equal Robinson in the use of his methods. It was reserved for Charles Clermont-Ganneau, in the seventies and eighties of the nineteenth century, to combine historical, philological, and archæological research in an exceedingly fruitful union. No scholar who

has ever worked in Palestine has surpassed the brilliant standard set by Clermont-Ganneau, who was equally original and correct in his treatment of the masonry of the Crusaders, the topography of Mujirad-Din, and early Hebrew epigraphy.

Meanwhile, a third French scholar, De Saulcy, had conducted the first archæological excavation in Palestine, in 1850, when he cleared the so-called Tombs of the Kings. It is characteristic of the ignorance of the history of ancient art and architecture which then prevailed that De Saulcy considered himself justified in dating this remarkable monument of the first century A.D. nearly a thousand years too early. Nor were the British excavations in Jerusalem, twenty years later, under the direction of Charles Warren, any more scientific in methods and conclusions. Unfortunately, Clermont-Ganneau himself never excavated.

In 1865 the Palestine Exploration Fund was founded by English scholars and publicists interested in Biblical and archæological studies. This organization not only launched the somewhat premature excavations in Jerusalem of which we have just spoken, but also undertook a much more elaborate and important task, the cartographic, topographical, and archæological survey of Western Palestine, begun in 1871 and finished in 1877, under the direction of two English army officers, Conder and Kitchener, the latter to be known later as Kitchener of Khartoum. The Survey of Western Palestine has remained standard until the present and is, in general, surprisingly accurate and complete. Only a few archæological sites of major importance are omitted, and nearly all Arabic names are correctly reproduced, less than 10 per cent being erroneously transcribed. It should be



added that the standards of accuracy in the reproduction of Arabic names which then prevailed were very low, and that most of the errors are due to careless or stupid native scribes. It was, of course, not possible at that time to date ruins by their pottery, since the value of this criterium had not yet been discovered.

BEGINNINGS OF MODERN EXCAVATION

The period of modern scientific excavation began in 1890, with the first campaign of excavation at Tell el-Hesi in southern Judah, under the direction of the Egyptologist, Petrie (now Sir W. M. Flinders Petrie). As a result of nearly ten years of work in Egypt this archæologist had discovered the importance of pottery, whole or broken, as a means of dating. While classical scholars had already learned to appreciate the chronological value of painted Greek pottery, Petrie was probably the first to appreciate the fact that unpainted pottery might be just as valuable if studied inductively and systematically. Thanks to a comparison of the pottery found at this site with similar pottery from Egypt which he had learned to date, he was able to give approximately correct dates to all the strata of occupation examined by him except the lowest, for which the Egyptian material then available was of no use.

✓ The Palestine Exploration Fund wisely followed up its initial success by excavating for several more campaigns (1891-93, 1898-1900) in Southern Palestine, employing the services of an American, F. J. Bliss, and an Irishman, R. A. S. Macalister. Bliss and Macalister developed the method introduced by Petrie, and determined the main lines of the new ceramic chronology, at the same time that they made numerous discoveries bearing on the history of civilization in ancient Palestine.

In 1902 Macalister began the excavation of Gezer, an important site on the road from Jerusalem to Jaffa, which had been brilliantly identified by Clermont-Ganneau some twenty years previously. In five campaigns (1902-5, 1907-9) he cleared most of the lower town and obtained an enormous mass of material, which remains by far the most complete collection hitherto excavated from a single site. Unhappily, Macalister was unable to excavate the citadel, which is occupied by a Moslem saint's tomb and cemetery, so there was little found in the way of inscriptions and artistic objects. This disparity has given an erroneous impression of the amount of inscrip-tional material lying buried in Pales-tinian mounds, as has been shown by subsequent finds at Taanach and Beth-shan. It is precisely in the citadel of the ancient town, where the most important buildings were located, that we may expect to find inscriptions and museum pieces.

The work inaugurated by the British was soon taken up by the Germans and Americans. In 1902 a German scholar, Ernst Sellin, headed an Austrian expedition for the excavation of the important Canaanite fortress of Taanach in Northern Palestine; in 1903 a German engineer, G. Schumacher, began the examination of the still more important site of Megiddo, resumed since the War by the Americans.

WORK AT JERICHO AND SAMARIA

In 1908 Sellin attacked the site of Jericho, at the head of a German expedition; the excavation was interrupted in 1909 and has been resumed by a British expedition since the War. The work at Jericho was the first which was adequately provided with a staff of trained architects, and the publication set a new standard in this respect.



Previous excavations had been all too frequently one-man undertakings, and the director had no time to attend properly to any one phase of the work, even when he was endowed with the extraordinary industry of a Macalister.

In 1909 the Americans entered the field with an elaborately organized expedition from Harvard University for the excavation of Samaria. Under the direction of G. A. Reisner, later to become the most eminent Egyptian archaeologist of his time, the Samaria expedition set a new standard of scientific method and thoroughness in dealing with the excavated material. It is true that Reisner was provided with nearly three times as much money as had been at the disposal of any previous expedition, but in archaeology as in other fields of science and scholarship, no amount of money and no perfection of external organization can replace native ability, sound training, and rigidly scientific method. In Samaria all these factors were present.

The War brought an interruption of six years in the continuity of archaeological research; it also ushered in a new era in this field. Since the resumption of archaeological activity in 1920, under the control of the Department of Antiquities, which has been described above, there has been a steady increase in the amount of excavation being done, as well as in the quality of the work. A new spirit of coöperation among scholars of different nationalities has replaced the narrow nationalistic rivalry which was all too typical of Palestinian archaeology before the War. In 1926 the Germans reentered the field and were cordially received on all sides.

There has also been a remarkable increase in the amount of money spent for archaeological research. It is safe to say that \$200,000 was spent on exca-

vation and archaeological research in Palestine by foreign scholars and institutions during the one year 1930-1. Nearly all this money is spent with great economy, and at least two thirds of it stays in the country.

EXCAVATION OF MEGIDDO AND BETH-SHAN

It would be impossible, with the space at our disposal, to list all the expeditions which have worked in Palestine since the War and to describe their work. The most important single undertaking is unquestionably the excavation of Megiddo (Armageddon) under the auspices of the Oriental Institute of the University of Chicago and under the direction of P. L. O. Guy. Work was begun here in 1925, and bids fair to continue for many years, in view of the enormous size of the mound. Thanks to the enlightened policy of J. A. Breasted, the director of the Institute, and to the munificent gifts of John D. Rockefeller, Jr., the organization of this expedition is more complete than that of any other working in the country, while the methods employed are unequalled in precision elsewhere. The mound is to be cleared stratum by stratum, so that the entire area of a given level of occupation will be laid bare before it is removed in order to continue the process with the next stratum below.

Next in importance to the Chicago enterprise is the excavation of the important site of Beth-shan, east of Megiddo, by the University of Pennsylvania Museum, under the successive direction of C. S. Fisher, Alan Rowe, and G. M. Fitzgerald. This work was begun in 1921 and is still under way. The citadel of the Bronze Age has yielded a mass of important inscriptions and archaeological material, throwing light on all aspects of Canaanite culture and history in the second



half of the second millennium B.C. No other site in Palestine has proved so rich as Beth-shan.

VARIOUS ENTERPRISES

Aside from these elaborate excavations a number of smaller ones have been organized, all in more or less formal coöperation with the American School of Oriental Research in Jerusalem, and all following, in general, the methods developed by C. S. Fisher, the first director of the excavations at Megiddo and Beth-shan, now professor of archæology in the School. We may mention particularly the excavation of Tell Beit Mirsim (Kiriath-sepher) in Judah by M. G. Kyle and W. F. Albright, of Tell en-Nasbeh (thought to be Mizpah) north of Jerusalem by W. F. Badè, of Beth-shemesh in Judah by Elihu Grant, and of Beth-zur north of Hebron by O. R. Sellers and W. F. Albright. Under the same auspices important excavations have been carried on also at Gerasa (Jerash) in Trans-Jordan. The excavation of Samaria, interrupted since 1910, has been resumed by Harvard University (1931), in coöperation with the Palestine Exploration Fund and the Hebrew University in Jerusalem, under the direction of J. W. Crowfoot, Kir-sopp Lake, and R. P. Blake.

Besides these American enterprises, important work has been carried on by British, French, Germans, Danes, and Jews. Several of the foreign excavations have been partially supported by American money. Among outstanding British enterprises we may mention the work at Jerusalem under R. A. S. Macalister, J. G. Duncan, and J. W. Crowfoot, at Jericho under J. Garstang, and at Gerar, Tell el-Far'ah, and Tell 'Ajjul under Flinders Petrie, who has returned to the scene of his first work in Palestine after the lapse of thirty-six years.

In 1926 the Germans also resumed the excavation of Shechem (Balata), begun just before the War, under the direction of Ernst Sellin and G. Welter-Mauve.

The French have devoted themselves primarily to Syria, so they have not been able to dig much in Palestine. We may refer to two small but exceedingly important undertakings, the excavation of the ancient Jewish synagogue of 'Ain Duq by L. H. Vincent, and of the prehistoric village of Tuleilat el-Ghassul by A. Mallon and R. Neuville.

Nor should we overlook the extremely careful excavation being carried on at Shiloh (Seilun) by H. Kjaer and A. Schmidt on behalf of a Danish organization.

One of the latest institutions to enter the field of archæological research in Palestine is the recently founded Hebrew University in Jerusalem, whose chancellor, J. L. Magnes, is himself a scholar by training and is interested in developing this side of the university work. Until very lately, Jewish energies have been so exclusively occupied by the struggle with difficult physical and political conditions that little attention has been paid to research in the historic past. E. L. Sukenik has now been appointed to direct the archæological work of the University, and has already accomplished some most important work, notably the excavation of the Jewish synagogue of Beth Alpha near Beth-shan.

REVELATIONS OF ARCHÆOLOGY

Thanks to the archæological work of the past forty years, and especially to the researches of the past ten years, we are now well acquainted with the main outlines of the history of ancient Palestine. Whereas previously very little was known except what could be read



in the pages of the Bible, much of which was entirely misunderstood because of the lack of an archaeological background, we are now able to reconstruct the details of cultural and economic evolution, while light has fallen on all phases of social and political history as well. Up to 1925 practically nothing was known of the proto-archæology of Palestine; since then, the excavations of Turville-Petre, Dorothy Garrod, R. Neuville, and others in the caves of Palestine have established a complete correlation with the proto-archæology of Western Europe, so that Palestine already plays a rôle of unique importance in this field. Miss Garrod has, for example, discovered the first known prehistoric culture (the Natufian) where agriculture was practiced, while pottery remained unknown. The work of Mallon and Neuville at Tuleilat el-Ghassul (since 1929) has disclosed an entirely new period of culture in Palestine, the chalcolithic of the fourth millennium B.C., of which absolutely nothing was previously known. The study of the archæological remains in the Jordan Valley shows that this later neglected region was the first part of Palestine to be occupied by a sedentary population.

Coming down into historical times, in the strict sense of the term, we are now able to follow the progress of settlement from the plains up into the

hills, where the forests which then covered them (what a contrast to modern Palestine!) were gradually cut down during the second half of the Bronze Age and the beginning of the Early Iron. We are able already to get some idea of the economic and social transformations which followed one another during the Bronze and Iron Ages, and to comprehend the reasons for them. We see the aristocratic culture of the Canaanites of the later Bronze Age replacing the earlier tribal organization, and being in its turn replaced in the Early Iron Age by a new democratic society—the Israelite commonwealth.

Thanks to the evidence furnished both by the Bible and by archæological discoveries, we are now able to follow the social and economic as well as the political evolution of Israel from an original tribal democracy until it finally became a highly organized priestly aristocracy with a commercial background in the post-Exilic period.

Year by year movements and details become clearer, so that we may look forward to a time in the near future when Palestinian archæology will materially contribute to our better understanding of the relation between land, environment, and people, a relation which still governs the land today, however obscured by temporary political factors.

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A Selected List of Books on Modern Palestine¹

Compiled by FLORENCE S. HELLMAN

Acting Chief Bibliographer, Library of Congress

Hebrew titles selected by DR. ISRAEL SCHAPIRO, in charge of Semitic Division
[The call numbers accompanying the entries are those of the Library of Congress.]

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¹ The Editor acknowledges his indebtedness to Professor Philip K. Hitti of Princeton University for valuable suggestions concerning the Bibliography.



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APPENDIX

Mandate for Palestine, Together With a Note by the Secretary-General Relating to Its Application to the Territory Known as Trans-Jordan, Under the Provisions of Article 25

MANDATE FOR PALESTINE

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the

degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and coöperating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall



be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the coöperation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in coöperation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.



Article 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of

any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any



foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20

The Mandatory shall coöperate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment

in the matter of excavations and archaeological research to the nations of all States Members of the League of Nations.

(1)

“Antiquity” means any construction or any product of human activity earlier than the year A.D. 1700.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

(7)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23

The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the

League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

Certified true copy:

For the Secretary-General,
RAPPARD,
Director of the Mandates Section.

NOTE

GENEVA, September 23, 1922.

ARTICLE 25 OF THE PALESTINE MANDATE
Territory known as Trans-Jordan

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to communicate for the information of the Members of the League, a memorandum relating to Article 25 of the Palestine



Mandate presented by the British Government to the Council of the League on September 16, 1922.

The memorandum was approved by the Council subject to the decision taken at its meeting in London on July 24, 1922, with regard to the coming into force of the Palestine and Syrian mandates.

MEMORANDUM BY THE BRITISH
REPRESENTATIVE

1. Article 25 of the Mandate for Palestine provides as follows:

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

2. In pursuance of the provisions of this Article, His Majesty's Government invite the Council to pass the following resolution:

"The following provisions of the Mandate for Palestine are not applicable to the territory known as Trans-Jordan, which comprises all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River

Jordan to its junction with the River Yarmuk; thence up the centre of that river to the Syrian Frontier."

Preamble.—Recitals 2 and 3.

Article 2.—The words "placing the country under such political administration and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and".

Article 4.

Article 6.

Article 7.—The sentence "There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine."

Article 11.—The second sentence of the first paragraph and the second paragraph.

Article 13.

Article 14.

Article 22.

Article 23.

In the application of the Mandate to Trans-Jordan, the action which, in Palestine, is taken by the Administration of the latter country, will be taken by the Administration of Trans-Jordan under the general supervision of the Mandatory.

3. His Majesty's Government accept full responsibility as Mandatory for Trans-Jordan, and undertake that such provision as may be made for the administration of that territory in accordance with Article 25 of the Mandate shall be in no way inconsistent with those provisions of the Mandate which are not by this resolution declared inapplicable.



TEXT OF PREMIER'S LETTER ON PALESTINE

New York Times, February 14, 1931, by Jewish Telegraph Agency

LONDON, Feb. 13.—The following is the full text of Premier MacDonald's letter today to Dr. Chaim Weizmann, clarifying the British policy on Palestine:

Dear Dr. Weizmann:

In order to remove certain misconceptions and misunderstandings which have arisen as to the policy of his Majesty's Government with regard to Palestine, as set forth in the White Paper of October, 1930, and which were the subject of a debate in the House of Commons on November 17, and also to meet certain criticisms put forward by the Jewish Agency, I have pleasure in forwarding you the following statement of our position, which will fall to be read as the authoritative interpretation of the White Paper on the matters with which this letter deals.

It has been said that the policy of his Majesty's government involves a serious departure from the obligations of the mandate as hitherto understood; that it misconceives the mandatory obligations, and that it foreshadows a policy which is inconsistent with the obligations of the mandatory to the Jewish people.

His Majesty's Government did not regard it as necessary to quote in extenso the declarations of policy which have been previously made, but attention is drawn to the fact that, not only does the White Paper of 1930 refer to and endorse the White Paper of 1922, which has been accepted by the Jewish Agency, but it recognizes that the undertaking of the mandate is an undertaking to the Jewish people and not only to the Jewish population of Palestine. The White Paper places in the foreground of its statement the speech I made in the House of Commons on the 3d of April, 1930, in which I announced, in words that could not have been made more plain, that it was the intention of his Majesty's Government to continue to administer Palestine in accordance with the terms of the mandate as approved by the Council of the League of Nations. That position has been reaffirmed and again

made plain by my speech in the House of Commons on the 17th of November. In this speech on the 3d of April I used the following language:

"His Majesty's Government will continue to administer Palestine in accordance with the terms of the mandate as approved by the Council of the League of Nations. This is an international obligation from which there can be no question of receding.

"Under the terms of the mandate his Majesty's Government are responsible for promoting the establishment of a national home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.

"A double undertaking is involved, to the Jewish people on the one hand and to the non-Jewish population of Palestine on the other; and it is the firm resolve of his Majesty's Government to give effect, in equal measure, to both parts of the declaration and to do equal justice to all sections of the population of Palestine. That is a duty from which they will not shrink and to discharge of which they will apply all the resources at their command."

DECLARATION IS REAFFIRMED

That declaration is in conformity not only with the articles but also with the preamble of the mandate, which is hereby explicitly reaffirmed.

In carrying out the policy of the mandate the mandatory cannot ignore the existence of the differing interests and viewpoints. These, indeed, are not in themselves irreconcilable, but they can only be reconciled if there is a proper realization that the full solution of the problem depends upon an understanding between the Jews and the Arabs. Until that is reached, considerations of balance must inevitably enter into the definition of policy.

A good deal of criticism has been directed to the White Paper upon the assertion that



it contains injurious allegations against the Jewish people and Jewish labor organizations. Any such intention on the part of his Majesty's Government is expressly disavowed. It is recognized that the Jewish Agency have all along given willing coöperation in carrying out the policy of the mandate and that the constructive work done by the Jewish people in Palestine has had beneficial effects on the development and well-being of the country as a whole. His Majesty's Government also recognize the value of the services of labor and trades union organizations in Palestine, to which they desire to give every encouragement.

A question has arisen as to the meaning to be attached to the words "safeguarding the civil and religious rights of all inhabitants of Palestine irrespective of race and religion" occurring in Article II, and the words "insuring that the rights and position of other sections of the population are not prejudiced" occurring in Article VI of the mandate. The words "safeguarding the civil and religious rights" occurring in Article II cannot be read as meaning that the civil and religious rights of individual citizens are unalterable. In the case of *Suleiman Murra*, to which reference has been made, the Privy Council, in construing these words of Article II said "It does not mean . . . that all the civil rights of every inhabitant of Palestine which existed at the date of the mandate are to remain unaltered throughout its duration; for if there were to be a condition of the mandatory jurisdiction, no effective legislation would be possible." The words, accordingly, must be read in another sense, and the key to the true purpose and meaning of the sentence is to be found in the concluding words of the article, "irrespective of race and religion." These words indicate that in respect of civil and religious rights the mandatory is not to discriminate between persons on the ground of religion or race, and this protective provision applies equally to Jews, Arabs and all sections of the population.

RIGHTS NOT TO BE IMPAIRED

The words "rights and position of other sections of the population," occurring in

Article VI, plainly refer to the non-Jewish community. These rights and position are not to be prejudiced; that is, are not to be impaired or made worse. The effect of the policy of immigration and settlement on the economic position of the non-Jewish community cannot be excluded from consideration. But the words are not to be read as implying that existing economic conditions in Palestine should be crystallized. On the contrary, the obligation to facilitate Jewish immigration and to encourage close settlement by Jews on the land remains a positive obligation of the mandate and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine.

We may proceed to the contention that the mandate has been interpreted in a manner highly prejudicial to Jewish interests in the vital matters of land settlement and immigration. It has been said that the policy of the White Paper would place an embargo on immigration and would suspend, if not indeed terminate, the close settlement of the Jews on the land, which is a primary purpose of the mandate. In support of this contention particular stress has been laid upon the passage referring to State lands in the White Paper, which says that "it would not be possible to make available for Jewish settlement in view of their actual occupation by Arab cultivators and of the importance of making available suitable land on which to place the Arab cultivators who are now landless."

The language of this passage needs to be read in the light of the policy as a whole. It is desirable to make it clear that the landless Arabs, to whom it was intended to refer in the passage quoted, were such Arabs as can be shown to have been displaced from the lands on which they can establish themselves, or other equally satisfactory occupation. The number of such displaced Arabs must be a matter for careful inquiry. It is to landless Arabs within this category that his Majesty's Government feels itself under an obligation to facilitate their settlement upon the land. The recognition of this obligation in no way detracts from the larger purposes of development which his Majesty's Govern-



ment regards as the most effectual means of furthering the establishment of a national home for the Jews.

PROBLEMS FOR CONSIDERATION

In framing a policy of land settlement it is essential that his Majesty's Government should take into consideration every circumstance that is relevant to the main purposes of the mandate. The area of cultivable land, the possibilities of irrigation, the absorptive capacity of the country in relation to immigration, are all elements pertinent to the issues to be elucidated, and the neglect of any one of them would be prejudicial to the formation of a just and stable policy.

It is the intention of his Majesty's Government to institute an inquiry as soon as possible to ascertain *inter alia* what State and other lands are, or properly can be made, available for close settlement by Jews under reference to the obligation imposed upon the mandatory by Article VI of the mandate. This inquiry will be comprehensive in its scope, and will include the whole land resources of Palestine. In the conduct of the inquiry provision will be made for all interests, whether Jewish or Arab, making such representations as it may be desired to put forward.

The question of the congestion amongst the fellaheen of the hill districts of Palestine is receiving the careful consideration of his Majesty's Government. It is contemplated that measures will be devised for the improvement and intensive development of the land, and for bringing into cultivation areas which hitherto may have remained uncultivated, and thereby securing to the fellaheen a better standard of living without, save in exceptional cases, having recourse to transfer.

In giving effect to the policy of land settlement as contemplated in Article XI of the mandate, it is necessary, if disorganization is to be avoided, and if the policy is to have a chance to succeed, that there should exist some centralized control of transactions relating to the acquisition and transfer of land during such interim period as may reasonably be necessary to place the development scheme upon a sure foundation. The power contemplated is regu-

lative and not prohibitory, although it does involve a power to prevent transactions which are inconsistent with the tenor of the scheme. But the exercise of the power will be limited and in no respect arbitrary. In every case it will be conditioned by considerations as to how best to give effect to the purposes of the mandate. Any control contemplated will be fenced with due safeguards to secure as little interference as possible with the free transfer of land. The centralized control will take effect as from such date only as the authority charged with the duty of carrying out the policy of land development shall begin to operate. The High Commissioner shall, pending the establishment of such centralized control, have full powers to take all steps necessary to protect the tenancy and occupancy rights, including the rights of squatters, throughout Palestine.

NO PROHIBITION IS IMPLIED

Further, the statement of policy of his Majesty's Government did not imply a prohibition of acquisition of additional land by Jews. It contains no such prohibition, nor is any such intended. What it does contemplate is such temporary control of land disposition and transfers as may be necessary not to impair the harmony and effectiveness of the scheme of land settlement to be undertaken. His Majesty's Government feels bound to point out that it alone of the governments which have been responsible for the administration of Palestine since the acceptance of the mandate has declared its definite intention to initiate an active policy of development, which it is believed will result in a substantial and lasting benefit to both Jews and Arabs.

Cognate to this question is the control of immigration. It must first of all be pointed out that such control is not in any sense a departure from previous policy. From 1920 onward, when the original immigration ordinance came into force, regulations for the control of immigration have been issued from time to time, directed to prevent illicit entry and to define and facilitate authorized entry. This right of regulation has at no time been challenged.



But the intention of his Majesty's government appears to have been represented as being that "no further immigration of Jews is to be permitted so long as it might prevent any Arab from obtaining employment." His Majesty's Government never proposed to pursue such a policy. They were concerned to state that, in the regulation of Jewish immigration, the following principles should apply: viz., that "it is essential to insure that the immigrants should not be a burden on the people of Palestine as a whole, and that they should not deprive any section of the present population as a whole, and that they should not deprive any section of the present population of their employment." (White Paper 1922.)

In one aspect, his Majesty's Government have to be mindful of their obligations to facilitate Jewish immigration under suitable conditions, and to encourage close settlement by Jews on the land; in the other aspect, they have to be equally mindful of their duty to insure that no prejudice results to the rights and position of the non-Jewish community. It is because of this apparent conflict of obligations that his Majesty's Government have felt bound to emphasize the necessity of the proper application of the absorptive capacity principle.

That principle is vital to any scheme of development, the primary purpose of which must be the settlement both of Jews and of displaced Arabs on the land. It is for that reason that his Majesty's Government have insisted, and are compelled to insist, that government immigration regulations must be properly applied. The considerations relevant to the limits of absorptive capacity are purely economic considerations.

NO STOPPAGE OF IMMIGRATION

His Majesty's government did not prescribe and do not contemplate any stoppage or prohibition of Jewish immigration in any of its categories. The practice of sanctioning a labor schedule of wage-earning immigrants will continue. In each case consideration will be given to anticipated labor requirements for works which, being dependent upon Jewish or mainly Jewish

capital, would not be or would not have been undertaken unless Jewish labor was available. With regard to public and municipal works failing to be financed out of public funds, the claim of Jewish labor to a due share of the employment available, taking into account Jewish contributions to public revenue, shall be taken into consideration. As regards other kinds of employment, it will be necessary in each case to take into account the factors bearing upon the demand for labor, including the factor of unemployment among both the Jews and the Arabs.

Immigrants with prospects of employment other than employment of a purely ephemeral character will not be excluded on the sole ground that the employment cannot be guaranteed to be of unlimited duration.

In determining the extent to which immigration at any time may be permitted it is necessary also to have regard to the declared policy of the Jewish Agency to the effect that "in all the 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." His Majesty's Government do not in any way challenge the right of the Agency to formulate or approve and endorse this policy. The principle of preferential, and indeed exclusive, employment of Jewish labor by Jewish organizations is a principle which the Jewish Agency are entitled to affirm. But it must be pointed out that if in consequence of this policy Arab labor is displaced or existing unemployment becomes aggravated, that is a factor in the situation to which the mandatory is bound to have regard.

His Majesty's government desire to say, finally, as they have repeatedly and unequivocally affirmed, that the obligations imposed upon the mandatory by its acceptance of the mandate are solemn international obligations from which there is not now, nor has there been at any time, any intention to depart. To the tasks imposed by the mandate, his Majesty's government have set their hand, and they will not withdraw it. But if their efforts are to be successful, there is need for coöperation, confidence, readiness on all sides to ap-



preciate the difficulties and complexities of the problem, and, above all, there must be a full and unqualified recognition that no solution can be satisfactory or permanent

which is not based upon justice, both to the Jewish people and to the non-Jewish communities of Palestine.

RAMSAY MACDONALD.

THE FRENCH SOCIAL INSURANCE ACT

By

PAUL H. DOUGLAS, PH.D.

University of Chicago
Chicago, Illinois





The French Social Insurance Act¹

By PAUL H. DOUGLAS

IN APRIL 1930, the French Parliament finally passed a comprehensive law on social insurance after nearly ten years of parliamentary discussion, and this measure has now been in force for nearly two years. By it, approximately eight and three-quarter million employed workers are provided with cash and medical benefits in the case of illness and invalidity, and also with old age insurance. In addition, there is provision for maternity and death benefits and for medical care for the families of the insured.

The Act was, as indicated, the culmination of a long process of discussion and investigation, during which many changes were made in the original draft. In order, therefore, to understand the final result, it is necessary to trace the history of the Act from its original proposal in 1921 and to note the various influences and considerations which led the French Parliament to make the changes which it did. After that is done, we may proceed with an analysis of the final measure and with an account of the administrative experience under it.

I. THE ORIGIN OF THE MEASURE

At the end of the War and with the restoration of Alsace and Lorraine, France found herself in a most ambiguous position in the matter of social insurance; for while the German system of health insurance and old age pensions was in full force in the restored provinces,² such protection was extremely scanty in the rest of France. The French Parliament had, to be sure, passed an old age pensions act in 1910,³ but by a decision of the highest

court it had been held that the employers were not compelled to deduct the workers' contribution or forward it to the agency in charge of the act. This was a direct body blow at the law, and largely nullified it. The great shock which the War gave to the economic and social life of France still further weakened the act.

Health insurance was, to be sure, furnished to the miners on a compulsory basis,⁴ and a network of 18,000 mutual benefit or friendly societies provided voluntary insurance to an adult membership of approximately 2,500,000.⁵ These friendly societies,

¹ The following abbreviations are used in referring to various sources:

L = *Loi sur les assurances sociales*. (The text used is that of the International Labor Office.)

J. O. = *Journal Officiel*.

Deb. Parl. = *Débat Parlementaires*.

R. G. = *Recueil-Générale des Textes Concernant Les Assurances Sociales*.

² For a description of the situation in these provinces see Challet and Hamon, *Le Problème des Assurances Sociales en Alsace-Lorraine* (1919); *Code des Assurances Sociales du 1911* (1921); *Les Assurances Sociales de l'Industrie Lorraine en 1920-1921*.

³ For a description of the 1910 old age pension

law before the courts limited its application, see L. Courcelle, *Les Retraites Ouvrières et Paysannes* (1912); G. Salaun, *Les Retraites Ouvrières et Paysannes* (1912); R. Alibert, *Les Retraites Ouvrières* (1911); A. Sachet, *Traité Technique et Pratique de la Legislation sur les Retraites Ouvrières et Paysannes* (1911); and M. Felix, *Les Retraites Ouvrières et Paysannes* (1913).

⁴ International Labor Office, *Compulsory Sickness Insurance*, pp. 82-87.

⁵ See A. Gourdin, *Les Sociétés de Secours*



however, were largely composed of self-employed artisans, shopkeepers, and peasants, and salaried workers, rather than wage-workers as such.

The benefits of the friendly societies, always somewhat meager, had moreover been reduced by the War and the increase in prices, so that in 1920 the combined cash and medical benefits averaged only 16.5 francs a year for each insured person.

There was thus a sharp contrast between the protection against the interruptions of working-class income with which Germany had provided her workers and in which Alsace-Lorraine had shared, and that furnished by France. It was apparent that this dichotomy within France could not long continue. To abolish social insurance in Alsace-Lorraine would have aroused a storm of opposition there and would have strengthened the separatist and anti-French faction. To permit the glaring difference to continue would have aroused discontent in other sections of the country and would have been a source of injury to French pride. It was therefore thought wiser to obtain uniformity by extending social insurance to cover all France.

It was indeed no accident that the declaration of this policy was made by M. Millerand, the former High Commissioner for Alsace-Lorraine, after he became Premier in 1920. The work of preparing the text of the law was moreover begun under the direction of an Alsatian, namely M. Jourdain, the Minister of Labor in the Millerand Cabinet. Thus the seed sown in Germany in the eighties by the social legislation of Bismarck came to bear fruit upon the soil of victorious France.⁶

Mutuels; International Labor Office, *Voluntary Sickness Insurance*, pp. 180-182.

⁶ The French Government was very frank in admitting the necessity of harmonizing conditions with those in Alsace-Lorraine. See the

There were, however, two other forces which contributed greatly towards the Government's decision to sponsor such a law. The first was the feeling that some further protection must be given to the workers if the danger of social unrest and of Bolshevism was safely to be averted; the second was the justifiable alarm at the high death rate of France—a rate which has in recent years been very appreciably higher than those of Great Britain and Germany.

Impelled by these reasons, therefore, the committee appointed by the Minister of Labor worked through the latter part of 1920 and produced a draft which was apparently largely the work of M. Cohen-Salvador.⁷ It was presented to the Chamber of Deputies on March 22, 1921, by M. Millerand—who had been elected President in the interim—Prime Minister Briand, the Minister of Labor who had replaced M. Jourdain, Daniel Vincent, and M. Paul Doumer, then Minister of Finance and now President of the Republic.

THE ORIGINAL BILL

The bill in its original form⁸ provided for a system of compulsory insurance for all employed workers and *métayers* receiving less than 10,000 francs a year, with voluntary insurance for the self-employed whose incomes did not exceed this amount. The workers and employers were each to

Exposé des motifs—Projet de Loi sur les Assurances Sociales, No. 2369, Chambre des Députés, p. 10: "With the return to the mother country, the contrast is striking between the situation of the worker in one of three restored departments who can claim the application of social insurance legislation which is widely established and the fate of a worker in the other departments who is not able to benefit from them."

⁷ See his outline of the Bill, *Rapport sur les Assurances Sociales* (1921).

⁸ No. 2369. Chambre des Députés, Douzième Legislature, Session de 1921. *Projet de Loi sur les Assurances Sociales*.



contribute 5 per cent of the basic wage in each of the six categories into which the workers were divided according to their earnings,⁹ or a total of 10 per cent.

The bill provided medical and cash benefits for a period of six months to employed workers who were ill, together with medical care for themselves and their immediate families and cash benefits with some medical attention for those who were invalids. In addition, old age pensions were granted to those employed workers who reached the age of sixty, with some pliability provided for those who wished them earlier or wanted to postpone them until later. Finally, supplementary benefits were proposed which included: (1) cash benefits for insured women before and after childbirth, and medical attention during this period for the wives of the insured as well as for the gainfully employed women; (2) allowances for dependent children, and birth bonuses; and (3) death benefits.

The state was also to contribute towards the expense of the system, not only by carrying over the subventions which it was already granting under the 1910 old age pensions act, but also by bearing the costs of administration, by underwriting the invalidity and old age pensions during the early years when the accumulated premiums would be insufficient to pay the guaranteed sums, and finally by paying for the children's allowances and the birth bonuses.

The bill was especially interesting in its provisions for medical organization, insurance, and administration. Insured workers were to have free choice of their physician, but only from a list approved by the insurance fund with which they were affiliated. The doc-

tors in a given region were to be paid out of a total sum fixed by agreement, if possible, between the insurance funds and the appropriate medical associations at so much a head. This global amount was then to be turned over to the medical associations, who were to divide it among the doctors on the basis of the number of their visits, and so forth. To prevent the insured workers and their families from causing the doctors unnecessary trouble, the patients were to pay a small fee ranging between one quarter and three quarters of a franc for each visit.

From the text of the bill, it is apparent that while the draftsmen paid homage to the work of the mutual or friendly societies, they wished to confine by far the major portion of the insurance to a group of twenty-five regional funds which were to be set up. These were to have a monopoly upon the carrying of invalidity and death insurance; and unless the workers specifically stated that they wished to enroll in the friendly societies for their sickness, maternity, and old age insurance, they were automatically registered with the regional funds for these purposes as well. These funds were also to be the agencies for collecting and distributing the assessments, and were to work with the accompanying regional offices in the general administration of the Act. They were moreover intended to participate actively in the construction and maintenance of hospitals, sanatoria, and the like, and to be active in the cause of preventive medicine.

The provisions for insurance and administration indicated a strong desire on the part of the authors to break away from the usual French forms of state administration. Not only did the units of administration—namely, the twenty-five regions—cut across the political units of the ninety depart-

⁹ This division into wage categories was of course borrowed from the German system which existed in Alsace-Lorraine. It has since been also adopted by Germany for her system of unemployment insurance.

ments, but the actual conduct of affairs in each fund, and to a lesser degree in each parallel regional office, was confided to an autonomous board upon which the insured had half of the representatives, and the employers one quarter.¹⁰

Over all of these funds, friendly as well as regional, was created a general guarantee fund to help guarantee any defects which might occur, and which, in addition to other resources, was given two thirds of the surplus which

any individual fund might accumulate in any given year.

The Government draft, upon being introduced into the Chamber of Deputies, was referred to the Committee on Social Insurance. During the nine years which followed before an act was finally passed, a wealth of detailed documentation was accumulated which has seldom been equaled in French Parliamentary history, and a series of political moves were indulged in which are of distinct interest.

II. THE COURSE OF THE BILL IN PARLIAMENT

So far-reaching a proposal naturally affected the interests of nearly every important group in the population, and these groups soon began to define their attitudes and to bring pressure to have their wishes followed. The history of the act and its final form were indeed largely influenced by the action of these groups.

In the early stages of the discussion, the employers' associations, with the exception of those in Alsace-Lorraine, Lyons, and Grenoble, in the main opposed the principle of compulsion on the ground that it involved them in an appreciably increased expense and deprived those who had already installed some such measures¹¹ of the prestige among their workmen which voluntary action had given them.¹² These objections were however brushed aside by the vast majority of the legislators,

and throughout the history of the bill, compulsion was recognized as essential if any considerable number of workers and their families were to be protected in illness, invalidity, and old age.¹³

The second objection of the employers to the bill was that it attempted too much and that it was wrong to combine illness, invalidity, and old age in the same measure. Social insurance, they urged, should progress by stages and not appear suddenly as a unified whole.¹⁴ To this contention, however, Dr. Grinda, who prepared the earlier reports for the Social Insurance Committee of the Chamber, replied that this problem must be dealt with as a whole, since it would be unfair to provide for slight illnesses and not for serious invalidity, and equally so to pension those who were disabled before the age of sixty but not those who suffered after that age. He concluded that "from the social point of view, it is impossible to organize insurance against illness unless it is completed

¹⁰ In the case of the regional offices, the workers and employers together had one half of the members.

¹¹ For a description of these measures in the metal industry, and more particularly of those fostered by the Comité des Forges, see R. Pinot, *Les Oeuvres Sociales des Industries Métallurgiques* (1924).

¹² For a résumé of these objections, see A. Rey, *Les Assurances Sociales*, pp. 112-125; and Montchrétien, *Le Problème des Assurances Sociales en France* (1922), pp. 166-93.

¹³ For an excellent treatment of this point, see the report by Deputy Edcuard Grinda, *D. P. Chambre* (Annexe No. 5505), Jan. 31, 1923, pp. 38-39.

¹⁴ See Montchrétien, *op. cit.*, pp. 224-30; and Henry Solus, *Le Projet de Loi sur les Assurances Sociales* (1922).

by insurance against invalidity and equally so to provide insurance against invalidity without insurance against old age."¹⁵

Defeated in these two lines of effort, the next move which the employers made was to urge through the Jeantet amendments that the insurance should be handled so far as possible on the basis of industries rather than regions, and that purely trade-union friendly societies should give way to these joint bodies, upon whose governing boards were to be equal numbers of employers and workers.¹⁶ But although these amendments were supported by most of the parties of the right, they were defeated in 1924 and played no important part after that.¹⁷

ATTITUDES OF WORKERS

The various working-class organizations, with the exception of the Communists, gave active support to the main principles of the bill, but with some natural differences of emphasis. The Catholic Trade Unions, for example, led by Gaston Tessier, supported the measure throughout. So did the Confédération Générale du Travail, which organized many meetings to hasten the passage of the bill.¹⁸ The latter organization, however, urged that the benefits to the workers should be increased, that insurance against unemployment should be included in

the measure, and that the power of the employers to create establishment funds should be sharply limited.¹⁹ It did not, however, object to the contributions by the workers towards the expense; indeed, this feature was warmly advocated by its most competent expert on the subject, M. Rey, as a necessary means of insuring to the workers adequate representation in the administration of the measure.²⁰

The Socialist Party gave its warm advocacy to the bill throughout, but in the early stages favored transferring to the state the share of the contributions marked out for labor.²¹ By 1928, however, when the bill was apparently coming to a final vote, the Socialists had come to defend the principle of contributions by the workers, as was evidenced by the speech of their spokesman, M. Lebas, in the Chamber of Deputies.²²

The Communists were, as intimated, the one working-class group which opposed the bill. This they did on the familiar ground that it was designed to promote harmony between the workers and the bourgeois state, and hence to further "class collaboration." They were naturally hostile to the idea that the workers should contribute, and declared that if the bill were passed they would try by means of strikes to compel the employers to assume the workers' share.²³

¹⁵ Annexe No. 5505. *D. P. Chambre*, Jan. 31, 1931, p. 39.

¹⁶ For the original proposal of these Jeantet amendments, see Annexe No. 6787. *Chambre des Députés*, July 12, 1923. *Avis Présenté au Nom de la Commission du Travail*, par M. Jeantet, pp. 16-22. See also *J. O.*, Oct., 27, 1922. M. Degas, in his *Les Assurances Sociales* (1924), pp. 251-274, analyzes these amendments.

¹⁷ For the final action see *J. O. Débats Parlementaires Chambre des Députés*, 1924, pp. 1891-93.

¹⁸ See *Assurances Sociales*, Conférences faites à Marseille 1924 (1925); Robert Perdon, *L'Histoire des Assurances Sociales en France* (1927).

¹⁹ Rey, *Les Assurances Sociales*, pp. 383-389.

²⁰ *Ibid.*, pp. 165-171.

²¹ René Cabannes, *Les Assurances Sociales et le Socialisme* (1925), pp. 6-7.

²² *J. O. Débats Parlementaires, Chambre des Députés* (1928), pp. 1290-1291.

²³ See the statement by the Communist Robert Louzon in *L'Humanité*, Jan. 8, 1924. "Will [social insurance] better the condition of the workers? That will depend not on what happens in Parliament but on that which finally happens between workers and employers on the battlefield of strikes." Quoted by Rey, *op. cit.*, pp. 161-162.

ATTITUDE OF THE FRIENDLY SOCIETIES

The mutual benefit or friendly societies, which in France have been either largely composed of or under the influence of the middle classes,²⁴ had come to see that compulsion was probably necessary if an adequate system of social insurance was to be built up, and consequently did not oppose this feature of the bill.²⁵ They did, however, strenuously object to the position which had been assigned to them in the administration of the act, and declared that in comparison with the dominant regional funds, their place would be very minor indeed. They urged instead that their societies, which they termed "the living cells,"²⁶ should be given the chief place, because they would be closer to the workers and would have both a stronger incentive and better ability to check malingering. This utilization of voluntary organization was, they insisted, the distinctly French method of administration as compared with the German model, which, they intimated, the Government had followed in its draft.²⁷

ATTITUDE OF THE DOCTORS

The strongly organized medical profession was no more backward in pushing its claims. The doctors were in

²⁴ For a history of these societies see André Gourdin, *Les Sociétés de Secours Mutuels* (1920); J. Barbaret, *Les Sociétés de Secours Mutuels* (1904).

²⁵ See *La Revue de la Prévoyance et de la Mutualité*, 1921, p. 134; *Ibid.*, p. 150.

²⁶ *La Revue de la Prévoyance et de la Mutualité*, 1921, p. 72.

²⁷ The position and activities of the friendly societies towards the bill can be traced in *La Revue de la Prévoyance et de la Mutualité*, 1921-1928. The following references may be particularly helpful: 1921, pp. 5-21, 45-57, 69-74, 129-147, 148-156, 205-216, 277-287; 1922, pp. 139-153, 185-194, 210-217; 1923, pp. 46-65, 98-118, 162-171, 196-205; 1925, pp. 59-77; 1926, pp. 3-8, 23-25; 1927, pp. 80-99; 1928, pp. 8-18.

general distinctly hostile to the measure. They feared that their practice would be regimented, and alleged that since they would be expected to detect and to report the instances of malingering, the relationship of trust between physician and patient would be destroyed.²⁸ Perhaps most of all, however, they objected to the method whereby the global amount available for medical care was to be computed on a per capita basis.

THE REVISED DRAFT

Faced by such attitudes, which they canvassed thoroughly, the Social Insurance Committee of the Chamber of Deputies worked carefully over the text, and after nearly two years, produced a revised draft. At the end of January 1923, accompanied by a very able report from Deputy Edward Grinda,²⁹ while the new bill made some minor changes in the assessments and benefits provided, the main alterations were in the provisions governing the payment of the doctors and the nature of the insurance funds. The explicit provision that the total amount for medical service was to be computed on a per capita basis was abandoned, and the whole problem of medical remuneration was left for each fund to settle in agreement with the appropriate medical association.

The burden of effort as to the affiliation of the insured with the mutual or friendly societies was reversed. Instead of all workers being presumed to affiliate with the regional fund in the absence of a special declaration in favor of a friendly society, all workers who were already members of a friendly society were presumed to continue as

²⁸ Rey, *op. cit.*, pp. 56-97, gives many quotations illustrating the attitude of the doctors, with an analysis of their claims.

²⁹ Annexe No. 5505. *J. O. Doc. Parl. Chambre des Députés*, 1923, pp. 33-150.



such in the absence of an explicit statement to the contrary. To clear the way still further for the voluntary societies, the Government was not to organize autonomous general funds until within three months of the final enactment of the law, thus leaving the friendly and other societies with the advantage of recruiting additional members before that time.

The collection and distribution of the assessments was taken from the autonomous regional funds and confided to a federation of all the funds in the region. Moreover, while invalidity insurance was to be administered by only one fund in each region, this was not to be the autonomous fund itself as before, but rather a new fund "functioning under the responsibility of the funds which compose the regional union."³⁰

Finally, instead of two thirds of the surpluses of the various societies going to the general guarantee fund, these sums were now almost entirely reserved for the societies themselves, and were to be used to build up their individual reserves, to increase the benefits to their members, and to decrease their contributions. Virtually the only regulation imposed upon the friendly societies was that those dealing with illness were required to have at least 1,000 members, and those with old age at least 10,000.

The draft of the Committee on Social Insurance was before the Chamber of Deputies for well over a year, and during that time a number of amendments were offered, some of the less important being accepted and integrated into the text itself.³¹ The Poincaré

³⁰ Annexe No. 5505. *J. O. Doc. Parl. Chambre des Députés*, 1923, Article 99, p. 101.

³¹ See Annexe No. 6862, *Chambre des Députés, Session Extraordinaire de 1923* (Dec. 21, 1923). *Rapport Supplémentaire fait au nom de la Commission D'Assurance et de Prévoyance Sociales*, par M. Edouard Grinda, 25 pp.; and Annexe

government finally brought the measure to a vote in the Chamber of Deputies on April 8, just before the Parliamentary elections of 1924 which resulted in their defeat. It was then passed unanimously.³²

THE CHAUVEAU DRAFT

The bill was then transmitted to the Senate, which in turn launched a separate investigation under the direction of the chairman of its Committee on Health and Insurance, Dr. Chauveau. After a period of fifteen months Dr. Chauveau produced a new draft, which was distributed for discussion. This text aroused considerable opposition in the ranks of the trade-unionists, who were afraid that the plan was so devised that the rates of assessment might vary between localities and regions.

The Minister of Labor in the Rachiol Cabinet held a series of conferences in an attempt to reconcile the various points of view, and in December 1925, Dr. Chauveau presented a modified draft accompanied by a voluminous report.³³ This text was modified still further in supplementary reports issued in 1926.³⁴

Still further changes were, however, demanded by the government of

No. 7238, *Chambre des Députés, Session de 1924* (March 6, 1924). *Second Rapport Supplémentaire*, par E. Grinda, 119 pp.

³² For the debates and the amendments offered, see *J. O. Deb. Parl. Chambre des Députés*, 1924, pp. 1879-1903, 1914-1929, 1938-1965. The Government inserted a final cautionary clause providing that the measure was not to come into effect until the budget had been restored to a normal condition.

³³ Annexe No. 435, *Sénat 1925, Session Ordinaire*, Rapport fait au nom, de la Commission de Hygiène et . . . , par M. Chauveau.

³⁴ Annexe No. 316, *Sénat 1926, Session Ordinaire*, Rapport Supplémentaire, par M. Chauveau, *J. O. Doc. Parl.*, pp. 449-468; Annexe No. 628, *Ibid.*, *Session Extraordinaire, 1926 2nd Rapport Supplémentaires*, par M. Chauveau. *J. O. Doc. Parl.*, pp. 33-64.

M. Poincaré, who had been called back to power in the effort to balance the budget and stabilize the franc. The financial bases of the law had been earlier examined by the distinguished statistician Ferdinand-Dreyfus³⁵ and by Professor René Hubert.³⁶ Poincaré, however, was determined that the system should not be a heavy weight upon the national budget. At his request a clause was introduced which limited the Governmental contributions to those specifically enumerated in the act.³⁷ The benefits were not therefore to be legally underwritten by the Government, but were only to be paid in so far as the contributions permitted. Other economies were also demanded by the Government.

With these criticisms and with the suggestions advanced by no less than six committees which had examined the bill,³⁸ together with a final report by the indefatigable Dr. Chauveau,³⁹ the Senate moved towards a final consideration of the measure in June 1927.

³⁵ Jacques Ferdinand-Dreyfus, *Les Prévisions Statistiques des Assurances Sociales* (1923).

³⁶ René Hubert, *Les Assurances Sociales et les Finances de la France. Revue Politique et Parlementaire*. Vol. 114 (Feb. 1923), pp. 240-262; *Ibid.*, Vol. 115 (April, 1923), pp. 72-80. A later article by the same author, "L'équilibre financier des Assurances Sociales," *Revue Politique et Parlementaire*, Feb. 1927, appeared at the time when M. Poincaré was cutting down any possibility that the act might be a heavy financial burden upon the state.

³⁷ For the text of M. Poincaré's letter making this and other demands, see *Annexe No. 213, Sénat. Session Ordinaires*, April 1, 1927, *Avis Présenté au nom de la Commission des Finances*, par M. Louis Pasquets, *J. O. Doc. Parl.*, pp. 73-76.

³⁸ These reports were: (1) Commission du Commerce. *Annexe 182, Sénat 1926, J. O. Doc. Parl.* (2) Finance, *Annexe 213, Sénat 1927, J. O. Doc. Parl.* (3) Agriculture, *Annexe 224, Ibid.* (4) Public Works, *Annexe 276, Ibid.* (5) Civil Legislation, *Annexe 278, Ibid.* (6) General Administration, *Annexe 285, Ibid.*

³⁹ *Annexe No. 273, Sénat 1927, Session Ordinaire*, 3rd Rapport Supplémentaire, par M. Chauveau. *J. O. Doc. Parl.*

After a prolonged debate during which no less than 150 amendments were presented, the bill, after many changes, was finally passed as a whole by a vote of 269 to 2.⁴⁰

The bill then traveled back to the Chamber of Deputies, where a further competent report was made in February 1928 by Dr. Grinda and Etienne Antonelli, the distinguished professor of political economy at the University of Lyon and one of the leading Socialist Deputies.⁴¹ Another general election was now impending, and there was considerable unrest in the country at the long delay which had already attended the measure. The interest of the Poincaré government in the measure became keener and the bill was brought up for a vote. The Chamber was not satisfied with the Senate draft, but it did not wish to continue the game of battledore and shuttlecock for several years more. In view of the fact that the Senate draft provided for a delay of twenty-five months before the measure should come into effect, and that during that time the necessary administrative regulations could be framed, and the Poincaré government pledged itself to introduce any necessary amending legislation, the Chamber decided to accept the Senate bill as it stood. It was accordingly passed in March 1928.⁴²

⁴⁰ For the debates, see *J. O. Déb. Parl. Sénat 1927*, pp. 534-539, 540-545, 549-563, 566-579, 604-620, 628-640, 644-658, 664-679, 690-706, 714-732, 739-747, 761-768, 774-790, 798-813, 821-834. For the text of the final law passed by the Senate, see *J. O. Doc. Parl. Chambre des Députés*, 1927, *Annexe No. 4856*, pp. 1395-1404.

⁴¹ Rapport fait au nom de la Commission d'Assurance par MM. Grinda et Antonelli. *J. O. Doc. Parl. Chambre de Députés*, 1928. *Annexe No. 5496*, pp. 488-624. See also an able report on the financial features by A. Landry, *Annexe No. 5727, J. O. Doc. Parl. Chambre des Députés 1928*.

⁴² For the debate, see *J. O. Deb. Parl. Chambre des Députés*, 1928, pp. 1289-1300, 1303-1315, 1337-1350, 1352-1367, 1445-1457, 1473-1491, 1498-1523.



PROVISIONS OF THE ACT

The act as passed⁴³ gave evidence of many of the influences which had played upon it. During the debate in the Senate, the limitation of the patient's choice of physician, midwife, or hospital to a list jointly approved by the insurance funds and the professional associations was eliminated, and the insured person left completely free to choose whomsoever he wished and to change when he wished. The legal regulation of the fees paid by the patients was abandoned, and the act substituted merely a basis upon which the funds would reimburse part of the cost. This was to be from 80 to 85 per cent of the price scales which were to be agreed upon if possible by the funds and the medical associations.

In the field of insurance, the unit of administration was shifted from the *region* to the *department*, and in each of these a general insurance fund was to be set up which would (1) affiliate all who did not insure in friendly societies, or employers and trade union funds; (2) collect the contributions from industry and distribute them among the various insurance bodies; and (3) act as a reinsurance fund for the primary societies. These departmental funds were to be managed by representatives from the primary funds, and hence, while subject to some control by the Ministry of Labor, were largely autonomous.

⁴³ For the text of the act see *International Labor Office, Legislative Series, 1928, France No. 9*; and for commentaries on it, Etienne Antonelli, *Guide Pratique des Assurances Sociales*, 1st edition; C. Chauveau, *Loi sur les Assurances Sociales, Commentaire Juridique, Financier et Administrative* (1928), and *Les Assurances Sociales* (1929); Henry Solus, *Qu'est-ce que les Assurances Sociales?*; Emile Fleury, *Commentaire Pratique et critique de la Loi sur les Assurances Sociales*; Roger Picard, *Les Assurances Sociales*.

OPPOSITION TO THE LAW

Shortly after the elections were over, sharp and unexpected attacks were made upon the law by the conservative press.⁴⁴ It was declared to have been voted hastily, to create a large state bureaucracy, and to constitute too heavy a burden upon industry and agriculture. In this attack the agriculturists and the industrial interests joined. Now that they were faced with the actual application of the law, they were fearful of its consequences. The peasants and their representatives did not want extra burdens imposed upon them; and the opposition of the industrialists became especially intense after the depression set in during the latter part of 1929. During the first part of 1928, when business was good, the industrialists had believed that the extra costs could be passed on to the consumers in the form of higher prices. But as the upward movement of prices stopped and prices then began to recede, they feared that the actual burden must be borne by them out of their profits. They therefore wished either to sidetrack the law or to postpone its application until better times came and prices again began to rise. To add to all this, the medical profession, in spite of all the concessions which had been made to it, became again frightened.

It was feared by the parties of the left that the Poincaré and Tardieu governments did not intend either to implement the legislation or to put it into effect. The policy of the Government during 1928 and 1929 was indeed somewhat halting and uncertain. Attempts were made to conciliate the agricultural and industrial interests, and no less than three successive modifications

⁴⁴ See in *J. O. Déb. Parl., Chambre des Députés 1929*, the charges made by M. Dura-four for the Left, pp. 3653-56, and the reply of the Minister of Labor, M. Loucheur, pp. 3707-09.



of the law were introduced into the Senate.⁴⁵ There was also a distinct slowness in setting up the necessary administrative machinery to put the law actually into effect.⁴⁶

CHANGES IN THE LAW

Finally, however, the Tardieu government pledged itself to have the system made effective by July 1, 1930, which was nearly five months later than the date specified in the act of 1928. A new law was therefore passed by the Senate in March and by the Chamber in April,⁴⁷ which made a number of changes, of which the following were the most important:

(1) The contributions for the first few years were reduced from 10 to 8 per cent. This was defended on the ground that the invalidity charges would be very much less in the beginning than later.

(2) A special system for agriculture was created, with contributions which were only approximately one fourth of those in industry and commerce, and with heavy governmental subsidies for those who fell under the compulsory features of the act and for the self-em-

ployed peasants who enrolled voluntarily.

(3) The Government assumed added financial costs not only for the subsidies to agriculture but also to meet the invalidity payments during the earlier years.

(4) The departmental funds were stripped of all functions save that of insuring those who did not register with the voluntary societies.

(5) The whole system of insurance was brought under the administrative control of the Ministry of Labor, thus rejecting the theory of large autonomy upon which the 1921 bill had been based and which had colored all the subsequent drafts.

The contributions from the insured parties began on July first, and three months later the payment of sickness benefits commenced. The law has now been in operation, therefore, for over two years and a considerable body of experience has already been accumulated. To a consideration of the various features of the system we shall therefore now turn.⁴⁸

⁴⁵ See for example the *Projet* of July 21, 1929, Annexe No. 546, *J. O. Doc. Parl. Sénat*, 59 pp.

⁴⁶ See the debates in the Chamber of Deputies, *J. O. Déb. Parl.* 1930, pp. 523-572, 668-677.

⁴⁷ For the debates see *J. O. Déb. Parl. Sénat* 1934, pp. 67-74, 152-161, 167-178, 186-199, 204-216, 220-233, 236-252, 257-271, 273-294, 300-319, 324-337, 341-359, 365-382, 387-403, 411-421; also *J. O. Déb. Parl. Chambre des Députés* 1930, pp. 1933-1958, 1970-1995, 2004-2018, 2032-2045, 2062-2079, 2084-2165, 2305-2319. For the principal documentary reports produced by the Committees on Insurance, see the three reports by Dr. Chauveau of the Senate: (1) *Annexe No. 750, Doc. Parl. Sénat* 1929, 2nd session extraordinaire; (2) *Annexe No. 37, Doc. Parl., Sénat*, 1930, session ordinaire; and (3) *Annexe No. 291, Doc. Parl., Sénat* 1930, session ordinaire; also the two-volume report by Messrs. Grinda and Antonelli for the Chamber of Deputies, *Annexe No. 3187, Chambre des Députés, Session de 1930*.

⁴⁸ For the text of the law see *International Labour Office, Legislative Series* 1930 France 1930, No. 5; and *Assurances Sociales*, published by the Ministry of Labor. For official explanations of the act, see *Commentaire officiel de la Loi des Assurances Sociales*, Ministère du Travail, 1930, 29 pp.; *Notes sur les Assurances Sociales*, Ministère du Travail, 1930. For a volume giving all the administrative orders issued down to March 25, 1931, see *Recueil Général des Textes Concernant Les Assurances Sociales*, Ministère du Travail, 1931. A brief explanation of the act by a federation of the insurance societies is *Comment faire pour bénéficier des Assurances Sociales*, Union des caisses . . . de la Région Parisienne, 1930. Of the Commentaries, the two best are by Antonelli, *Guide Pratique des Assurances Sociales*, 1931, 3rd edition; and by Hubert, Leproust and de Javersae, *Des Assurances Sociales*, 2 vols., 1929 and 1931, of which the second volume treats the law of 1930. Other useful if more elementary commentaries are Las Cases, *Ce qu'il faut Savoir sur la Loi des Assurances Sociales*, 1931; and Herzenstein, *Petit Guide Pratique des Assurances Sociales*, 1930.

III. SCOPE OF THE ACT AND CONTRIBUTIONS CALLED FOR IN INDUSTRY, COMMERCE, AND MISCELLANEOUS TRADES

The compulsory features of the law include all employed workers between the ages of 13 and 60 years, except those in specified occupations, who receive less than a given amount per year. This limit is in general 15,000 francs (\$600) for those who have no dependent children; but for those employed in cities of over 200,000⁴⁹ or in certain industrial areas,⁵⁰ the limit is 18,000 francs (\$720). This is raised by 2,000 francs (\$80) for each of the first two dependent children, becoming therefore 17,000 and 19,000 francs (\$680 and \$760) for those who are employed outside the large metropolitan and industrial areas, and 20,000 and 22,000 francs (\$800 and \$880) for those who are employed within them. The limit for those with three or more dependent children is, however, fixed at 25,000 francs a year (\$1,000) irrespective of the place of employment.

In the computation of these sums, family allowances, which are common in France, are not included; but payments in kind, commissions, and tips are.⁵¹

WORKERS NOT INCLUDED UNDER THE ACT

In order to be regarded as a habitually employed worker and hence brought under the scope of the act, it is necessary for a person to have worked for remuneration at least ninety days during the preceding year. Children who work at home for their parents without monetary payment are not included.

⁴⁹ Paris, Lyon, Marseille, Lille, and Bordeaux.

⁵⁰ In the main, these are the suburbs of the five metropolitan cities. Décret of May 10, 1930. *R. G.*, pp. 99-100.

⁵¹ See the *décrets* of May 14 and 24, 1930 fixing the methods of establishing these. *R. G.*, pp. 101, 102, 104.

The situation of home workers in the so-called "subcontracting" groups, who are a very important element in France, is still uncertain. It was undoubtedly the intention of Parliament to include both them and the subcontractors themselves, although the latter are almost universally paid by the piece,⁵² and the administrative rules were prepared on that basis.⁵³ Several lower courts have, however, ruled that the subcontractors are not wage-workers in the ordinary sense and that hence they cannot be brought under the obligatory features of the act. The highest court (Cour de Cassation) has not as yet ruled on the matter, and there is in the meantime a wide diversity between departments in the actual policy pursued. In some, contributions are being collected and benefits paid to these workers, while in others they are not.

There are a number of specific employments in which the workers are already provided with protection of a similar character to that furnished by the act, which are not brought immediately under the system but which are ultimately to be integrated with it. The most important of these are state employment (both national and local), railways, tramways, coal mines, and the public utility services of gas, electricity, and water.⁵⁴ The law moreover does not apply to Alsace-Lorraine, which continues under its own system. This was done because there were essential differences between the sets of laws on such points as the relative contribution of the workers, the share of the insured in medical expense, and so forth, which made it

⁵² See *L.*, Article 2, Section 5.

⁵³ Décret of May 24. *R. G.*, p. 103.

⁵⁴ *L.*, Article 49, Sections 1 and 2.



seem unwise to alter the long established laws of the restored departments in order to make them conform to the newly established system of the rest of France. Nor does the law apply to Algeria or to the Colonies.

FOREIGN WORKERS

In so far as foreign workers are concerned, both the employers and the workmen must pay the usual contributions. Those who have been employed in France under normal conditions for more than three months may receive sickness, maternity, and family benefits to the same degree as Frenchmen; but they are apparently not entitled to invalidity and old age pensions during at least the transitional period which will be later described.⁵⁵

ployer and the other half deducted by him from the wages of the worker.

The wage categories, with the basic wage and the contributions of each are shown in Table I.

It will be noticed that while these contributions are on a daily and weekly basis somewhat higher than 8 per cent, the use of a 48-week year for computing the annual contributions reduces the yearly rate to this figure except in the case of group V, where the contribution is slightly less than 9 per cent.

Since in October 1930 the average wage rate in various industries for a day's labor was, outside of Paris, approximately 33 francs for males and 20 francs for females, while in the Parisian region the corresponding av-

TABLE I—SCALE OF CONTRIBUTIONS UNDER FRENCH SOCIAL INSURANCE LAW OF 1931

Wage Category and Income Limits (per year)	Assumed Basic Wage (daily)	Daily			Weekly			Yearly		
		Employer	Worker	Total	Employer	Worker	Total	Employer	Worker	Total
I. Under 2,400 fr. (\$96).....	6	0.25	0.25	0.50	1.50	1.50	3.00	72	72	144
II. 2,400-4,999 fr. (\$96-\$180)...	12	0.50	0.50	1.00	3.00	3.00	6.00	144	144	288
III. 4,500-5,999 fr. (\$180-\$240)...	18	0.75	0.75	1.50	4.50	4.50	9.00	216	216	432
IV. 6,000-9,599 fr. (\$240-\$384)...	24	1.00	1.00	2.00	6.00	6.00	12.00	288	288	576
V. Over 9,600 fr. (over \$384)...	36	1.75	1.75	3.50	10.00	10.00	20.00	480	480	960

Frontier workers who live in another country although employed in France have the same advantages as other foreigners if they have been employed for three months.

WAGE CATEGORIES

For the purpose of computing the contributions and the benefits, the insured are divided into five income categories. The assessments are fixed at approximately 8 per cent of an arbitrary basic wage of each group, one half being paid by the em-

erage for males was over 53 francs,⁵⁶ it follows that probably the vast majority of the male workers fall into categories IV and V, while the females belong predominantly to classes III and IV.

Those workers in class V who receive more than the basic wage of 36 francs (\$1.44) a day and 10,800 francs (\$432) a year, pay only their assessment of 480 francs (\$19.20) a year. Once having passed the basic point, their contribution therefore forms a progressively smaller proportion of their

⁵⁵ *L*, Article 1, Section 4; Article 69, Section 5, paragraph 7.

⁵⁶ *Bulletin du Ministère du Travail*, Avril-Mai-Juin, 1931, pp. 112-113.

income. The employers have however to pay added sums for workers receiving between 15,000 or 18,000 and the 25,000 francs. To prevent discrimination against the insured workers with dependents, this assessment is due on behalf of the uninsured as well as of the insured workers.⁵⁷ The Ministry of Labor is given the power by law to fix this contribution at between one third and two thirds of the assessment which the employer pays for workers in Class V, or between 160 and 320 francs a year. By ministerial decree this sum was fixed for the first year at the upper figure.⁵⁸ The extra sums thus collected are to be used to help pay family maintenance allowances.

As has been stated, employees over 60 years are not compelled to make any contributions. If they postpone their rights to a pension until the age of 65, and if they continue to be employed, their contributions are made as usual. Once they are pensioned, however, even though they are still employed (which is permitted), they are exempt from such payments. The employers, on the contrary, continue to make payments not only for those who are postponing their pensions but also for those who are in receipt of a pension or who, though over 60 years of age, are not entitled to one.⁵⁹

COLLECTION OF CONTRIBUTIONS

The predominant way of collecting the contributions is through the familiar method of stamped cards. The employers buy the special social insurance stamps from the post office and periodically affix both their share and those of the workers on two specific cards which they hold for each worker. One card is for the so-called

"distributional risks"—i.e., illness, death, maternity, and medical care for both illness and invalidity—and is renewable quarterly. The other is for the "capitalization risks" of old age pensions and invalidity. This is renewed annually. Since the 8 per cent contributions are divided evenly between these two main varieties of protection, one half of the stamps are placed on each card. When each card has been filled, it is returned by the employer to the social insurance office of the department, and a new one for the particular workman is then sent to the employer. When a workman leaves his position he takes his cards with him and presents them to his next employer, who in turn acts as their custodian.

Since many business men complained of the labor involved in this "licking of stamps," an alternative method was outlined by ministerial decree whereby the employer could send a check each month to the social insurance office of the department for the total amount due on behalf of his workmen, and forward the cards at the same time. The office would then affix the stamps and return the cards. This was at first permitted only for firms employing over fifty workmen,⁶⁰ but this limit was later lowered to that of ten employees.⁶¹ In practice, only about 10 per cent of the assessments are paid in this manner; the vast majority of payments are effected by the employers affixing the stamps directly. The workers remain in their given wage category throughout the period for which their cards last, and are changed only when new cards are issued for them.

⁶⁰ *Décret* of July 11, 1930. *R. G.*, pp. 175-6.

⁶¹ See amending act of 1931, *J. O. Lois et Décrets*, July 31, 1931, p. 8394, and the decree of Aug. 27, 1931, *Lois et Décrets*, Sept. 27, 1931, pp. 10331-32.

⁵⁷ *L.*, Article 2, Section 6.

⁵⁸ *Décret* of June 22, 1930. *R. G.*, p. 145.

⁵⁹ *L.*, Article 3, Sections 1 and 2.



In the case of longshoremen and other casual workers who customarily work for several employers during the course of a month, the burden of keeping the cards and exchanging them with the social insurance office is placed upon the workers themselves.⁶² Each employer gives to the worker stamps of the correct amount when the worker leaves or is laid off. In computing this, all time less than four hours is counted as a half-day's work, and all over four hours as a day.⁶³

GOVERNMENT CONTRIBUTIONS

In 1934 the joint contribution of workers and employers is to be raised from 8 to 9 per cent, and in 1940 the joint contribution is to be 10 per cent, or the proportion originally provided for in the act of 1928.

To these contributions of the interested parties, the Government adds certain specific contributions of its own. In the first place it grants an annual subvention of 540 million francs (\$21,600,000) for the assumption by the social insurance system of the Government liabilities under the Old Age Pension Act of 1910. These pensions were quintupled under the act to protect the workers who came under the 1910 law against the depreciation of the franc, and for the first year will amount to approximately the same sum as the initial Government grant. They may however be expected to decline with the years, whereas the Government subvention is to remain constant. The increasing difference between the two will therefore constitute an outright Governmental subsidy to the system as a whole.

The Government also underwrites the minimum guarantees which are made for old age annuities and invalidity pensions. For the first few years

these minima will naturally be in excess of the accumulated premiums, and the charge will consequently be heavier upon the Government than it will be in later years, when only the lower wage categories will need Governmental subventions to bring their accumulated reserves up to the authorized minimum. This burden upon the Government is eased in the initial years by the provision that the invalidity pensions shall not come into effect for two years, nor the old age annuities for five years.

The Government is also ultimately to meet the cost of the heavy subsidies for agriculturists who come under the compulsory features of the act or who voluntarily enroll in it. These charges are not to fall upon the taxpayers during the first two years, when they are to be met by loans; but they will thereafter be sources of public expense.

In addition to all this, the National Government agrees to turn over to the

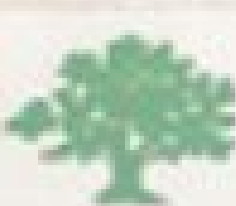
TABLE II—GOVERNMENTAL SUBSIDIES TO SOCIAL INSURANCE

	Millions of Francs
Increases of pensions under 1910 law	540
Compulsory insurance for agriculture:	
(A) Illness, maternity, health, medical care	360
(B) Old age	130
Voluntary insurance for agriculture: ^a	
(A) Illness, maternity, health, medical care	170
(B) Old age	130
Guarantee of minimum pensions	100
Total	1,430

^a The estimated subsidies for voluntary insurance bid fair to be reduced because of the small number in agriculture who have applied for such protection.

⁶² *Décret* of June 28, 1930. *R. G.*, pp. 154-155.

⁶³ *Décret* of June 19, 1930. *R. G.*, p. 143.



system all the savings which it effects in the expenditures of the central government for charitable purposes, and one half of the savings in the cases of the local governments. It also gives an outright subsidy of three million francs a year for the voluntarily insured in nonagricultural occupations.

The Ministry of Labor has estimated that the total contributions by the Government, exclusive of savings turned over to the system, will be approximately as shown in Table II.⁶⁴

The total amount of contributions by employers and employees during the first nine months of the act amounted to approximately 2,400 million francs (\$96,000,000), distributed as shown in Table III.⁶⁵

Since the contributions for the first two months were naturally low because of the fact that the law had just come into operation, and since the average in the subsequent months was approximately 300 million francs, it would seem safe to conclude that with the present wage scale and an average of approximately 8.5 million wage workers, the receipts from workers and employers will be somewhere around 3,600 million francs (\$144,000,000) a year.

IV. BENEFITS IN CASE OF ILLNESS

Cash benefits are provided to those insured persons who are ill or who are suffering from a non-industrial accident. Medical benefits also are granted not only to the insured but also to their spouses and to all of their dependent children under the age of sixteen when they are ill.

After a waiting period of five days, which is reduced to three if the worker has three dependent children, the ill and insured person is paid a benefit

⁶⁴ Ministère du Travail, *Notice sur les Assurances Sociales*, p. 29.

⁶⁵ *Bulletin du Ministère du Travail*, July-Aug.-Sept. 1931, pp. 216-217.

TABLE III—RECEIPTS OF SYSTEM DURING FIRST NINE MONTHS

	Millions of Francs
<i>1930</i>	
July.....	89.7
August.....	161.4
September.....	303.8
October.....	344.3
November.....	267.8
December.....	305.4
<i>1931</i>	
January.....	299.2
February.....	298.2
March.....	308.0
Total.....	2,377.7

This sum will be increased as the administration improves and more agricultural wage-earners are brought under the act. The Government grants also will swell this total. Since these will not total the estimated 1,430 million francs, because of the relatively few self-employed peasants who have taken advantage of the voluntary insurance, it seems probable that the total annual receipts of the system under the present wage scales will amount to not far from 5,000 million francs (\$200,000,000).

of 50 per cent of his basic wage provided he has previously paid contributions during at least 60 days of the preceding three months or 240 days of the preceding year. This makes the weekly rate of benefit as follows:

TABLE IV

Class	Benefits in Francs	Benefits in Dollars
I.....	18	0.72
II.....	36	1.44
III.....	54	2.16
IV.....	72	2.88
V.....	108	4.32

This benefit is continued for six months, after which it is discontinued if the patient is sufficiently recovered, or else converted into an invalidity pension which will be later described.

After the fifteenth day of sickness the insurance fund meets half of the cost of carrying the workers' old age insurance: this amounts to approximately 2 per cent of their basic wage. The benefits are increased by one franc a day for each dependent child of the ill person. They are lowered when the fund is helping to meet the costs of caring for the workers in a hospital or other institution. The proportions by which the benefits are thus reduced are: (1) three fourths where the worker has no one dependent on him; (2) one half where he is married but has no other dependent; and (3) one third where he has one or more children or relatives in the ascending line dependent upon him.

MEDICAL BENEFITS

The rules governing the medical benefits are perhaps equally important and are certainly much more complicated. As has been pointed out, the law places no limit to the fees which doctors, pharmacists, hospitals, and so forth may charge the patient. It merely directs the funds to reimburse the patients for medical services on the basis of from 80 to 85 per cent of a given scale. Aid is, however, given for a wide range of service for both the insured person and his family. Not only are the services of general practitioners compensated for, but those of midwives, specialists, and surgeons as well. In addition, the patient has a right, upon prescription by his physician, to reimbursement for pharmaceutical requisites and appliances, and for hospitalization and other curative treatment. Dental care is included in these allowances for medical

attention, and artificial teeth are provided when deemed necessary for the pursuit of the patient's calling.⁶⁶

The patient has a completely free choice in all of these services. He can select any doctor who, whether or not he is a member of the medical association, merely signifies his willingness to abide by the rules of the law.⁶⁷ The funds agree not to suggest to their members that they patronize some doctors rather than others.

The patient is not compelled to keep the practitioner once chosen for any length of time, but is free to change to another at any moment. The medical consultations take place, whenever possible, at the doctor's office. If the doctor is compelled to visit the patient in his own home he is authorized to charge an extra fee, and if he must make a journey to do so, an added travel allowance is given.

REIMBURSEMENT TO PATIENTS

The rates which serve as a basis for reimbursement by the funds to the patient are fixed by the funds in agreement with the recognized branches of the medical, dental, and pharmaceutical associations.⁶⁸ In fixing these rates, due regard is supposed to be paid to the lowest scale of fees of the medical associations in the district. The insured workers in Categories I and II pay 15 per cent of these medical costs, while those in the three higher categories pay 20 per cent. In the case

⁶⁶ This in practice is when the masticatory coefficient falls below 40. Under this schedule, the 8 incisors have a value of 1-8; the 7 canines, 2-8; the 8 pre-molars, 3-24; the 12 molars, 5-60. *R. G.*, p. 293.

⁶⁷ In the case of dentists the choice is limited to one who has been licensed to practice. *R. G.*, p. 235.

⁶⁸ See the sample forms of agreement drafted by the Ministry of Labor. *R. G.*, pp. 224-278. In the case of hospitals the funds pay their contributions directly to the hospital rather than to the patient.



of pharmaceutical expenses, all categories pay 15 per cent.

If it is impossible for the funds to come to an agreement with the medical and other associations, they may undertake the liability for a flat proportion of a schedule of fees drawn up by them, or they may pay a flat rate of so much a day to persons not receiving surgical or hospital treatment. If they do the latter, they cannot fix this sum at more than 20 per cent of the basic wage of the worker in question if they are to obtain reinsurance for this amount from the General Guarantee Fund, which is to be described later. If they pay more, therefore, they must bear the burden themselves.

Since the rates for reimbursement are to be adjusted in this very decentralized fashion, it may well be asked how any control can be exercised to prevent the local funds from fixing rates which are too high for the available resources of the system.

In addition to advice which the Ministry of Labor gives the funds on these points, there are two more positive sources of control. The first is the provision in the act itself that except in cases where special treatment is required, the total amounts paid by the funds for medical and pharmaceutical expenses shall not exceed 50 per cent of the basic wage of the insured workers. This of course distinctly limits the amount of assistance which can be rendered to the more poorly paid workers.

REIMBURSEMENT TO FUNDS

The second form of protection lies in the fact that the Ministry of Labor, in consultation with the Superior Insurance Council (*Conseil Supérieur des Assurances Sociales*), is authorized to fix the scale above which payments by the funds will not be reinsured or reimbursed by the General Guarantee Fund.

After a considerable degree of deliberation, the Ministry published such a series of rates for medicine, dentistry, pharmaceutical supplies, and hospital care.⁶⁹ Accompanying these were coefficients for the various main types of service in each of these fields. By the use of a base rate, therefore, for the simplest form of service, the entire scale upon which reimbursement would

TABLE V—BASIS FOR REIMBURSEMENT TO FUNDS

Service	Reimbursements Up to
A. MEDICINE	
Consultation with either doctor or specialist....	12 francs
Same in cities over 200,000 and suburbs.....	15 francs
Visits to home of patient (cities of over 100,000)	2 francs extra
Same in localities under 100,000.....	$\frac{3}{4}$ francs per kilometer for double distance
Sunday visits.....	Increase of 30%*
Night visits.....	Increase of 100%*
Insertions of serum and antitoxin.....	24 to 30 francs
Wasserman Test.....	24 " 30 "
Hernia.....	60 " 75 "
Child birth, including 9 visits.....	300 francs in cities under 200,000
	400 francs in cities over 200,000
B. DENTAL CARE	
Extraction of tooth.....	4 francs in cities under 200,000
	$6\frac{2}{3}$ francs in cities over that number
Filling.....	6 to 10 francs
Treatment.....	6 " 10 "
Lancing of abscess.....	3 " 5 "
Artificial tooth (porcelain)	6 " 10 "
C. HOSPITALIZATION	
(1) <i>Costs of Hospitalization</i>	
Medical hospitals (localities of less than 200,000)	13 francs per day
Medical hospitals (cities of over 200,000).....	20 " " "
Surgical hospitals (localities of less than 200,000)	16 " " "
Surgical hospitals (cities of over 200,000).....	24 " " "
(2) <i>Medical Honoraria</i>	
In public hospitals of cities which are centers of medical instruction:	
Medical and surgical	4 " " "
In other public hospitals:	
Medical.....	4 " " "
Surgical.....	4 " " "

* These are lower than the coefficients given by the medical association and distributed to the funds, which called for increases of 100 and 200 per cent respectively. For a discussion of why this seemed excessive, see the circular of Sept. 22, 1930, *R. G.*, p. 381, where the reason for listing specialists at the same rate as general practitioners is also given.

⁶⁹ See the circular of Sept. 22, 1930. *R. G.*, pp. 379, 387.



be made was found.⁷⁰ The scale for some of the most important items under each branch of service is given in Table V.⁷¹ It should be remembered that the funds themselves will pay only from 80 to 85 per cent of these amounts. The residue, together with any extra charge made by the doctors, must be met by the patients.

The Ministry of Labor on the whole seems to think that a medical outlay of from 100 to 130 francs a year *per beneficiary* is approximately safe and will not exceed the quarter of the total contributions, or 2 per cent of the earnings, which is set aside for benefits in kind. This is an annual average of from 150 to 190 francs (\$6.20 to \$7.60) *per insured person* which is of course much more than the British health insurance system provides for this purpose.

EFFECT OF THE SYSTEM ON DOCTORS

It would of course be extremely interesting to compare the relationship between these rates or those approved by the funds, and the rates actually charged by the doctors to the patients. The French doctors are strongly organized, and quite openly fix their minimum

scale of prices. In many localities the funds use this as their basis, while in others, as in Paris,⁷³ the minimum rate is above the scale for reimbursing the patients. In some localities there seems to be strong evidence that the doctors increased their charges after the new law went into effect, because of the greater capacity of their patients to pay. In these cases, therefore, the system operated to increase the income of the doctors from each patient rather than to reduce the burden upon the patients by the full amount of the subventions. In addition, of course, the system has aided the doctors by making it possible for more patients to come to them for treatment.

That granting the patient full power to change his doctor whenever he wishes creates temptations for hard pressed or unethical doctors to certify malingerers as ill in order to retain their patronage, is of course obvious. It can be checked in part by the funds, but only in part. Perhaps the best thing that can be said for the whole system of medical provision under the act is that it is the type which least arouses the opposition of the doctors.

V. INVALIDITY BENEFITS

After an insured person has received sickness benefits for six months, if his working capacity⁷² is reduced by two thirds or more, he is eligible to receive an invalidity pension provided he has paid insurance contributions for at least two years or 480 days before his illness. There will therefore be no charges upon the fund and hence upon

the public budget which underwrites this item, for the first two and a half years of the plan.

The period of invalidity is in reality divided into two subdivisions. The first extends for five years after the patient first receives his invalidity pension. During this time the invalid receives not only his cash benefit, the amount of which is computed by a method which will be later described, but also medical attention on the same

⁷⁰ See *R. G.*, pp. 227-28, 237, 277-78.

⁷¹ These sums as given in the circular of Sept. 22, 1930 are sensibly lower than those outlined on Aug. 27. See *R. G.*, pp. 369, 372.

⁷² Until a new scale for computing disability is promulgated, that in use for the military services is to be employed.

⁷³ The Ministry of Labor in 1930 stated that the minimum fee for consultations in Paris was 25 francs. *R. G.*, p. 371.



terms as any insured person. The fund has the authority to have the invalid examined by a doctor of its choosing, not only at the commencement but at any time during the period, and if the patient refuses or neglects to comply, his pension is forfeited. If the working capacity of the invalid does not rise above one half, his pension rights are still maintained; but if it goes above the latter figure, the pension is withdrawn.

The second period begins at the end of these five years, and if the working capacity is still less than 50 per cent, the pension is then placed on a permanent basis. The invalid is now, however, not given a medical benefit in addition to his cash pension. After five years more have passed, the fund, if it wishes, can have the invalid re-examined to determine whether or not his working capacity is still below 50 per cent, and if it is, the pension is to be paid indefinitely.

From what has been said it will be realized that the pension is not graduated inversely with the degree of incapacity, and does not decrease slowly as the patient's ability to work increases. Instead, it is stopped abruptly as soon as the invalid passes the half-way mark. It thus creates a strong financial disadvantage for a patient to raise his working capacity slightly

above one half, and is in this respect faulty.

PENSION BASED UPON AGE

The graduation of the amount of the pension is instead based upon the age at which the pensioner entered the insurance system, the length of time during which the invalid has previously paid contributions, and his wages during these periods. The pensioners are fundamentally divided into two groups; namely, those who were enrolled in the system before the age of 30, and those who were enrolled after that age. The former are paid 40 per cent of their average annual wages during the period of their insurance, and if they have paid contributions for more than 30 years they are entitled to an increase of 1 per cent for each added year for which they have been insured, up to a total of 50 per cent.

The second group, or those who were first insured after they had passed the age of 30, have their invalidity pensions reduced because of their greater susceptibility to serious impairments of capacity, and because they will ultimately have made fewer contributions than the first group. Their pensions are reduced by one-thirtieth for every year or fraction thereof by which their actual age of entrance exceeded that

TABLE VI—YEARLY INVALIDITY PENSIONS IN FRANCS FOR THOSE ENROLLED BEFORE THE AGE OF 30 AND WHO HAVE PAID AT LEAST TWO YEARS OF CONTRIBUTIONS

Category and Average Wage	Years for Which Contributions Have Been Paid				
	30 or less	31	32	35	40
I (1,800 fr.)	720	738	756	810	900
II (3,600 “)	1,440	1,476	1,512	1,620	1,800
III (5,400 “)	2,160	2,214	2,268	2,430	2,700
IV (7,200 “)	2,880	2,952	3,024	3,270	3,600
V (10,800 “)	4,320	4,428	4,536	4,860	5,400



of 30. If they have paid contributions for six years, however, the amount of the annual invalidity pension is not to fall below 1,000 francs (\$40).

This minimum is decreased by 100 francs a year for each year under six for which the contributions have been paid. Those who have entered at over 30 years and have barely fulfilled the statutory minimum of 2 years'

payments will therefore receive as a minimum 600 francs (\$24) a year.

The whole situation may perhaps be made somewhat clearer by the use of illustrative tables showing for these two main groups what the annual invalidity pensions will actually amount to for persons whose average wage falls in the given categories and who have paid contributions for differing

TABLE VII—YEARLY INVALIDITY PENSIONS IN FRANCS PAYABLE TO THOSE ENROLLED AFTER THE AGE OF 30 AND WHO HAVE PAID AT LEAST TWO YEARS' CONTRIBUTIONS

Age of Entrance	Years of Contributions	Categories into Which Workers Fall				
		I	II	III	IV	V
		(1,800 fr.)	(3,600 fr.)	(5,700 fr.)	(7,200 fr.)	(10,800 fr.)
31.....	6 or more	1,000	1,392	2,088	2,784	4,176
	5	900	1,392	2,088	2,784	4,176
	4	800	1,392	2,088	2,784	4,176
	3	700	1,392	2,088	2,784	4,176
	2	600	1,392	2,088	2,784	4,176
35.....	6 " "	1,000	1,152	1,728	2,304	3,456
	5	900	1,152	1,728	2,304	3,456
	4	800	1,152	1,728	2,304	3,456
	3	700	1,152	1,728	2,304	3,456
	2	600	1,152	1,728	2,304	3,456
40.....	6 " "	1,000	1,000	1,368	1,824	2,736
	5	900	912	1,368	1,824	2,736
	4	800	912	1,368	1,824	2,736
	3	700	912	1,368	1,824	2,736
	2	600	912	1,368	1,824	2,736
45.....	6 " "	1,000	1,000	1,008	1,344	2,016
	5	900	900	1,008	1,344	2,016
	4	800	800	1,008	1,344	2,016
	3	700	700	1,008	1,344	2,016
	2	600	672	1,008	1,344	2,016
50.....	6 " "	1,000	1,000	1,000	1,000	1,296
	5	900	900	900	900	1,296
	4	800	800	800	864	1,296
	3	700	700	700	864	1,296
	2	600	600	648	864	1,296
55.....	5 " "	900	900	900	900	900
	4	800	800	800	800	800
	3	700	700	700	700	700
	2	600	600	600	600	600
58.....	2 " "	600	600	600	600	600

lengths of time. In Table VII the amounts which the patients would receive in the absence of a minimum might also have been shown.

It would then have been noticed that those in Class V will receive more than the minimum guarantee if they enter the insurance system before the approximate age of 55, and that those in Class IV will receive more if they enter before the age of 50. The same situation applies to those in Class III who come in before they have passed 45 years and for those in Class

II who enter before 40. Those in Class I need always to be brought up to the minimum by the Government grants. To all of these pensions there is added an extra allowance of 100 francs a year for each dependent child.

While the amounts of the pensions may seem small when judged by American income standards, they are of course far more adequate when viewed in terms both of French living costs and of the standard of living for the French working classes.

VI. OLD AGE ANNUITIES

The sums set apart for old age insurance amount, as already indicated, to 4 per cent of the basic wages, and therefore to one half of the total sums which are now being contributed. Half of these contributions in the case of insured workers who are now under 30 years of age is set aside with additions of interest for the creation of individual old age annuities; while for those who are over 30 years, no less than nine tenths of this share, or 3.6 per cent of the basic wage, is used for this purpose. The remaining sums, amounting to 2 per cent of the basic wage for those under 30 and 0.4 per cent for those above that age, are paid into the two national funds for meeting extra expenses and deficits, namely, the *Fonds de Majoration et de Solidarité* and the *Fonds de Garantie et de Compensation*.⁷⁴

The annuities are normally payable when the insured person reaches the

age of 60, but may be granted at the age of 55 (with naturally a reduced amount) if the insured person has paid contributions for at least 25 years. It is estimated that this anticipation of the annuity will reduce its total by approximately 40 per cent.⁷⁵ The annuities may also be postponed, and if deferred to the age of 65 will then yield, if the insured survives, about 75 per cent more.⁷⁶

CLASSES OF BENEFICIARIES

Since time is required to make this system of individual annuities fully effective, the beneficiaries are necessarily divided into two classes. The first are those who by the time they are from 60 to 65 years of age will have made contributions for at least 30 full years of 240 days each. The second group covers those in the transitional period who will not have had the time to accumulate so many contributions.

The annuities for the first group are to be not less than 40 per cent of the average basic wage during the period for which they have made contributions, and are to be increased by one

⁷⁴ Article 14, Section 1 of the law provides that the amounts set apart for individual account shall not be less than 2.0 and 3.6 per cent respectively, and consequently that the maximum amounts to be turned over to the two general funds cannot exceed 2.0 and 0.4 per cent. The decree of July 1, 1930, established these maxima and minima as the actual basis of distribution. See *R. G.*, p. 160.

⁷⁵ Antonelli, *Guide Pratique des Assurances Sociales*, p. 91.

⁷⁶ *Ibid.*, p. 91.



tenth for all who have brought up three or more dependent children.

Those who fall within the transitional period (which will last until 1960) are entitled, after having paid contributions for at least five full years, to receive annuities at the given ages which will be equal to that fraction of the full pension which the number of years for which they have contributed forms of a normal period of thirty years. The amount of the annuity is not, however, to fall below 600 francs a year.

The basis on which the annuities for the second group are computed may be made somewhat clearer by the use of an example. Thus, a man who was aged 45 years at the time the law went into effect in 1930 would, if he were employed steadily, have fifteen contribution years to his credit by the time he was sixty. If he remained in category IV throughout this period, he would therefore be entitled to fifteen thirtieths or one half of the normal pension; i.e., to $7,200 \text{ fr.} \times \frac{40}{100} \times \frac{15}{30} = 1,440 \text{ fr.}$

It will, however, be extremely rare for an insured worker to remain in the same category throughout his insured life. For this reason the annuities are computed for both groups in terms of the slices of protection against old age which each year of work in a given wage category carries with it. The following tables show how these slices are computed.

Let us now take the case of a person who has paid contributions for thirty years and has spent six years in each of the five wage categories. His minimum annuity would be computed as follows:

TABLE IX

Category	Years	Minimum Annuity (in francs)	Total (in francs)
I	6	24	144
II	6	48	288
III	6	72	432
IV	6	96	576
V	6	144	864
Total . . .			2,304

If a person had entered the system at the age of 40 and had been in category III for 10 years, category IV for 6 years, and category V for 4 years, his minimum annuity would be computed as follows:

10 years at 72 fr. = 720 fr.
6 " " 96 " = 576 "
4 " " 144 " = 576 "
Total 1,872 fr.

A final example will show the rôle of the statutory minimum. If a person had been insured for 10 years in category I and for 5 years in category II, then on the face of it he would be entitled to a minimum pension of only 480 francs. This would however be raised to 600 francs, since none can fall below that level. There will of course be few, save those who will become

TABLE VIII—MINIMUM AMOUNTS OF ANNUITY TO WHICH A YEAR'S WORK IN VARIOUS CATEGORIES ENTITLES AN INSURED PERSON

Category	I	II	III	IV	V
Basic yearly salary in francs	1,800	3,600	5,400	7,200	10,800
Normal annuity after 30 years of contributions, i.e., 40%	720	1,440	2,160	2,880	4,320
Amount for each year's contributions, i.e., 1/30	24	48	72	96	144

eligible for pensions in the years immediately following 1935, who will fall in this latter class; and even then, the ones affected will be those who have on the average belonged to the three lower rather than to the two upper categories. The extra sums thus needed to bring the annuities up to this stated minimum are to be provided by the Augmentation and Joint Solidarity Fund (*Fonds du Majoration et de Solidarité*), out of the money at its disposal.

It should be emphasized that the amounts which have been indicated above are in general minimum sums. The actual amounts are to be calculated according to the above system, but may be higher depending upon the interest rates which the system receives for its invested capital, and the mortality rates of the insured population. After ten years of experience it will be possible for some funds, over half of whose membership belongs to such dangerous industries as those of chemicals, metallurgy, and glass, to change their annuities and to apply special rates if these are approved by the Ministry of Labor.

For employees who were between the ages of 60 and 65 when the act went

old age protection, thus enabling them to accumulate as large a sum as possible. Those who have paid contributions for at least five years under these circumstances are guaranteed a minimum annuity of 500 francs.

REVERSIONARY PRIVILEGES

While the presumption in the case of the old age insurance is that it should take the form of the so-called "alienated capital system" and be paid only in the form of annuities to the insured person as long as he survives, two alternative procedures are also offered to him, which he may take advantage of at any time. He may, for example, convert the capital value of his old age insurance in excess of 1,000 francs a year, with the consent and under the supervision of the insurance fund, in order to acquire a plot of land or a dwelling. Once this is done, such property becomes inalienable and exempt from seizure. The insured person may also utilize the capital value of his pension in order that his wife⁷⁷ may receive after his death, by the time she is 55 years of age but not before, half of his annuity. The amount of his own pension is naturally decreased

TABLE X—PROPORTIONS BY WHICH ANNUITIES ARE REDUCED TO PROVIDE REVERSIONARY PENSIONS TO SPOUSE AFTER DEATH OF INSURED PERSON

Age of Spouse When Pension Is Liquidated (in years)	Reduction of the Principal Pension (in per cent)	Percentage Which Pension of Spouse Forms of Liquidated Pension	Percentage Which Pension of Spouse Forms of Original Pension
65 and over	10	50	45.0
64-57	15	50	42.5
56-38	20	50	40.0
37-23	15	50	42.5
23 and under	10	50	45.0

into effect, and who are covered by the Old Age Pension act of 1910, a special allowance is made whereby they may devote all of their share of the contribution (4 per cent) to the purpose of

if these reversionary privileges are requested. The amount by which the original pension is thus reduced, while not great, depends upon the age of the

⁷⁷ Or vice versa if the wife is insured.



spouse and has been fixed by administrative order at the percentages shown in Table X. Along with these are shown the proportions which the annuity to the spouse on and after the age of 55 years bears to the original and to the liquidated pension.⁷⁸

The insured person who thus settles part of his pension upon his wife may

also insure them both under sickness insurance during the period they are receiving the pension. They will thus be guaranteed medical care and all the benefits in kind, but not, of course, the added cash benefits. For this medical care the insured worker pays 15 francs a month and the state adds to this a further subsidy of 6 francs.

VII. MATERNITY, DEATH, AND UNEMPLOYMENT BENEFITS

In addition to the family allowances which are granted in cases of illness, invalidity, and old age, there are further supplementary benefits provided under the act.

Maternity—

One of the most important of these is the aid given to mothers. Full medical care is given on the usual terms both for insured women and for the wives of insured men who give birth to a child. This includes not only the services of a doctor or midwife at the time of delivery, but also prenatal and postnatal care. This lasts during the entire period of pregnancy and for the six months following birth. The medical care as such is accompanied by the same rights to pharmaceutical supplies and hospitalization which any insured person or members of the family might enjoy if ill.

Cash benefits and allowances are also guaranteed to insured women, though not to the wives of insured men, who either are or are about to become mothers. They are entitled to the ordinary sickness benefit of 50 per cent of the basic wage for six weeks before and six weeks after confinement,⁷⁹ if they cease all paid work during this

period. If the insured woman nurses her child she receives a monthly nursing allowance of 150 francs for the first four months, 100 francs a month for the fifth and sixth months, and 50 francs monthly from the seventh to the ninth month inclusive. If she is certified by her doctor as being unable to nurse her child she may, if she rears the child at home, receive milk tickets equal to two thirds of the value of these bonuses.

All of these cash allowances are conditional upon the insured woman's obeying the medical regulations which may be issued, which include visits to her home and her attendance at maternity and infant welfare centers. It is intended therefore to use the bonuses as a means of educating the insured women who are mothers in such matters, and hence of reducing the infant mortality rate, which unfortunately is still high in France.

While the wives of the insured are unfortunately not guaranteed a share in these latter advantages because of the fear on the part of Parliament that the social insurance benefit would thereby be unbalanced, it is hoped that the funds will provide them out of their surpluses. It is indeed specified that the first form of increased benefits which a fund can offer is that of milk and nursing bonuses for the wives of insured men, and that after this shall come a reduction of the expense which

⁷⁸ See Article 74 of the *Règlement-Général* of July 25, 1930. *R. G.*, p. 66.

⁷⁹ They must of course have paid contributions for 60 days out of the preceding 3 months or for 240 days during the preceding year.



the insured should bear in maternity cases.

Death—

A death benefit is also provided to the heirs of a deceased insured person. The main benefit amounts to 20 per cent of the average annual basic wage of the given category, but is not to be less than 1,000 francs. This makes the benefits as follows for members of the five categories:

TABLE XI

Category	Amount of Main Death Benefit (in francs)
I.....	1,000
II.....	1,000
III.....	1,080
IV.....	1,770
V.....	2,160

These sums are in the main sufficient for a modest funeral, but, like most of working-class life insurance in this country, will provide for little more.

To help protect the survivors, small

bonuses of 100 francs a year for each dependent child are added. In addition, mothers who have three or more dependent children are paid an orphan's pension of at least 120 francs a year for all children beyond the second. These pensions are to be in addition to those prescribed by the law of 1919.

Unemployment—

The third type of supplementary protection provided is the maintenance for four months in a year of the insurance payments of the unemployed. This amounts to a benefit in kind of 8 per cent. This provision replaced the much more ambitious plan of Dr. Chauveau to include insurance against unemployment in the bill itself, which was eliminated at the demand of the Poincaré government in 1927.

If an insured worker is ill and is drawing his sickness benefit, the insurance fund with which he is affiliated keeps up the payment of the 4 per cent of his earnings which is needed for the maintenance of his old age and invalidity insurance.

VIII. THE INSURANCE FUNDS: PRIMARY AND DEPARTMENTAL

Separate sets of insurance agencies are set up to carry the two varieties of risks, namely, the so-called "distributional risks," which include sickness,⁸⁰ maternity, and death, and the "capitalization risks," which include invalidity and old age. Each of these sets of insurance agencies includes, in turn, private voluntary insurance funds with any one of which the worker may, within limits, affiliate, and the residual or "catch all" funds, which belong to all workers who do not choose any particular private fund.

As has been stated, the worker has

⁸⁰ Medical benefits for invalidity are also included in this group.

complete freedom of choice in selecting the fund to which he wishes to belong, except that in the case of the distributional funds, he must select one within his own department. The funds cannot reject the affiliation of any insured workman, whether by the medium of a medical examination or by any other means. If the worker was already a member of a private voluntary fund which continued under the act, he was presumed in the absence of a definite statement to the contrary to remain affiliated with it. When, as was sometimes the case in old age insurance, a worker was affiliated with both the National Old Age Pension Fund (*Caisse*



National de Retraites de la Vieillesse) and a voluntary fund, the latter was given the benefit of the doubt and the worker was enrolled in it unless he gave instructions to the contrary.

Having selected a fund, a worker cannot ordinarily change it in less than two years, unless he moves out of the area which it covers. This period is shortened during the first two years of the act to permit the insured person to change after the lapse of a year. When this is done, the former fund with which the worker was affiliated for the capitalization risks must transfer to the new fund the accumulated credits which belong to the account of the worker.

VOLUNTARY FUNDS

These private and voluntary funds (*Caisses primaires*) are of three kinds: (1) the so-called "mutual funds," which are really continuations of the former friendly or mutual benefit societies (*Sociétés de Secours mutuel*); (2) the employers' funds, which are recognized only if a majority of the workers concerned give their consent; and (3) the funds of the workers themselves, which are predominantly fostered by the trade unions. All of these are to operate under the provisions of the Friendly Societies Act of 1898 as well of the Social Insurance Act.

Those who have not been members of these continuing funds or who do not specifically elect them are then enrolled, so far as the distributional risks are concerned, in a common fund, of which there is one in each department. In so far as the capitalization risks are concerned, workers who are not enrolled with the voluntary funds are registered with the National Old Age Pension Fund, which has been the chief agency to administer the 1910 Old Age Pension Act. This fund is to establish advisory committees to assist it in each department.

The funds, both primary and departmental, perform a number of important functions. Although they do not collect the contributions from the employers, they receive the amounts assigned to them by the Governmental authorities and are responsible for the actual payment of the benefits to the insured workers. Involved in this is naturally a considerable volume of supervisory and administrative work, which in the case of the capitalization funds entails keeping the individual old age pension records of their members and fixing the percentages of invalidity.

DISTRIBUTIONAL FUNDS

The distributional funds negotiate agreements with the professional associations of doctors, midwives, pharmacists, and so forth, and with hospitals, concerning the conditions under which the medical benefit is administered; and they seek to prevent malingering, by having doctors and visitors of their own check up the more suspicious cases where the workman is certified as being too ill to work. Such doctors are prohibited from giving treatment to the insured man, while the task of disciplining doctors who have wrongfully certified persons as unable to work is largely turned over to the local medical associations.⁸¹ If the latter's actions are unsatisfactory, appeal can be taken to an arbitration committee, of which there is one in each department, one third of whose members represent the funds, one third the medical and other associations, and the remainder the Ministries of Labor and of Health.⁸²

The distributional funds must maintain local offices to facilitate the payment of benefits, wherever they have

⁸¹ See *Règlement Général* of July 25, 1930. Article 27. *R. G.*, p. 57

⁸² *L.*, Article 7, section 5.



twenty-five or more members,⁸³ and must not spend more than 3.5 percent of their receipts for administrative purposes.⁸⁴ In the case of the funds insuring against old age and invalidity, the maximum for normal administration is a decreasing sliding scale of so much a year for each person insured. The maximum normal scale for these funds⁸⁵ is:

TABLE XII

Number	Maximum Allowance Per Head
First 25,000	4.00 fr.
25,000- 50,000	3.00 "
50,000-100,000	2.50 "
100,000-200,000	2.00 "
200,000-300,000	1.50 "
300,000-400,000	1.00 "
Over 400,000	50 centimes

A capitalization fund with 325,000 members would thus have as a maximum allowance for normal administration purposes:

25,000 × 4	fr. = 100,000 fr.
25,000 × 3	" = 75,000 "
50,000 × 2.5	" = 125,000 "
100,000 × 2	" = 200,000 "
100,000 × 1.5	" = 150,000 "
25,000 × 1	" = 25,000 "

Total 675,000 fr.

After 1934, this scale for the old age and invalidity funds may be increased by one third to allow for the partial assumption of this risk by industry rather than by the state. It may also be raised, even from the beginning of the law, by an extra allowance of 2 francs for those who have been subjected to a medical examination consequent upon their request for an invalidity pension.

⁸³ See *Règlement—Type d'Administration Intérieure pour Caisses Primaires des Assurances Sociales*. R. G., pp. 290-292.

⁸⁴ *Décret*, July 5, 1930. R. G., p. 170.

⁸⁵ *Ibid.*, p. 171.

ADMINISTRATION OF FUNDS

The administration of the primary and departmental funds⁸⁶ is given to a governing body of at least eighteen members. Half of these must be insured persons, and normally a further third must be chosen by employers who have workmen insured in the fund. There are also two representatives of the medical profession. Funds established exclusively by workers or trade unions are not compelled to include representatives of the employers. Those established by mutual benefit or friendly societies may be managed by the governing body of the parent society provided at least half the members of this directing committee are themselves insured workers.

The primary funds for the distributional risks are compelled, as we shall see, to form departmental federations for the purpose of aiding in the reinsurance of risks. All of the funds, including apparently those devoted to invalidity and old age, are permitted to form regional and even national federations for the purpose of carrying out such works of public health and benefit as the erection of hospitals, sanatoria, dispensaries, and homes for the aged. The member, or primary, funds may also carry through these works as their own enterprises, but they may not set up pharmacies.

We have seen in Section VI that of the half of the contributions, or 4 per cent of the wages, which is set apart for old age insurance, the old age insurance funds receive 50 per cent in the case of those under 30 years and 90 per cent (3.6 per cent of the wage) for those over 30 years. The remainder goes to the General Guarantee Fund, whose functions still remain to be described. The 4 per cent which is devoted to the

⁸⁶ The original organization of these funds was however given to the Ministry of Labor.



services of illness, medical care for invalidity, maternity, death, and so forth, is divided in the following proportions:⁸⁷

TABLE XIII

	Per Cent	Per Cent
Primary and Departmental Funds:		
Sickness ^a	73.81	
Maternity	9.64	
Death	4.21	
Total		87.66
Departmental Federations:		
Sickness	4.10	
Maternity	0.54	
Death	0.23	
Total		4.87
General Guarantee Fund . . .		7.47

^a Including medical care for invalidity.

ENROLLMENT IN FUNDS

One of the most important questions in the administration of the act was the degree to which the workers would affiliate with the voluntary rather than the departmental funds. Allied with this was of course the further issue as to the number of such voluntary funds which would be organized under the act. The returns of the Ministry of Labor show that by April 1, 1931 there were 84 departmental funds for the distributional risks and 725 voluntary or other primary funds.⁸⁸ This last number had been reduced because of the fairly extensive process of federation which the friendly societies had been carrying through prior to the final enactment of the law, and also because of the decision on the part of some of the smaller societies, whose members belonged primarily to the self-employed artisan or the *petit bourgeois*

class, not to participate in the compulsory system.

Of the approximate 7,964,000 non-agricultural workers who about this time were recorded as having affiliated with some distributional fund, the division of membership between the two types of funds was as follows:⁸⁹

TABLE XIV

Type of Fund	Number of Non-agricultural Workers Affiliated	Percentage of Total
Departmental	5,041,140	63.3
Other Primary	2,922,673	36.7
Total	7,963,813	100.0

Slightly over five eighths of the total number are enrolled in the departmental funds. This fact, together with the relatively manageable number of approved primary funds, makes the administrative situation far more favorable than it is in England. The departmental funds and some of the other primary funds are sufficiently large so they can use part of their surpluses for the construction of hospitals, which are badly needed in France, and can engage more fully in the work of preventive medicine.

The federation of the mutual benefit societies into departmental unions, together with the fact that no distributional fund is allowed to solicit members outside of its own department, has produced a much more compact form of organization than in England, and should facilitate the mechanics of payment and of supervision over the cases themselves.

The returns are not yet complete for the funds with capitalization risks. Since payments will not begin for two

⁸⁷ Decree of July 1, 1930. *R. G.*, p. 160.

⁸⁸ *Bulletin du Ministère du Travail*, July-Aug.-Sept. 1931, pp. 216-217.

⁸⁹ *Annexe No. 231, Sénat, March 13, 1931. Rapport fait au nom de la Commission des Finances . . .*, par M. Manceau, p. 4.



and five years respectively in the cases of invalidity and old age, the Ministry of Labor felt, in the first months of the act, that the task of getting the workers enrolled in these funds need not be stressed so much as that of assigning them to the distributional funds. Up to April 1, 1931, the Ministry had record only of 3,129,000 insured workers who had joined some capitalization fund,⁹⁰ and it had not published the division of this number among the

various types of societies. There were, however, only eighty funds in addition to the national Old Age Pension Fund which dealt with the capitalization risks, so it is to be presumed that the national fund will have a larger percentage enrolled than will the departmental distributional funds. This will still further facilitate the task of constructing centralized institutions and of engaging in preventive medicine.⁹¹

IX. VOLUNTARY INSURANCE

The act permits self-employed persons whose income does not exceed the maxima laid down for the employed voluntarily to take out insurance. They may enroll in any fund and may take out protection against any of the risks covered by the act. They are not therefore compelled to insure against all of the risks in order to get protection for any one of them. The voluntarily insured may not, however, contribute more than 10 per cent of their earnings for the purpose of insurance, nor less than 270 francs a year. This minimum may be reduced to 120 francs if the insured is providing against old age alone. In order to protect themselves against being unduly loaded with bad risks, the funds may require the applicant to present a medical certificate stating that he is not suffering from any acute or chronic disease, and may take certain other precautions of a similar nature.

The funds are to maintain separate sections for the voluntarily insured and are to keep their finances distinct from those under the compulsory plan. The conditions governing payment are in general the same for both classes, save that a ten-year period of prior con-

tributions is normally to be required for the receipt of an old age annuity.

Provision is also made for workers who have ceased to come under the compulsory plan because they have established an independent business or have increased their income above the maximum limits, to transfer to the voluntary system, if they wish, without being compelled to undergo a physical examination. If they do continue their insurance, the accumulated actuarial reserve credited to their old age insurance is transferred to their new account.

It is also possible for married women who are not gainfully employed, by the payment of 10 francs a month to obtain insurance against complete invalidity and old age, although not against sickness nor invalidity which is less than complete. In computing the benefits it is assumed that the average annual wage worth of the services of the housewife would be 1,200 francs a year. If these women become widows or are divorced, they can continue in this type of insurance and can also maintain their former rights to medical care for themselves and their children

⁹⁰ *Bulletin du Ministère du Travail*, July-Aug.-Sept. 1931, pp. 216-17.

⁹¹ *Ibid.*, pp. 216-217. Of these 80 funds, 69 were mutual, 2 regional, 3 trade union, and 6 employers'.



by the payment of a further sum, which is fixed annually by ministerial decree.

HIGHER RATES FOR VOLUNTARY INSURANCE

The worker who subscribes for voluntary insurance has to pay very much more than do those under the compulsory plan. This is because there are no employer's contributions to match his own, and because there is a greater danger of poor risks under the voluntary plan. The extent of the difference between the payments which are thus made is well illustrated by examples which have been worked out by Professor Antonelli.⁹² He has shown that a voluntarily insured worker of 30 years of age who belongs to the fifth category and who takes out insurance equal to that which similarly situated workers under the compulsory plan would obtain, would have to pay an annual assessment of 1,505.6 francs, or 3.1 times the amount the compulsorily insured worker would pay di-

rectly. A worker of the same age in the third category would have to pay an annual contribution of 856.67 francs, or approximately four times the direct cost under the compulsory plan.⁹³

The result of these high rates, coupled with the natural indifference of the main mass of the people towards such opportunities, has been that the number of those subscribing for voluntary insurance has been far smaller than was originally expected. When the law was first being proposed, in 1921, it was estimated that several hundred thousand persons would rather speedily take advantage of the opportunities under the voluntary plan. These hopes have been greatly lowered since on March 1, 1931, eight months after the act went into effect, there were only 30,236 voluntarily insured, of whom 17,921,⁹⁴ or over half, were in agriculture, where the Government grants on behalf of the voluntarily insured appreciably lightened the burden which the latter had to bear.

X. THE SPECIAL PROVISIONS FOR AGRICULTURE

As has been stated, the final act of 1930 created a separate system of insurance for agriculture and forestry, and appreciably lightened the amounts which farm laborers and their employers had to pay.

The joint compulsory contributions of the workers and the employers for the purpose of insurance against old age and invalidity are fixed at only 2 per cent of the basic wage, as compared with the 4 per cent which is devoted to this purpose in the case of the industrial and commercial workers. To this the Government, through the General Guarantee Fund, adds a

contribution of 1.6 per cent for all those over 30 years of age. In so far as the distributional risks are concerned, the agriculturists are to insure in funds exclusively devoted to them, and if they fail to enroll either implicitly or explicitly in a mutual benefit or friendly society, they are considered to be affiliated with the agricultural section of the departmental fund.

None of these funds is required to exact any specific amount of contributions or pay any given rate of benefits. These are instead allowed to vary from fund to fund according to its decision,

⁹² *Ibid.*, p. 40.

⁹³ Antonelli, *Guide Pratique des Assurances Sociales*, p. 40.

⁹⁴ *Annexe No. 231, Sénat Annexe 1931, Session ordinaire Rapport fait au nom de la Commission des Finances . . .*, par M. Manceau, pp. 3-4.



with the exception that the separate contributions of workers and employers must not exceed 5 francs a month. The Government, through the Augmentation and Joint Business Fund (a branch of the General Guarantee Fund), adds to these contributions an allowance of 10 francs a month.

The self-employed peasants may of course take out voluntary insurance. To those who register for old age insurance and who make at least one payment amounting to a minimum of 60 francs a year, the Government adds an allowance equal to the contribution but not exceeding 100 francs a year. The independent peasants may also subscribe for insurance against illness, death, maternity, and so forth, and here again the Government grants duplicate the contributions of those affiliated with a mutual benefit society, up to a maximum of 10 francs a month.

The task of getting the system started in the rural regions was naturally much greater than in the cities, because of the large number of individual employers who had to be reached and the

small scale of farming as compared with that of industry. The result was that by March 1930 there were only approximately 568,000 agricultural wage-workers who were listed as being actually insured under the compulsory features of the act, whereas it had been estimated that nearly one million would be included within its scope.⁹⁵

The mutual benefit or friendly societies succeeded in attracting an appreciably larger percentage of these insured persons than of those in industry and commerce; for of the 568,492 who were enrolled by March 1931 under the act, 280,886, or 49 per cent, belonged to the agricultural friendly societies.⁹⁶ They thus included approximately one half of those insured, instead of three eighths as in commerce and industry.

It is also striking that despite the great advantages which are offered to the independent peasants by the act, less than 18,000 actually came forward voluntarily to ask for the highly subsidized insurance for which they were eligible.

XI. ADMINISTRATION, FINANCIAL CONTROL, AND THE GENERAL GUARANTEE FUND

The government, as such, naturally helps in the administration of the act. The Ministry of Labor has set up in each department, under the general direction of the *préfet*, a social insurance office which acts as the local administrative agency. This office furnishes the forms and records to the employers and receives them back when they have been covered with stamps. It sees that payments are made, and is, in the nature of the case, the local record office. It also keeps record of the insurance funds with which the workers are affiliated, and computes the amounts due to each insuring body. These officers, under the direction of

the Ministry of Labor, took the initiative in getting the law under way and in getting employers, workers, and insurance funds into relationship with one another. They are now more or less in the nature of a force in the background, which not only carries through routine administration, but is ready to function if any agency breaks down.

The Post Office Department, as has been mentioned, sells the stamps to the employers and then pays these amounts into the Deposit and Trust Fund (*Caisse des Depots et Consignations*).

⁹⁵ *Annexe No. 231, Sénat, Session ordinaire 1931, op. cit.*, pp. 4-7.

⁹⁶ *Ibid.*, p. 3.



This agency then credits to each insurance fund the share of this total which belongs to it on the basis of statements furnished to it by the departmental social insurance offices. While this entails a considerable degree of administrative labor, it is facilitated by the equal shares which are attributed to the distributional and capitalization funds respectively, and by the precise shares which have been worked out for the division of each of these sums between the primary funds themselves, the departmental unions for reinsurance,⁹⁷ and the General Guarantee Fund.

The Deposit Fund advances to the primary funds money on these accounts to meet the cost of benefits according to tentative monthly budgets which are submitted to it by the funds. The aim is, however, to centralize the surpluses as far as possible, to permit of their more effective investment. Detailed regulations regarding the type of investments which may be made are given in the act itself.

As we have mentioned, the distributional funds in each department must organize a union for reinsurance, which receives 4.87 per cent of the total moneys designed for those risks.⁹⁸ The General Guarantee Fund in turn receives 7.47 per cent of those sums and a much larger percentage of the moneys accumulated for old age and invalidity. Its share in the latter case comes to one tenth of the total paid in for persons over 30 years, and to one half for those under that age.

THE GENERAL GUARANTEE FUND

The General Guarantee Fund is managed by a committee of twenty, of

⁹⁷ These exist only in the case of the distributional funds.

⁹⁸ That is, 5 per cent of the sums due the primary funds for these purposes after the deduction of the amounts for the General Guarantee Fund.

whom fourteen are elected by the departmental unions of reinsurance and the primary funds, and two each by the Ministries of Labor and Finance and the Superior Insurance Council. Its work is carried on mainly by two subsidiary organizations which, though distinct from each other, are integral parts of the Guarantee Fund itself. These are the Augmentation and Business Solidarity Fund (*Fonds de Majoration et de Solidarité*) and the Guarantee and Equalization Fund (*Fonds de Garantie et Compensation*). The first of these is given a variety of specific tasks which have the common trait of being expenses for which the primary funds themselves are not liable and which therefore must be met from some other source.

The second is designed, with the departmental unions for reinsurance, to meet the deficits of funds with a bad distribution of risks, so that the insured may, in so far as possible, receive their benefits. We now turn therefore to a more detailed description of the work of these two bodies.

AUGMENTATION AND SOLIDARITY FUND

It will have been noticed that the law guarantees minimum benefits for invalidity and old age which in the early years, and even later for the lower wage categories, will exceed the amounts which the funds will have built up by the process of capitalization for the accounts of the individuals in question. These excesses of benefits over contributions are met by the Augmentation and Solidarity Fund.

The added assessment of 1 per cent which is to be used for invalidity pensions will not begin to be collected until 1937, while the pensions will begin to be paid in 1932. This means that for these five years the full burden of these payments will fall on the Augmenta-



tion Fund. After 1937 it is expected that the contribution of 1 per cent for the first six years and of 2 per cent after that time will be sufficient to meet the charges, which will of course increase with the years. It will not be possible, however, to accumulate so large a sum in advance for these charges as would have been the case had the extra 2 per cent, as provided by the Act of 1928, been charged from the beginning. To this extent, the provision for invalidity is not conducted along the most logical application of the principle of capitalization.

The burden of the invalidity payments upon the Augmentation Fund did not begin until July 1932. During these first two years, however, this fund has been saddled with the expense of the liberal subventions to the agricultural insured. These, as we have seen, apply to the distributional as well as the capitalization risks, and to both the voluntarily and the compulsorily insured. After 1932, these charges, which were estimated at about 796 million francs (\$31,984,000) a year, are to be borne by the national treasury.

Services—

The Augmentation Fund also pays for the allowances for dependent children which are added to the illness, invalidity, and death benefits and to the old age annuities. It also helps to pay the social insurance contributions for those who have been ill for more than two weeks. In addition, it pays out the sums due from the Government under the Old Age Pensions and Insurance Act of 1910, which will naturally decrease with the years. Finally, it assumes the cost of administering the system for the primary and other funds. These, then, are the obligatory charges upon the fund.

There are in addition certain other services which it may assume, if and

when its finances permit. The most important of these is the continuation after the fifth year of medical and hospital care for invalids. This was originally an integral part of the bill, and its elimination by the Senate for financial reasons provoked so much opposition that it was thought best to provide for it as an optional expense which the fund might assume when it could be financially afforded. The total of all these expenses of the fund was estimated at approximately one billion five hundred million francs (\$60,000,000) for the first two years; and thereafter when the subsidies to agriculture are transferred to the Government, at somewhere around 800,000,000 francs (\$32,000,000) annually for the next fifteen years.⁹⁹ Thereafter the expenses are expected to mount slowly to a maximum of about 1,450 million francs (\$58,000,000) by the thirty-first year.

Revenues—

The revenues with which the Augmentation Fund is provided to meet these expenses come from the Government, the employers, and the contributions themselves. The first, as we have stated, pays a yearly subsidy of 540 million francs (\$21,600,000) for the liquidations of the 1910 Old Age Pensions Act. This is the precise liability which the fund assumes because of this in the first year. But since the liability diminishes through time, while the subsidy remains constant, an increasing balance accrues to the fund, which is available for its other expenses. The state also pays to the fund all the economies in poor relief which it realizes because of the passage

⁹⁹ Antonelli, *op. cit.*, pp. 188-189. In the fifth year, when the invalidity payments are to be met by the additional contributions of 1% and the old age guarantees have not yet begun, it is estimated that the total charge to the fund will be only 659 million francs.



of the act, and half of the savings which the departments are able to enjoy. A tentative estimate of 117 million francs (\$5,416,000) was made of the income which would be derived from this source. In addition to this, a very small sum was given to the fund from the profits of the Bank of France and from taxes on games of chance, which, taken together, is not to exceed 5 million francs (\$200,000).

The contributions which the employers make for all workmen earning between 15,000 and 18,000 and 25,000 francs are turned over to the fund, as are also those made by both parties in the case of alien workmen who are ineligible for benefits under the law.

The fund is moreover given a share in the general receipts from all compulsorily insured persons, which is intended to defray its administrative costs and also family maintenance charges. This assessment was fixed for the first year by ministerial decree at 1.2 per cent.¹⁰⁰ It will also be remembered that the parent body, i.e., the General Guarantee Fund, was assigned one tenth of the joint contributions (4 per cent of the basic wage) made on behalf of the capitalization risks for insured persons over the age of 30 years, and one half of such contributions for those below that age. All of the first amount has been assigned to the Augmentation Fund, and four fifths of the latter. This amounts to 5 per cent of the total contributions for those above and 20 per cent for those below 30 years. The remaining 5 per cent, or 0.4 per cent of the basic wage, i.e., $\left[\left(8.0 \times \frac{1}{2} \right) - \left(\frac{4.0}{2} \right) - \left(2.0 \times \frac{4}{5} \right) \right]$ for the younger workers, is assigned to the sister Guarantee and Equalization Fund. From these shares of the sums destined for capitalization risks, the

¹⁰⁰ *Décret* of July 1, 1930. *R. G.*, p. 160.

Augmentation Fund is expected to obtain a revenue of approximately 290 million francs a year.¹⁰¹ The Augmentation Fund is also given 3 per cent of such annual surpluses as may accrue to the credit of the primary distributional funds.

Financial status—

The total receipts of the fund for the first two years were estimated at about one billion francs¹⁰² (\$40,000,000) the first year and 1,100 million for the second, leaving a deficit of somewhere around 500 million francs (\$20,000,000) and 400 million francs respectively. This is due to the loading upon the fund of the agricultural subsidies, and when these were transferred to the Government on July 1, 1932, it was expected that the fund would enjoy an average annual surplus of a little over 300 million francs (\$12,000,000). It is expected, therefore, that the initial deficit of the first two years will be repaid sometime between 1935 and 1936. Pending that time, the fund is permitted to borrow from the National Old Age Pension Fund sufficient sums for the first three years to permit the subsidies for those engaged in agriculture to be met.¹⁰³

GUARANTEE AND EQUALIZATION FUND

The Guarantee and Equalization Fund (*Fonds de Garantie et de Compensation*) obtains its resources as follows:

- (1) A deduction of two tenths of one

¹⁰¹ The capitalization risks are apparently not subjected to a further assessment of 1.2 per cent for family and administrative expenses.

¹⁰² Antonelli, *op. cit.*, p. 190.

¹⁰³ It may not be inappropriate to surmise that this refusal of the Government to provide for the costs for the first two years of the agricultural subsidies may have been in part due to the desire of the parties of the center and the right, which, with very brief intermissions, have governed France since 1928, to obtain political favor with the peasants.



per cent is made from all the receipts of the primary insurance funds. After the Guarantee and Equalization Fund has built up a reserve of 100 million francs, this assessment may, but need not be, reduced by ministerial decree.

(2) A further levy of 5 per cent is made on all the receipts of the distributional primary funds.

(3) The residual share of 5 per cent of the total contributions or 10 per cent of those designed for the capitalization risks, which are made by and for those insured persons who are under 30 years of age, is assigned to the fund.

(4) The fund also receives 2 per cent of any annual surplus of given primary distributional funds.

(5) After the tenth year, the capitalization funds are permitted to distribute surpluses in excess of 10 per cent of their liabilities for old age insurance and 30 per cent of those for invalidity insurance, for the purpose of additional benefits or rebates on contributions. If such appropriations are then made, the Guarantee and Equalization Fund is to receive 7 per cent.¹⁰⁴

DEFICITS IN PRIMARY DISTRIBUTIONAL FUNDS

The method of protection against deficits in the primary distributional funds is complicated but exceedingly important. In the first place the funds are expected to build up accounts for each risk and also a general reserve fund. The sums for each risk are determined by ministerial decree and were set initially, as we have seen, at the following percentages of the sums paid in for the distributional risks: sickness and medical care, 73.81; maternity, 9.64; death, 4.21; total, 87.66.

¹⁰⁴ The Augmentation Fund is to receive 6 per cent without paying the budgetary paper—that account was postponed until 1932–33, when the quadrennial parliamentary elections will be over.

The remaining 12.34 per cent goes to the departmental union for reinsurance and the General Guarantee Fund, both of which keep separate accounts for the three purposes mentioned above. If an account shows a surplus of receipts over expenditures in a given year, 20 per cent of this balance must be used to build up a general reserve fund until the latter is equal to the total benefits paid out by the primary or departmental fund during the preceding year. The General Guarantee Fund also receives 5 per cent, of which 3 per cent goes to the Augmentation Fund and 2 per cent to the Guarantee and Equalization Fund. The remainder may then be used to increase the benefits, to provide additional services, and to construct and maintain institutions. It may also be used, up to three fourths of the remainder, for rebates to the contributors.

The deficits which a particular account or fund may have in a given year are classified into three varieties:¹⁰⁵ (1) deficits of the first degree, when the excess of claims over receipts does not exceed one ninth of the amounts credited; (2) deficits of the second degree, when the excess is between one ninth and two ninths of the receipts; and (3) extraordinary deficits, which amount to more than two ninths of the receipts.

When a fund for any of the three purposes pays out more than is credited to that particular account, its first recourse is to its own general reserve fund. This meets the deficit if it can; but if its resources are inadequate, the fund turns towards the departmental union for reinsurance. If the deficit is of the first degree, one half of the outstanding excess is to be taken care of by levies upon the special reserves which the fund has for the other risks, and one half by the departmental union.

¹⁰⁵ *Décret* of July 1930. *R. G.*, p. 191.



The liabilities of the departmental union do not, however, extend beyond deficits of the first degree. When they amount to more than this, the Guarantee and Equalization Fund is called upon for aid. This fund will then turn over to the primary fund sums adequate to meet secondary deficits exceeding those of the first degree. These may be either in the form of outright payments or loans with or without interest.

Should the deficit be of an extraordinary nature and exceed two ninths of the fund's income, the Guarantee and Equalization Fund may act in the capacity of trustee and temporary receiver. It may give the fund either an outright subvention or a repayable loan, on condition that the fund shall reduce its benefits by a proportion not to exceed 20 per cent. If this is insufficient to restore the budgetary equilibrium, it may then order the fund to increase the contributions on behalf of the members up to a maximum of a further 25 per cent.

Such is the machinery which deals with the deficits of the various individual primary funds and which serves to insure their solvency. If a general deficit develops throughout the system as a whole which the Guarantee Fund is unable to meet, the general scale of benefits is automatically to be reduced and that of contributions raised in order that income may once again balance expenditure.

ARBITRATION COMMITTEES

The administrative machinery of the act is, as stated, predominantly in the hands of the Ministry of Labor, which sets up and directs the departmental offices. Three different sets of arbitration committees are provided to adjust any disputes which may arise under the act. These are the technical, the departmental, and the cantonal com-

mittees. The first deals with the disputes between funds and insured persons covering the degree of illness or invalidity which characterizes the latter. Since all such questions are medical issues, these committees are composed of three doctors. One of these is the doctor in attendance upon the patient, another is appointed by the fund itself, and the third by a local judge. If the case is one of illness only, it is the justice of the peace (*Juge de paix*) that makes this last appointment; but if the degree of invalidity is involved, the President of the Civil Court is the appointing officer.

The departmental arbitration committees concern themselves with the disputes between the funds, the medical associations, the hospitals, and so forth. They also deal with the schedules of fees drawn up by the funds as a basis for reimbursements to the patient. They are composed of twelve members, of whom four represent the primary and departmental funds for distributional risks, and four the associations of practitioners, of whom one must be a druggist. Of the other four members, one is appointed by the Ministry of Labor and one by the Ministry of Health, while two are representatives of the hospitals and nursing homes. These bodies are also empowered to take all necessary disciplinary action, subject to an appeal to the standing committee of the Superior Insurance Council. The medical associations are thus not made the final body for dealing with cases of abuse among their members, although they are utilized as much as possible.

The cantonal committee is the third arbitration body. It deals with all disputes which do not fall under the jurisdiction of either the technical or the departmental committees. Its chairman is the local justice of the



peace, and both the local employers and the insured workers name an additional member.

ADMINISTRATIVE ORGANIZATION

The Minister of Labor is the administrative head of the system; but to aid him an advisory Superior Insurance Council has been created, which, through its standing committee, also acts as the supreme court for the settlement of disputes under the act, and which gives advice on problems of policy. This council has fifty members drawn from the various groups and

interests affected by and concerned with the act.¹⁰⁷ A standing committee of twenty-two members has been set up inside this Council, which is to meet at more frequent intervals and which, together with representatives from the National Offices for Ex-Servicemen and Disabled Ex-Servicemen respectively serve as ex officio members. This committee is subdivided into four sections which deal with the following subjects: technical and financial; administration and unemployment benefit; judicial; and medico-pharmaceutical.¹⁰⁸

XII. LABOR DISPUTES AND THE LAW

When the act was put into effect, the great majority of the employers followed the advice of the *Confédération Générale de la Production française* and deducted the workers' contributions from their pay. In most of France this decision was acquiesced in by the workers without open opposition. In the textile and iron industries of the north, however, strikes broke out in the latter part of July. These were in large part due to the social insurance law, but they were also stimulated by the increase in the cost of living, which had been particularly marked in the cases of bread and wine. The retail price index, for example, rose from 569 in May 1930 to 624 in August, or a rise of approximately 10 per cent.¹⁰⁶

In Lille and Armentières the strikes were settled in the latter part of August and the workers returned to the shops. The issue as to whether wages were to be increased was left in the hands of the employers and was to be settled both in terms of the movement of living costs and of general economic conditions.

The struggle at Roubaix-Turcoing was more bitter. The textile consor-

tium here had granted a bonus which was approximately equal to the assessments which the workers were to be called upon to pay. But the employers had set up this bonus in such a fashion as to arouse the antagonism felt towards the consortium by the various groups of unions, whether Communist, Catholic, or belonging to the *Confédéra-*

¹⁰⁷ Of these representatives 10 are chosen by the primary funds, of whom eight must be insured persons, and two employers; 10 are elected by the departmental reinsurance funds, in the same proportion of eight and two; 4 are representatives of the Ministry of Labor; 3 are selected by the agricultural mutual benefit societies, of whom one is a compulsorily and 1 a voluntarily insured person, and one an employer; 2 are representatives of the Ministry of Agriculture, 2 of the Ministry of Finance; 2 members from the Chamber of Deputies and 1 from the Senate are elected by those bodies; 2 are representatives of public hospitals and nursing homes; 2 are elected by the medical associations, and 1 each by the dentists, the midwives, and the pharmacists. The Superior Council of Mutual Benefit Societies elects 2 representatives; and 3 experts in the field of insurance, social welfare, or unemployment are appointed by the Minister of Labor. Finally, the director of the Deposit and Trust Fund and the director of the General Guarantee Fund are members.

¹⁰⁸ See the decree of July 3, which set up this body. *R. G.*, p. 168.

¹⁰⁶ *Bulletin du Ministère du Travail*, 1931 (Janv.-Fév.-Mars), pp. 50-51.



tion Générale du Travail. The bonus was to be paid at the end of a year, as a *prime de fidélité*, to all those who had been in constant attendance during the preceding year.

The relationship between the textile consortium, led by M. Ley, and the workers was already greatly strained. The workers had for long felt that the many welfare activities of the consortium were designed to break up the unions and bind the workers to the companies in both a dictatorial and a paternal fashion. There was indeed much in both the activities and the personnel to justify the workers in this view. Strikes in the past had been frequent and there is little doubt that M. Ley was greatly disliked by the rank and file.

The workers believed that the *primes de fidélité* would be used to penalize those who might go out on strike in any given year, and that they were therefore part and parcel of the whole system which they had come to dislike.

Socialist, Communist, and Catholic unions joined forces and struck against the payment of the bonus in this form. The strike was hard-fought and it was not until September 11 that the workers went back, on condition that the bonus should be based on attendance (*prime de présence*) rather than fidelity, and upon the assurance of the consortium that strikers would not be penalized in any year by the withdrawal on that account of their bonuses.¹⁰⁹

The enactment of the social insurance law was therefore only in part the cause for the strikes in the north, while in the case of Roubaix-Turcoing it was more the occasion than the real motivating force. It was there but one phase of the sharp struggle waged for power, accentuated by mutual distrust, between M. Ley and the unions.

¹⁰⁹ For a description of these strikes from the viewpoint of the employers, see *Revue Politique et Parlementaire*, Vol. 144, 1930, pp. 482-485; Vol. 145, pp. 142-143, 307-319.

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HOCKING, WILLIAM ERNEST. *The Spirit of World Politics, with Special Studies of the Near East.* Pp. xiv, 571. New York: The Macmillan Company, 1932. \$5.00.

This significant book is the result of one of the most fearless and searching examinations ever made of the shortcomings and abuses of a dominant civilization. It is the work of a psychologist, who, having adopted the rôle of historian for the careful assembling of the necessary data, proceeds to

analyze his materials and to point the moral with the calm and dispassionate judgment of the philosopher.

The author's object has been to appraise, not merely in current occidental terms but in universally recognized values, the ethics of European mandate administration in the Near East, in order that the elements of a moral code for colonial administration may be defined and that the new life of the ancient East may be saved. His impressively

thorough study of the methods employed by Great Britain and France in establishing control in Egypt, Syria, and Palestine reveals an imperialism little better than that applied to far less advanced peoples during the nineteenth century. He believes that, in driving Arabic culture to the wall, the West is doing irreparable damage to the only culture comparable to that of Europe; but he sees in the League of Nations a possible source of succor.

Professor Hocking has here set down much of the best in modern thought in the field of political ethics. It is probable that the universally revered moral principles upon which he would erect a code for the conduct of the great nations are those of the Cross rather than of the Crescent; and the historian may doubt the depth and the sincerity of the national sentiment in the Near East on which stress is laid; yet for a work conceived in such a broad spirit of devotion to human welfare and achieved with such a wealth of knowledge and of insight, the reviewer has only unstinted praise.

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POTTER, PITMAN B. *A Manual Digest of Common International Law*. Pp. vii, 284. New York: Harper & Brothers, 1932. \$2.50.

According to the explicit statement of the author, the Manual Digest proper, covering sixty pages, constitutes the essential part of the book. It is of this part that Professor Potter writes on p. XVII: "No attempt has been made to provide for each rule or part of a rule stated in Part C an adequate documentary proof by reference to such records of international assent as would constitute that proof. Many of the rules are deductions from other rules and for them no citations would be possible." On pp. 31-32 he states: "The writings of unofficial students of the law, such as this book (Part C), have no conclusive value as evidence of the content of the law. . . . Because of their accessibility and their form and because of the unbiased and competent character of most private writers of such works they are widely used. . . . But they lack official standing and, as indicated already, they are

often so confused and partial in their presentation of the substance of the law as to be somewhat less than adequate to the purpose."

There is cause for disappointment in these admissions, but then there is discernible in them also a touch of unconscious humor. Unfortunately, the subject matter is so serious that the humor cannot save the situation. What is needed is less doctrine, less deduction, but more realism.

JOHANNES MATTERN

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SCHUMAN, FREDERICK L. (Introduction by Quincy Wright). *War and Diplomacy in the French Republic*. Pp. xvii, 452. New York: Whittlesey House, McGraw-Hill Book Company, 1931. \$4.00.

Dr. Schuman has written a very scholarly volume. It is thorough, profound, and well documented. It will be of immense value to those who wish to dig deeply into the refractory deposits of diplomacy.

The first fifty pages of the book are devoted to a description of the French Foreign Office, its historical growth, its relations to other parts of the Government of the Republic, and the machinery by which it accomplishes its functions.

The second part of the book describes the machine at work. This section might have been published alone under the more conventional title, "Studies in French Diplomacy." It describes in considerable detail eight important foreign problems of the Third Republic and the manner in which they were handled by the diplomatic, political, and psychological forces of the French people.

The titles are significant: The Taking of Tunis; The White Man's Burden in the Far East (Indo-China); Madagascar; The Dual Alliance; The Entente Cordiale; The Irrepressible Conflict; The Crisis of the Alliances; and The Occupation of the Ruhr.

These studies, while they are conceived and carried through with the skill for which Professor Schuman has already established a reputation, and are to be valued accordingly, are in the usual tradition of documented history.

In the third part of the work, however, the author allows himself to philosophize,



and formulates some opinions as to the meaning of this interplay of national forces. This part he calls "The Dynamics of Foreign Policy," and in it he comes to some highly interesting conclusions.

"It is enough to emphasize once more that State action in the international arena has been, is, and perhaps must always be, directed toward an end which is viewed as a value in itself: the acquisition and enhancement of the power of the State in its relations with other States."

"War has always been the decisive incident in the quest of States for power."

"War is the diplomacy of the sword, just as diplomacy is war of the pen."

"It would be naïve to assume, however, that this lip service to peace, even if it be quite sincere and if faith be accompanied by works, involves any fundamental modifications of the politics of power in the Western State system."

"The assumption that democratic control of foreign policy is necessarily conducive to peace is as questionable as the assumption that democratic control is non-existent. . . . Democratic control of foreign policy can mean only patriotic control. And patriotism, in the form in which it has manifested itself most frequently in France and in all modern States, is scarcely conducive to peace."

These are but a few stray sentences in chapters whose pregnant paragraphs demand careful and thoughtful perusal by those who would solve the problem of world peace.

HENRY KITTREDGE NORTON
Ossining, N. Y.

CLARK, GROVER. *Economic Rivalries in China*. Pp. 132. New Haven: Yale University Press, 1932. \$2.00.

WARE, EDITH E. *Business and Politics in the Far East*. Pp. vii, 250. New Haven: Yale University Press, 1932. \$3.00.

These two companion volumes in the "World Economic Problems" Series published for the Carnegie Endowment for International Peace appear on the crest of another wave of interest in the Far East. Mr. Clark presents a factual study, indicating in each field of economic activity in China (1) the growth of Chinese participa-

tion and (2) the trend of foreign control. He notes in every field one fundamental change, viz., "the emergence of the Chinese themselves as competitors in the rivalry for business in and with China." Charts and tables add to the reference value of Mr. Clark's study.

Confining attention to the economic interests which foreigners still possess in China, Miss Ware investigates the possible effect upon these interests of the consummation of China's intense desire to abolish extraterritoriality, embracing all phases of foreign privilege. Miss Ware's treatment serves to accentuate the complexity of the problem. She endeavors to support the thesis that foreign participation in Chinese business is not dependent upon the continuance of extraterritoriality; indeed, that in many respects, it has developed without extraterritoriality. And still, at the conclusion of an admirable survey of modern Chinese law and legal procedure—the judicial power to which foreigners will be amenable when extraterritoriality shall have been abolished—we read (p. 27) that "law to the Chinese is merely a tool for the use of some agent of government." Moreover, we read (p. 41), "The practices of buying and selling . . . proceed without any regard to extraterritoriality"; while on page 56, the growth of Chinese participation in China's economic activities, statistically traced by Mr. Clark, is attributed to the "security for the parent institutions in the special areas held by foreigners who had extraterritorial privileges." There appears to be confusion between the *methods* of successful business, which rest upon business acumen and mutual confidence; and *security* for business, which is directly related to extraterritoriality.

Part IV of the book surveys Japanese interests in Manchuria as a practical illustration of foreign privilege in China. Miss Ware faithfully portrays the developing Japanese forces of tolerance and peace which were rudely jolted on September 18, 1931. Whether constitutional government in Japan will ultimately achieve supremacy is a question; the solution of the threatening situation in Manchuria is by means of international coöperation under League auspices. This, all of the powers, and particularly China and Japan, must accept if the world

is to be saved from catastrophe arising from Sino-foreign differences.

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CHURCHILL, WINSTON S. *The Unknown War: The Eastern Front*. Pp. xv, 396. New York: Charles Scribner's Sons, 1931. \$5.00.

This is another interesting volume on the World War from the facile pen of this dynamic Englishman who, despite his Toryism, has a good deal in common with President Roosevelt. He shares with our former President a fine style, unbounded enthusiasm, vivid imagination, absolute confidence, and commendable loyalty to convictions not always too sound. What, for example, could be more defiant and subtle than the dedication of this volume to "our faithful Allies and Comrades in the Russian Imperial Armies"? The old régime could not call for a more dogged devotion. On the other hand, the Serbs are flayed for erecting the monument to Princip, the assassin of the Archduke. It "records," says Churchill, "his infamy, and their own" (p. 54).

But despite the Tory point of view, we have here a brilliantly written account of the Russian, Serbian, and Rumanian aspects of the Great War. There is also a section on the Dardenelles and Beyond, though the ill-fated Gallipoli expedition—except for the account of the landing—is allowed to fade out of the picture without much comment. Five chapters on the diplomatic antecedents of the War rather over-weight this part of the subject, the more so, that there is nothing new or especially revealing in the story. The point of view scarcely reflects the progress made in the study of this subject in recent years.

On the War itself, however, the account is of first-rate importance, the real value arising less from a careful study of the documents than from the author's close contact with public affairs, and his knowledge of military and naval matters. Only a Churchill, for example, could present the military operations on the Eastern front in the Autumn of 1914 so accurately as to military details, without sacrificing the dramatic character of his narrative.

There are occasional slips, as, for example, the statement that "The British and French staffs who had been in contact since the Algeiras Conference in 1908 remained in closest association during these weeks" (p. 35). The conference occurred three years earlier, and hence, too, the association of the British and French staffs is pushed back to the earlier date.

Of interest on the subject of preparedness is the statement: "I became First Lord of the Admiralty in October and thereafter devoted myself exclusively to the preparation of the fleet for war and to securing its instant readiness." The apocryphal Potsdam Conference is abandoned, but in its place Mr. Churchill accepts the full significance of Schmitt's statement of what happened, adding a melodramatic interpretation of motives equal to Ludwig at his best (p. 66). The black-and-white plans and diagrams, of which there are many, add materially to the effectiveness of the presentation.

WILLIAM E. LINGELBACH

University of Pennsylvania

GOOCH, G. P., TEMPERLEY, HAROLD, and PENSON, LILLIAN M. (Eds.). *The Agadir Crisis—British Documents on the Origins of the War, 1898-1914*. Vol. VII. Pp. lxxii, 917. London: His Majesty's Stationery Office, 1932. \$4.00.

In 1924 Mr. Ramsay MacDonald, then Prime Minister and Secretary of State for Foreign Affairs, announced the decision to publish a selection of material from the British diplomatic documents dealing with the origins of the World War. Under the able editorship of two eminent English historians—G. P. Gooch and Harold Temperley—the work is being carried on with that "impartiality and fairness" which the Government's official statement stipulated as necessary for a work of this kind.

The first volume to be published was the eleventh, dealing with the events of July and August, 1914. The present volume is devoted to the second Morocco Crisis (1911). The bulk of the material consists of dispatches from Sir Edward Goshen from Berlin, Sir Francis Bertie from Paris, and Sir Maurice Benson from Madrid, with copious extracts from continental papers



and memoranda of the Foreign Office, all presenting a vivid and hitherto unrevealed picture of the different phases of the controversy.

The major interest of the volume centers about the British efforts to bolster up Spanish interests in Morocco; the curious action of Izvolsky, who stubbornly resisted letting matters come to war over a question so entirely French and so remote from Russian interests; the further estrangement of Great Britain and Germany; and the report of the meetings of General Dubail, Chief of Staff of the French Army, and Sir Henry Wilson, Director of the War Office military operations, on July 30, 1911 and subsequently, "to determine the conditions of the eventual participation of the English Army with the French of the North East in a war against Germany." Liberal extracts from the private papers of Sir Edward Grey and Lord Carnock add considerably to the clarification of certain points, while another long memorandum of Sir Eyre Crowe, of January 12, given in Appendix III, again reveals that individual's obsessions.

WILLIAM E. LINGELBACH

University of Pennsylvania

COLE, G. D. H. *British Trade and Industry: Past and Future*. Pp. xxiv, 466. London: Macmillan & Company, Ltd., 1932.

This is by far the best analysis of the current economic position of Great Britain that has yet appeared. It is a valuable and judicious assembling of historical material and recent developments, interpreted by an able economist. While the surveys by Professor Andre Siegfried have been helpful, they are after all by an outsider whose foreign viewpoint tinged what he wrote. This treatment shows the intimate knowledge and appreciation that is probably possible only to a British national. At the same time the author, whose sympathies are not with capitalism, is able to pass sharp judgments upon many features of his country's life.

After an introductory discussion entitled "Plenty and Scarcity," in which the anomalies of our present world economy are vigorously presented and the current trends of economic thought analyzed, Mr. Cole

devotes six chapters to an outline history of British trade, eleven chapters to postwar conditions, and a final chapter to his general conclusions.

The historical chapters give a concise and well-balanced treatment which is, on the whole, well in line with surveys by other writers. It shows the socialistic viewpoint of the author, but is strongly buttressed by elaborate data. In fact, if any criticism were advanced regarding the method of treatment, it would be at the inclusion of so many figures in the text. They are in the numerous tables, and an interpretation of them in which they were not repeated so completely would have been more effective. This is unimportant, however, for the volume is presumably written for the serious student rather than for the casual reader.

The conclusions of the author regarding "the great depression" toward the end of the nineteenth century are that its root cause "is to be found, not in the monetary situation, but rather in the world's growing pains in adapting itself to a radically new set of economic conditions"—a judgment with which the reviewer heartily concurs. This tendency to relegate monetary phenomena to their proper place is found in many other parts of the volume. The author very sanely finds that the difficulties subsequent to 1925 were due not to a return "to the gold standard—for that was on the whole a desirable step in the interests of London as an international financial centre—but in going back to it on a basis of pre-war parity."

A brief summary like this permits but little discussion of the mass of material and ideas with which the volume is packed. To the reviewer the most valuable chapter is the one on the wages question, which is admirably balanced. The most interesting and perhaps the most debatable chapter is on the need for home development. Mr. Cole is not an extremist, but even so, one may wonder whether the British can find as much relief as he believes through internal activity. If we accept with him, as the reviewer does, the need for more state guidance, and if we believe that it will work reasonably well, it is easy to picture a larger productivity. Yet the British economy is now so closely knit into the world



economy that a shift in emphasis will be far from easy.

Most difficult of all is the need for a further elaboration of the many issues raised by the concluding chapter on "The Parting of the Ways." Mr. Cole brings us face to face in his introduction with his contention: "It looks today as if the Victorian epoch of *laissez-faire* were but a brief interlude between two long periods of collective regulation." This is clearly in line with world trends. But it may easily mean that the pressure of events is toward an intensified nationalism with all of its implications. More state socialism means a more unified national economic life and the probability of more economic strain between the various national groups. At present all countries seem caught in this dangerous situation, with little indication that we know how to secure the world harmony that is so important.

ERNEST MINOR PATTERSON
University of Pennsylvania

BEALS, CARLETON. *Banana Gold*. Pp. 366. Philadelphia: J. B. Lippincott Company, 1932. \$5.00.

In this account of his "Odyssey" through Central America, Mr. Beals has succeeded in reproducing the flavor of "the raw tropics" far more successfully than his "Mexican Maze" ever caught the colors and contrasts of Mexico. The secret of his success here lies in the comparative restraint of the writing. Instead of a lush vocabulary and labored descriptions, we get sharp, compelling pictures of the peoples and the countryside of Guatemala, Salvador, Honduras, and Nicaragua. Historical incidents, political intrigues, and the machinations of Baron Banana and coffee kings, are woven into the pattern. What emerges is not a single story of imperialistic exploitation, nor a romanticizing of the unspoiled tropics, but a series of straight, vivid, word-pictures of Indian folk, enduring and resisting—as is true throughout two thirds of Latin America at least—peonage, dictatorship, militarism, and exploitation. It is the technique that is significant, and that, with the attractive Merida illustrations, makes this a successful book—bright-colored, sharp-edged, sparingly drawn.

The latter half of the book tells of Beals' journey in to General Sandino's camp in the interior of Nicaragua, when, as rebel chief, he was actively resisting the Chamorro-Diaz forces and the American marines. This is a thrilling tale, but it does not contribute enormously to our understanding of the Nicaraguan situation. Sandino emerges with somewhat Homeric proportions; Beals himself as a Ulysses of no mean stature to have achieved so difficult an interview, and one that remains distinctly to his credit.

MARGARET ALEXANDER MARSH
Smith College

BRADY, ALEXANDER. *Canada*. Pp. 374. Toronto: The Macmillan Company, 1931. \$4.00.

There are many reference books which give statistics in regard to population and production, reviews of individual industries, or the discussions of the political problems of Canada. It is doubtful, however, whether any of the other books that have ever been written on this subject, or any combination of them, go so far in giving the feeling of the atmosphere of the country and an unbiased interpretation of the majority of the social, political, and economic problems as does this book by Alexander Brady. He has caught that elusive viewpoint which may be called distinctly Canadian, and contrasted it with the British outlook on the one hand and the American on the other. He has attempted to show what influences have their origin in British tradition and what come from across the border, and to combine these two trends with those which are due to the climate, the topography, and the setting of Canada in her North American environment. With the bold strokes of modernistic painting he has characterized the art, the literature, the political institutions, the press, and the economic life of the country. In dealing with each subject he has given sufficient historic background to help the foreign reader in his grasp of Canadian problems, but the whole atmosphere of the book is modern; it deals with the subjects that are under discussion in Canada today.

It is a huge task to condense so large a scope into a short volume. It is even more



difficult to review so good a job in the few words allowed by your editor.

DONALD MARVIN

Montreal, Canada

KIRKLAND, EDWARD C. *A History of American Economic Life*. Pp. xv, 767. American History Series, Dixon Ryan Fox, General Editor. New York: F. S. Crofts & Company, 1932. \$5.00.

In fifteen chapters, tending progressively to the method of topical treatment, Professor Kirkland much more than summarizes his subject. His scale allows him room in which to maneuver. He presents facts and interpretations, and sets up a book that is more interesting than a college text is usually expected to be. The work is a credit to the painstaking editorial supervision of Professor Dixon Ryan Fox, and is entitled to full consideration either as the basic guide in a course in economic history, or as collateral in a general course in United States history. The presentation of the last thirty years is admirably conceived and fully executed.

FREDERIC L. PAXSON

University of California

BROOKS, WILLIAM E. *Lee of Virginia*. Pp. xix, 360. Indianapolis: The Bobbs-Merrill Company, 1931. \$3.50.

RICHARDSON, E. RAMSAY. *Little Aleck: A Life of Alexander H. Stephens*. Pp. xv, 358. Indianapolis: The Bobbs-Merrill Company, 1932. \$3.50.

By a curious coincidence, or possibly by wise foresight on the part of the publishers, we have the biographies of two Confederate leaders—General Robert E. Lee, the military commander of the Southern forces, and Alexander H. Stephens of Georgia, “the fighting Vice-President of the Confederacy”—appearing at the same time. Both joined the Confederate forces reluctantly; both were strong and vigorous leaders when they once gave their adhesion. One impressed the world with his military ability, the other with his statesmanship. Both were held in high esteem in the South, and in high respect. Both achieved a high place in the affection of their adherents, amounting, especially in the case of Lee,

almost to idolatry; both won the respect of their opponents.

While neither biography can be regarded as definitive, both are fair, considering the fact that they are written by admirers, and they are certainly highly entertaining. Written largely from the personal rather than the general point of view, they give well-rounded pictures of men who were serious-minded and conscientious in their advocacy of “the lost cause.”

Lee and Stephens offered many striking contrasts, which are well developed in the two volumes. Lee was calm, deliberate, dignified, at times even compelling awe, gentle, forbearing, and, as a military leader, resourceful. Indeed, one of the interesting developments of recent times has been the high estimate placed upon his military strategy especially by foreign students and critics. Stephens was courageous, far-sighted, eloquent, fiery, and, in the judgment of posterity as of his compeers, a statesman. Lee might be termed the typical Virginia gentleman; Stephens, the typical Southern gentleman.

It is interesting and important that these two books have been published at the same time, because it brings out certain facts not usually recalled, especially the fact that both men enlisted in the Southern cause against their better judgment. Brooks feels that Lee took the stand that he did, throwing in his lot with the Confederacy, because he was “too subservient” to its civil authorities and because, to quote another authority, “Lee with all his greatness, . . . is something parochial.” Stephens was only less so, for as much as he loved the Union, he loved Georgia more. “To Georgia was due his first loyalty.”

While having a considerable value as a contribution to the history of the period, the chief value of these books lies in the fact that they give a good popular account of two men who bulk large in the history of our country through one of its most critical periods, and afford a striking picture of their personal loyalty to a cause and their willingness to accept defeat and adjust themselves with a fine spirit of responsibility to a new condition of affairs.

CLINTON ROGERS WOODRUFF

Philadelphia



ACHESON, SAM HANNA. *Joe Bailey: The Last Democrat*. Pp. xiii, 420. New York: The Macmillan Company, 1932. \$2.50.

Unenviable is the lot of the biographer who has selected an orator as his hero. Almost invariably it has been manner, incommunicable in print, rather than matter, which has brought the great man his reputation. It is surprising how commonplace and uninspired the most electric of orations appears after the event; and quite often those few which do not so suffer, have, like Lincoln's Gettysburg speech, made only a mediocre impression when they were actually delivered.

Orators are subject to the same fate as their orations. In perspective they seem to lose all the fire and personality they must have owned in the flesh. Their ideas, through the very fact that they proved so convincing when first they were heard, turn out to be obvious, even puerile, in retrospect. The elocutionist dwindles into the exhibitionist, and we marvel at the influence he wielded over his generation.

Mr. Acheson, who has ventured to play biographer to Joseph Weldon Bailey, struggles manfully against this handicap, but in the end it gets the best of him. Mr. Acheson has been careful to quote what are in all probability Bailey's most momentous utterances. But frankly, it is hard to visualize how completely these ingenuous platitudes fired his audiences. Of his more substantial legal work, there are far too few examples. Senator Bailey emerges from this study a rather petulant and pompous spinner of phrases. But so do others of his stamp when it comes their turn to be written up. From Cicero to Webster, what turgid asses the great orators appear! It is the misfortune of all of them that no words, however artfully compounded, can ever reproduce the flash of the eye, the majesty of gesture, the propulsion of personality which are the vital parts of their equipment.

Mr. Acheson has done everything for Bailey except the impossible. His biography is scholarly, well written, and discriminating; but he has not been able to make the magic of the man live anew.

ALPHONSE B. MILLER

Philadelphia

SMITH, HENRY JUSTIN. *Chicago: A Portrait*. Pp. viii, 386. New York: The Century Company, 1931. \$5.00.

Chicago has been the subject of so much criticism within recent years that it is refreshing to have a champion spring to its defense. As has been the case in so many cities, the recent tendency has been so to emphasize and overemphasize errors, shortcomings, and evils that the impression has been created that our American cities are wholly bad. The hypercritical treatment of municipal life and development is as harmful as the ballyhoo treatment. Mr. Smith, who approaches his task from a thirty years' editorial observance, seeks to show (and does it very well) how great have been the accomplishments within the past generation. He does not treat this physical growth as a barker at a side show, but as a thoughtful observer who sees a strategically located city pass through five important phases: the pioneer town; the city of early youth; the city after the fire; the newly planned city following the Columbian Exposition; and finally, the city "that is physically as gigantic as its reputation." Mr. Smith has drawn a great picture, helped by the splendid illustrations.

It is easy to understand how Chicagoans have grown tired of the dark pictures of their city. They will welcome this appraisal of the truly remarkable physical accomplishments. Students of municipal life will welcome a study of the civic life of this wonderful city as affected by these developments. Are standards of personal and community life higher as a result? Is life better worth living there? Is there a higher regard for the finer things of life? Perhaps Editor Smith, who has shown himself in the present book an observer and a student of discernment and power, may give us a companion volume that will answer these and similar questions.

CLINTON ROGERS WOODRUFF

Philadelphia

BECKER, WALTER. *Haushaltsrechtliche Grundfragen in den Vereinigten Staaten von Amerika, unter besonderer Berücksichtigung*



sichtigung des Spargedankens. Pp. 79, X. Berlin: Carl Heymanns Verlag, 1932. Paper, RM 5.

This is a competent but not particularly original analysis of the budget system of the Federal Government of the United States, and its relation to the constitutional division of powers. Although probably of some value to German students of political science, it contains very little with which Americans are not already familiar. Willoughby, to name only one of several, has dealt with essentially the same subject in greater detail and with more cogency.

HOWARD BECKER

Smith College

GOOCH, R. K. *Regionalism in France.* Pp. xii, 128. New York: The Century Company, 1931. \$1.75.

This is a study undertaken some years ago for the University of Virginia Institute for Research in the Social Sciences. Professor Gooch has devoted to it, in addition to much subsequent work, the major portion of a year's residence in France, profiting by an extremely wide acquaintanceship among all groups of French leaders in thought in policy.

Though the book is extremely brief, almost a third of it is devoted to a discussion of the organization of French local government and a chapter devoted to the thesis that liberty in the modern state can best be secured, not by the maintenance of a direct relationship between the individual and the state, but by the establishment of relations between the state and the group, whether syndical or regional.

The author accepts the general idea that an ultimate devolution of administrative power is inevitable, but he does not fall into the error of assuming that it is likely to be a development of the near future. He is too well aware of the fact that the Left is the chief source of opposition to Regionalism, and that the Left slowly but surely gains in political power. Though he avoids an open statement, he seems to believe that the Left may be won over by adopting the C. G. T. distinction between *étatisation* and *nationalisation*.

GRAYSON L. KIRK

University of Wisconsin

LEWINSON, PAUL. *Race, Class, and Party.* Pp. x, 302. New York: Oxford University Press, 1932. \$3.75.

It is a common belief in the United States that Negroes do not vote and never have voted in significant numbers, and that their participation in our government may consequently be largely disregarded by students of American politics. Dr. Lewinson has conclusively dispelled this myth by tracing in considerable detail the history of Negro suffrage from the days of slavery to the present time. His discussion of the peaks of disfranchisement of our colored population during slavery, the Reconstruction, and the later agrarian discontent, shows a keen understanding of the basic motives in the restriction of the colored ballot and of colored officeholding, and demonstrates the truth of the statement that Negro political support is generally sought by white men who believe they can profit by it, and indignantly spurned by those who are more secure without it.

Particularly valuable is Dr. Lewinson's survey of the Negro in politics during the last two or three decades, which shows erratic changes in policy towards the colored citizen, varying not in accord with the needs of good government or "broadmindedness," but rather with such factors as industrialism, urbanization, and the selfish desires of white parties or blocs for votes.

DONALD YOUNG

University of Pennsylvania

HOWARD, MAYNE S. (Ed.). *The Tax Research Foundation.* Federal and State Tax Systems (Third Edition). Pp. 145. Chicago: Commerce Clearing House, Inc., 1932. \$10.00.

The editor has explained in the Foreword that this book, with its subsequent editions, is intended to be "first, an annual encyclopedia; second, a manual; third, a textbook; fourth, a source book, and so, it is hoped, a whole library on taxation." As a matter of fact, this edition includes charts describing in substantial detail the taxes imposed by the United States Government, and the taxing systems of the forty-eight states, the District of Columbia, and our territories, as well as those of seventeen foreign nations. These have been pre-



pared by recognized authorities in their respective jurisdictions.

The last section of the book, running to nearly fifty pages, consists of charts showing how a specified subject is taxed under the laws of each state and territory. These include, among others, such items as bank deposits, national bank stocks, building and loan associations, chain stores, dividends, personal income, intangibles, realty, and tobacco. There are also charts relating to legislative sessions, amounts collected in 1930 under various tax laws, and the powers of tax commissions.

The book is a veritable mine of tax information, clearly presented and well printed.

JOHN G. HERNDON, JR.

Haverford College

NATIONAL INDUSTRIAL CONFERENCE BOARD. *Sales Taxes: General, Selective, and Retail*. Pp. ix, 79. New York, 1932. \$2.00.

Recent attempts to balance the Federal budget, with resulting debates on the merits of manufacturers' sales taxes versus selective sales taxes, give this little volume additional interest. The purpose, as stated in the preface, is to give a "concise statement of the extent, variety, and nature of sales taxes, with particular reference to their economic and fiscal possibilities." Accordingly, little attempt is made at original research, but previous studies in the field are drawn upon liberally.

Although three classes of sales taxes are discussed, almost half the space is devoted to the general sales tax. Major attention is devoted to problems of administration, such as exemptions, classification of industries, distinctions between taxable and non-taxable transactions, pyramiding, and interstate sales, with a special chapter on shifting and incidence. The treatment of both selective and retail sales taxes is rather sketchy and inadequate.

Special students will find little new in the volume, but it should be helpful to those wanting a brief description of sales taxes and the problems likely to be encountered in their use.

CHARLES P. WHITE

University of Tennessee

LEAGUE OF NATIONS PUBLICATIONS, II, ECONOMIC AND FINANCIAL. *Taxation of Foreign and National Enterprises in France, Germany, Spain, The United Kingdom and the United States of America*. II. A. 3. Pp. 275. Boston: World Peace Foundation, 1932. \$2.50.

Notable progress toward the elimination of international double taxation has been made during the past decade as a result of the work of a series of committees and conferences of the League of Nations. *Taxation of Foreign and National Enterprises* represents the latest contribution to the study of this problem. It is designed to meet the need for more information concerning the actual practice of different countries in allocating for tax purposes the profits of business enterprises operating in more than one country.

The detailed accounts of the tax systems and allocation methods of the five countries covered by the study have been prepared by finance officials and experts of those countries, who are thoroughly acquainted with the law and its administration. These accounts follow a uniform outline, which facilitates comparisons, and are accompanied with recommendations to the Fiscal Committee. They are preceded by a general survey prepared by Mr. Mitchell B. Carroll, director of the inquiry, which coördinates and summarizes the data appearing in the detailed accounts.

The investigation is clearly in competent hands, and this and the further work of the inquiry, which is still in progress, should materially advance the work of determining a reasonable and uniform allocation of business income which will prevent double taxation.

MABEL NEWCOMER

Vassar College

MANOILESCO, MIHAIL. *The Theory of Protection and International Trade*. Pp. xxxi, 262. London: P. S. King & Son, Ltd., 1931. 12s 6d. net.

BEVERIDGE, SIR WILLIAM (and others). *Tariffs: The Case Examined*. Pp. xii, 301. New York: Longmans, Green & Company, 1931. \$2.00.

These two volumes are a strong contrast in method of treatment and in conclusions



reached. The first is by a Rumanian who is an enthusiast for protection and firmly believes he has made an important contribution to the theory of the subject. The English authors of the second are confessedly restating free trade argument, but in the light of present economic conditions.

It is odd that there are so few competent presentations of protectionist doctrine. List's treatment is a classic, and more recently Josef Grunzel has given a notable survey of protectionist practice and its defense. Unfortunately, M. Manoilescu has been unable to equal them. His picture of the position of different countries is interesting, but his proposal to correct it by a system of tariffs is unconvincing. In Part I he presents "the facts"; in Part II, "the theory"; and in Part III, "realities and conclusions." The presentation of the theory is largely mathematical and leads him to the view that "protection will be given only to those industries of which the productivity surpasses the average productivity of the country, and will be refused generally to those industries whose productivity falls below this average." Among the difficulties encountered by the reviewer are the apparent measurement of productivity by labor-time, and the implicit rejection of the function of price in adjusting production. In many places, a reference to the concept of "opportunity costs" would have been a great help.

Sir William Beveridge and his collaborators have rendered a distinct service in restating the case for free trade at a time when the movement toward protection is so pronounced. It is presented in general by Sir William in the first ten chapters. There are then chapters on the relation of tariffs to dumping, imperial preference, agriculture, revenue, the practice of tariff making, and quotas and import boards. In the last chapter the case is reviewed by Sir William. This list of topics indicates that the most up-to-date aspects are the ones treated.

A reader puts the books down with a feeling of disappointment. With protection so rampant, there ought to be possible a better explanation and defense than the one by M. Manoilescu; and there must surely be a flaw in the logic of the free trader who is so confident of his position.

To the reviewer, this difficulty is to be found in the assumption by the free trader that there is an economic harmony of interest in the international field. He (the free trader) is ready to recognize that there are real clashes of interest between various economic groups in the domestic economy, but still refuses to admit that there may be similar divergencies of interest between national groups. The protectionist, in turn, is prone to exaggerate the differences and to find in the crude device of the protective tariff a suitable corrective.

ERNEST MINOR PATTERSON

University of Pennsylvania

GREGORY, T. E. *The Gold Standard and its Future*. Pp. viii, 115. New York: E. P. Dutton & Company, 1932. \$1.50.

This little book was clearly inspired by the English suspension of the gold standard last September, and was written shortly after that event; but it possesses more than temporary and purely British significance. The first two chapters contain an admirably lucid and nontechnical discussion of the operation of the gold standard, both in theory and in postwar practice. The unsatisfactory functioning of gold in recent years is explained as primarily the result of conflicting national policies which have interposed obstacles in the way of those adjustments of price and income levels which the international use of gold is theoretically supposed to bring about.

After an analysis of the reasons for the departure of Great Britain from gold, and the probable effects upon her industry and foreign trade, there is a final chapter of conservative prophecy. Professor Gregory concludes that the concept "of a managed standard as a permanent institution is still strange and unwelcome to a large part of the business world and of the public generally"; further, that "a universal, permanent departure from the gold standard as a conscious act of choice is most improbable"; and finally, that England will avail herself of this opportunity to restore gold at something below the old mint par. Both the time of this return and the new value will depend largely upon the future movement of world gold prices.

The book exhibits no bias, either opti-



mistic, pessimistic, or nationalistic. It should be read by every one who desires a compact and competent treatment of some of our most interesting and important problems.

M. B. CUSHING

Bowdoin College

FEAVERYEAR, A. E. *The Pound Sterling, a History of English Money*. Pp. x, 367. New York: Oxford University Press, 1931. \$5.00.

"From the silver pennies of King Offa of Mercia to the Currency and Bank Notes Act, 1928, is a long story, but nevertheless a continuous one. There has been no real break in the history of the pound sterling" (p. 332). This statement enshrines the theme of Mr. Feaveryear's delightfully written book, and he succeeds admirably in tracing the history of the English monetary unit through its successive transformations of gold, silver, and paper during more than a thousand years of continuous usage.

Such an aim, as the author suggests in his preface, necessitated "an attempt to combine a history of coinage and the paper currency with so much of the history of the Bank of England and the other banks as was required to make a complete account of the monetary system." The field is a large one, and few successful attempts have been made to synthesize all of the elements interwoven into the story. Yet Mr. Feaveryear may be said to have attained his goal; and if in a few cases (e.g. the discussion of the origins of banking in England) he seems to have overemphasized some factors at the expense of others, these minor weaknesses only accentuate, by contrast, the impartiality and accuracy of the whole treatment.

It is impossible to mention all of the interesting problems raised by this study, but in the light of recent monetary developments, attention may well be called to the careful analysis of the great debasement of the coinage under Henry VIII, and to the study of monetary policy and its effects during the Bank Restriction period a century ago. In both cases Mr. Feaveryear has shown the causes leading gradually to measurable effects, and, in the latter instance particularly, his treatment sug-

gests that discussions of monetary theory have advanced little during the past century.

In conclusion it may be said that although the book is fully documented and shows signs of much study and careful thought, these lucubrations do not obtrude themselves. The author is to be congratulated on having written a book that is both scholarly and easy to read. Indeed, his style has a peculiar quality that often enhances the interest of his subject. *The Pound Sterling* is a book that all students of monetary problems should read, and one which most of them will also enjoy.

F. CYRIL JAMES

University of Pennsylvania

SALTER, SIR ARTHUR, K.C.B. *Recovery: The Second Effort*. Pp. xvi, 347. New York: The Century Company, 1932. \$3.00.

This study has been received by a large body of readers with the enthusiastic approval it thoroughly deserves. The author's wide experience and great ability were an advance assurance of its careful preparation, accuracy of statement, sanity of outlook, and spirit of liberalism. In none of these qualities is it disappointing.

The first three parts survey the developments of recent years. Our troubles are diagnosed as due not to destruction but to dislocation, but a dislocation so serious that the necessary readjustments have not yet been made and in many directions seem farther away than ever. The strain has been intensified rather than relaxed. The world is now so intricate that planning has become vital, yet "without securing the advantages of deliberate planning, we have enough official control and private privilege and monopoly to impede the automatic adjustments, and to restrict the benefits of competition to the consumer."

The survey is an extended one, and is concluded with a fourth part devoted to "a program of action in summary." First-aid measures include reduction of reparations and war debts; a restoration of gold prices to, say, the level of 1929; a resumption of foreign lending under better safeguards than in the past; internal reforms, particularly rationalization in some coun-



tries; and political appeasement. Through the more distant future there must be developed a new world order with better money and credit systems; an improved economic organization; more intelligent performance of governmental functions; and a victory for the collective system of assuring peace, in opposition to the present one of national armaments and military alliances.

ERNEST MINOR PATTERSON
University of Pennsylvania

STAMP, SIR JOSIAH. *The Financial Aftermath of War*. Pp. 149. New York: Charles Scribner's Sons, 1932. \$1.75.

Written as a series of lectures arising out of a vacation and designed for a local English audience, these chapters were aimed to explain to hearers who were largely unfamiliar with economic problems the chief facts and developments in English postwar finance. The lectures dealt with taxation, inflation, deflation, and reparations. Mr. Stamp added to these a later broadcast address upon the gold standard. To the average American reader the volume may make difficult reading, because it is set so largely in terms of the familiarity of Mr. Stamp's hearers with the English situation. On the other hand, it is, with this qualification in mind, an extraordinarily lucid and simplified discussion, driving home in the most elementary terms the salient facts of the economic and financial problems of the period.

HERBERT MAYNARD DIAMOND
Lehigh University

HANSEN, ALVIN HARVEY. *Economic Stabilization in an Unbalanced World*. Pp. ix, 384. New York: Harcourt, Brace and Company, 1932. \$3.00.

Professor Hansen has written altogether too valuable a book adequately to be reviewed in the space limitations imposed upon the present reviewer. Suffice it to say that the establishment of a prescribed course in readings on world problems for Congressmen and American statesmen, with this volume as an introductory text, might assist them to a better understanding. The book is divided into four sections: (1) International Causes of Insta-

bility, (2) World-Wide Unemployment, (3) Population Stabilization, and (4) Towards a Stabilized Capitalism. "The author believes that much of the world's present instability has been caused by wrong governmental policies and other unfortunate forms of social control," and he warns that we must not rush into all manner of measures of control without adequate appraisal of the probable consequences.

His book therefore sets out to examine the causes of economic instability arising out of the postwar period, and approaches the problem from a broad, international, historical and economic view. His discussion of the war debts and reparations problems and the tariff policies of the postwar period are particularly illuminating, especially in the light of the events of the past two years, and would, if widely read, do much to clarify popular understanding of these issues. To American readers, also, who seek understanding of the merits and the deficiencies of public systems of unemployment insurance, Professor Hansen's discussion should serve to summarize the situation very well. His concluding section may well prove in spots to be overtechnical for the lay reader. Nevertheless, some such critical understanding of the meaning and significance of social effort towards stabilization is urgently required as we face the years ahead.

HERBERT MAYNARD DIAMOND
Lehigh University

COLCORD, JOANNA C., KOPLOVITZ, WILLIAM C., and KURTZ, RUSSELL H. *Emergency Work Relief*. Pp. 286. New York: The Russell Sage Foundation, 1932. \$1.50.

The Russell Sage Foundation has a well-earned reputation for fact-finding and for careful description of conditions, which is well sustained in this new volume. Emergency relief has been a paramount problem in practically every American city during the past two years, and we have in these pages a clear and definite account of what has been done in 29 of them in 1930-1931. This study brings out that there is a very wide diversity of opinion even within three general groups, and while there is considerable talk about the social technique there



seems to be little agreement as to what may be considered proper social standards in relieving distress either in normal or abnormal times. The three groups considered hold respectively that relief to the able-bodied is demoralizing; that relief without an equivalent in labor is a waste of money; and that relief is not necessarily demoralizing when accompanied by skilled service.

No conclusions are set forth and no recommendations offered. That was not the purpose that Miss Colcord and her collaborators had in mind. They, as trained observers, sought to ascertain the facts; not to prove a theory. The studies were undertaken in response to a request from President Hoover's organization on Unemployment Relief.

There will be general agreement, however, with their final statement that "work relief is certainly no solution for the problem of unemployment: it remains to determine how effective it may become in offering a solution for some of the problems of unemployed individuals. We have not attempted to approach this question ourselves. Only detailed case studies, of the 'before-and-after' type, would produce the material upon which a judgment could be formed."

CLINTON ROGERS WOODRUFF
Philadelphia

WOLFENDEN, HUGH H. *The Real Meaning of Social Insurance*. Pp. xiv, 227. Toronto: Macmillan Company of Canada, 1932. \$2.00.

Under this somewhat ambitious title, Mr. Wolfenden presents a report to the Executive Committee of the Canadian Life Officers' Association, but this official *cachet* should not scare off the general reader. He has in fact contributed the only description and analysis of the whole field of social insurance that has appeared in America since the War. He places principal emphasis on health and unemployment insurance, undoubtedly because in Canada and the United States both are still in the experimental stage; there is also material on workmen's compensation, old-age and other pensions, and mothers' allowances.

First comes a brief review of the history of these insurances and of the features of

existing plans; then Wolfenden gets to the reason for his book—an inquiry into "the real meaning of social insurance." Here he marshals the arguments for and against public health and unemployment insurance, and the possibilities of alternate programs. Many of these arguments are *a priori*, and none are new, but the summary provides an excellent short-cut for the general reader. The book is compact, simply written, and amply documented. One wishes only that footnotes had been used to designate sources and (deplorable omission) an index added.

One's opinion as to the ultimate truth on this important matter will depend principally on one's background and social philosophy. Wolfenden decides against both health and unemployment insurance, though he tolerates the latter as subordinate to international planning and private saving. For the health hazard should be provided such safeguards as comprehensive sickness registration, periodic health examinations, better housing, more intensive regulation of the medical profession, and greater development of voluntary insurance.

Without questioning either Wolfenden's good faith or the accuracy of much of the argument he launches against public insurance, the socially minded person can only despair at this latest offer of the counsel of perfection. This person might even deny the perfection: that the principal causes of the unemployment hazard, for example, are "world-wide economic maladjustments" and failure to save, which these proposals imply. Comparison between perfection and projected social insurances must always give the victory to perfection. The trouble is that the victory is not social but rhetorical, and between social insurance projects and Paradise, society is all too likely to fall between two stools and get neither.

C. A. KULP
University of Pennsylvania

NATIONAL INDUSTRIAL CONFERENCE BOARD, INC. *The Banking Situation in the United States*. Pp. xiv, 157. New York, 1932. \$3.00.

This small book, written by the Board's staff, presents statistically and graphically



the essential developments in banking in recent years. The decline in total banks, the disturbing increase in investment functions at the expense of commercial loans, the growth of group banking, the extraordinary depression-wrought mortality, and other phenomena are portrayed with the clarity achieved by statistical presentation. The compact and simple form of the data, obtainable elsewhere only from scattered sources, will make the book widely useful to all students of our banking problem. It may be overstatistical for the general reader.

The four long statistical chapters are followed by a brief and pithy review which wisely avoids specific recommendations but clearly suggests branch banking, reduction in total banks, and universal Federal Reserve membership. Defenders of State banking and the independent country bank will get scant comfort from the book. Although "not written primarily for the information of bankers," it could be read with profit by the entire fraternity. The statistics do not and cannot show the degree of responsibility for the present economic paralysis that lies at the doors of the banks, but they do reveal poignantly their incapacity to cope with the crisis when it arrived.

NEIL CAROTHERS

Lehigh University

BERGLUND, ABRAHAM. *Ocean Transportation*. Pp. x, 432. New York: Longmans, Green & Company, 1931. \$4.00.

Professor Berglund has written a very interesting and timely volume on carriage by water. It differs materially from the majority of texts on the subject because it is largely a factual presentation, with less discussion than might be expected. The interest of the average reader and the reference value will probably be increased thereby.

The chapters dealing with construction, operating costs, and subsidies emphasize the comparative advantage enjoyed by most foreign operators over American-flag companies. At a time when the shipping industry in all countries faces staggering losses, the government attitude, at home and abroad, is of utmost importance.

Professor Berglund points out the fallacies of many plans of subsidization, and supplies examples of past failures of efforts to create a merchant marine where none was necessary.

Perhaps intentionally, a detailed discussion of legislation is omitted, although mention is made of the more important United States statutes.

ARNOLD K. HENRY

University of Pennsylvania

SOUTH MANCHURIA RAILWAY. *Third Report on Progress in Manchuria, 1907-32*. Pp. vii, 235. Dairen, 1932.

The twenty-fifth anniversary number of this report that has appeared annually for three years is, like its predecessors, a valuable reference source on this disturbed area of the Far East. Compiled in the manner of yearbooks, the bulk of the report is devoted to economic and social affairs, supported by available statistics. Political matters are also covered. While economics is treated as factually as possible, politics is presented largely from the Japanese point of view. Both historical and current aspects are reported. Attention is not confined to the Kwantung Leased Territory nor to the Railway Zone, but all of Manchuria—Chinese, Russian, and Japanese—is covered.

The appendices contain the texts of various documents issued and exchanged by the different governments and by the League of Nations in connection with the Manchurian incident of September 1931. Maps, illustrations, and an index add to the usefulness of the report.

ROLAND L. KRAMER

University of Pennsylvania

GEMMILL, PAUL F., and associates. *Contemporary Economic Problems*. Pp. xv, 673. New York: Harper & Brothers, 1932. \$3.00.

This is not a book of economic principles, nor an ordinary collection of readings, but a book of economic essays, the work of Professor Gemmill and his associates at the University of Pennsylvania. It covers most of the economic problems that are treated in the usual economics text, classified into problems of economic stability,



labor, finance, business enterprise, international economics, and social waste. Labor problems, business cycles, the agricultural problem, international trade, and economic waste are treated with particular fullness, while little attention is given to value and distribution or to economic reform.

Such essays as these do not of course possess the authoritative significance of some readings that could have been found in the entire literature of economics; but on the other hand the book has greater unity than any book of readings, and most of the essays represent a study of a fairly wide variety of sources. They offer a wealth of information, well written.

One of the best features of this book is the fine attitude of open-minded liberalism shown in the discussion of such problems as economic insecurity, inequality, and government intervention. One may regret the omission of chapters on socialism and on the Russian scheme, but the discussion of the capitalist system is generally critical and progressive.

Contemporary Economic Problems will serve excellently in connection with any text which deals mainly with theoretical economics—Johnson, Cassel, Rufener, Hayes, Curtis, H. G. Brown, Bye, Taylor, Garver and Hansen, Deibler, or indeed Gemmill's *Fundamentals of Economics*. The last-mentioned combination will doubtless be used extensively—and profitably.

JOHN ISE

University of Kansas

OLIVER, JOHN RATHBONE. *Psychiatry and Mental Health*. Pp. xiv, 330. New York: Charles Scribner's Sons, 1932. \$2.75.

DAVIS, ROLAND CLARK. *Ability in Social and Racial Classes*. Pp. xiv, 114. New York: The Century Company, 1932. \$1.75.

WARDEN, CARL J. *The Evolution of Human Behavior*. Pp. ix, 248. New York: Macmillan Company, 1932. \$3.00.

LINK, HENRY C. *The New Psychology of Selling and Advertising*. Pp. xxiii, 293. New York: The Macmillan Company, 1932. \$3.00.

Dr. Oliver has written a guidebook on mental health, in its clinical manifestations,

directly for the minister or the social worker. Several such books are limited to pointing out the importance of considering mental hygiene in social problems, but *Psychiatry and Mental Health* starts where they leave off, and describes the mental maladies that are likely to be encountered, the probable causation of them, and practical mental hygienic procedures. The book is sound and up-to-date, without too much Freudian emphasis. Originally a series of lectures at the Western Theological Seminary for embryonic ministers, the book should be of great practical help to all workers who are brought into contact with the necessity of adjusting human relations.

Ability in Social and Racial Classes is not a book, but a study made under the sponsorship of the Institute for Research in the Social Sciences at the University of Virginia. Assuming that sometime in the future there may be definite attempts to regulate life and institutions on the basis of the relative ability of individuals, this work is of considerable importance. At any rate, the approach the experimenter uses through the relation between psychological abilities and physical structure or function is relatively unworked, and, from his results, appears promising. He finds that biological variations, broadly conceived, are related to mental ability (intelligence?). He also finds that the favorable biological variations are not distributed equally among the groups he studied. City and urban, white and Negro, young and old are not equally favored. The complicated technical material in the middle of the book may be neglected by the average reader—and probably will be—but the average reader with social interests will find the remainder of the book interesting and stimulating.

Paralleling a presentation of the general lines of organic evolution, Dr. Warden emphasizes mental aspects of the evolutionary processes and trends. His book gains almost unique value from this approach, but it is to be regretted that the factual material available on the development of behavior as contrasted with structure is not more complete. Of most factual value to readers of *THE ANNALS* is the chapter on "Race and civilization"; of most stimulation, the closing chapter on "Present trends



in evolution." The development of social structure is interwoven with the other materials in the book, which finds evolutionary processes as evident in their operation now as they were centuries ago.

We are thankful that Dr. Link's book indicates that the new psychology is not all Freudian and psychoanalytic. But we do wish his new psychology had been a bit newer and a bit more plainly psychology. The consumer survey or market survey which has been long in use by both economists and business men is the theme of this book, but is given a lamentably cursory treatment. The author's actual work at Lord and Taylor's is vastly superior to the book, which carefully shuns drawing on any of this practical work, instead drawing largely upon surveys made by the Psychological Corporation, which do not reveal either the psychological analysis or the technique of which the author himself is capable.

DONALD A. LAIRD

Colgate University

- KULISCHER, ALEXANDER and EUGEN. *Kriegs- und Wanderzüge: Weltgeschichte als Völkerbewegung*. Pp. viii, 230. Berlin and Leipzig: Walter de Gruyter & Company, 1932. Paper, RM 17; cloth RM geb. 18.50.
- HEIDER, WERNER. *Die Geschichtslehre von Karl Marx*. Pp. viii, 201. Stuttgart and Berlin: J. G. Cotta'sche Buchhandlung Nachfolger, 1931. Paper, RM 9.50.
- PATZELT, ERNA. *Die fränkische Kultur und der Islam*. Pp. 244. Baden-Vienna-Leipzig-Brunn: Verlag Rudolf M. Rohrer, 1932.
- THOMAS, BERTRAM. *Arabia Felix*. Pp. xxix, 397. New York: Charles Scribner's Sons, 1932. \$5.00.
- HEDIN, SVEN. *Across the Gobi Desert*. Pp. xxii, 402. New York: E. P. Dutton & Company, 1932. \$5.00.
- MARTIN, ALFRED VON. *Soziologie der Renaissance: zur Physiognomik und Rhythmik bürgerlicher Kultur*. Pp. xii, 135. Stuttgart: Ferdinand Enke Verlag, 1932. Paper, RM 5; cloth, RM 6.50.
- MEUTER, HANNA. *Heimlosigkeit und Familienleben: Allgemeine Untersuchung*.

- Eberswalde-Berlin: Verlagsgesellschaft R. Müller mbH., 1932. Paper RM 4.
- SCHÄIDNAGL, VENTUR. *Heimlose Männer: Einzeluntersuchung*. Eberswalde-Berlin: Verlagsgesellschaft R. Müller mbH., 1932. Paper, RM 3.90.
- KASSNER, RUDOLF. *Der Einzelne und der Kollektivmensch*. Pp. 41. Bern and Leipzig: Gotthelf-Verlag, 1932. Paper, RM 19.

The problem of the sources of social change, of the dynamics of history, of the "laws" of social evolution, and, in popular parlance, of the nature and meaning of progress, is always well in the foreground of sociological interest. And not only of sociological interest, if current definitions of the scope of academic sociology are granted validity: the historian, the political scientist—in fact, social scientists in general—can never entirely avoid raising such questions, even though their answers are implicit rather than explicit.

Beginning at least as early as the time of Herodotus, various writers have regarded population movements, in one or another form, as the prime movers of social change; and of recent years the "mobility" theorists have revived many of the older doctrines. Unfortunately, the notion of mobility has been loosely defined and carelessly used, so that at the present time it has become a magical word that "explains" almost everything, and hence *really* explains next to nothing. What we need are monographic studies, historically adequate, of the migrations of pastoral nomads, of early trading peoples, of great invasions, of journeys of exploration, of "the rural exodus," of modern urban mobility, of the wanderings of the homeless—in short, a wide range of culture case studies that will give us a more stable basis upon which to generalize.

The Kulischers' study is a splendid example of a preliminary survey of one part of the field. First comes a theoretical chapter entitled "The Mechanics of Migration," in which the blind, uncontrollable character of all early population movements is stressed, and in which the thesis that "all history is at bottom the history of migrations" is advanced. Second is an excellent chapter on the martial and pacific migrations of various peoples of Asia, North



Africa, and Europe, with special attention to the movements of the Islamic conquerors—Arabs, Berbers, Turks, and so on. (Two good maps of Arabian expansion aid the comprehension of the text.) Third is a somewhat less satisfactory chapter on Swedish, Polish, Russian, and Chinese movements and counter-movements; too many theses insufficiently supported by intensive factual study and analysis are advanced. Nevertheless, the chapter will be found quite suggestive. Fourth, an original point of view concerning the ultimate causes of the World War is set forth: the position is that the conflict was basically due to the state of unstable equilibrium generated by the phenomenal population increase of the nineteenth century. Although perhaps extreme, the theory advanced merits the close attention of every one interested in the antecedents of the Great Catastrophe.

In contrast to the concrete and vivid treatise just discussed, Heider's exposition of the Marxian theory of history seems a bit flat. It is a careful study, taking into account writings by Marx and Engels that have only recently come to light; but its pedestrian style and the dialectic terminology imposed by the nature of the topic give it a scholastic, logomachic flavor that only the interest of the specialist can overcome. Moreover, too much stress is laid on "immanent laws" of social evolution, and too little on the intrusive factors introduced by population movements.

Fortunately, historians have not permitted themselves to be jammed into the strait-jacket of "Hegelianism standing on its head." Patzelt's study of the relations of the Frankish and Islamic migrations is an outstanding instance of the kind of historical study usable by the sociologist. The point of departure is Pirenne's theory that until the time of the Carolingians the history of Europe was the history of Mediterranean culture, and that not until the invasions of Islam did the importance of the Roman heritage wane. Charlemagne, says Pirenne, is incomprehensible without Mohammed. Moreover, the break-up of the economic unity of the Mediterranean area by the Islamic incursion meant that Charlemagne and his successors reigned

over a slowly deteriorating realm; the urban culture of the South was replaced by the agrarian culture of the North, and economic stagnation ensued. Patzelt attacks this thesis, and maintains that the empire of Charlemagne was a genuine advance in the development of European civilization. In the course of refuting Pirenne's thesis (in which he is not wholly successful), Patzelt adduces highly valuable data concerning the Great Migrations, and for this alone the book is worth reading. Its one conspicuous blemish is its polemic tone and its obvious bias in favor of Germanic as over against Romance culture.

When one realizes that the Islamic conquests occurred within little more than half a century, it is only natural to speculate on the martial qualities of the Arabic vanguard. Thomas's book, the story of the journey of a lone Englishman through the last great unexplored waste of Arabia, is more than a mere traveler's yarn, although its entertainment value is high. His account of the Arabian nomads and their way of life adds one more confirmation to the theory of Ibn Khaldūn: namely, that the fighting efficiency of the desert dweller is directly traceable to his way of life and the hardihood and *esprit de corps* it engenders. Thomas adds nothing essentially new to the tales of William de Rubruquis, Ibn Khaldūn, Zwemer, Burckhardt, Doughty, Burton, and Lawrence, but as a record of high adventure and sociological insight it will probably endure. As an account of a journey of exploration it suffers from the fact that one man, however able, cannot do everything.

The record of Sven Hedin's expedition across the Gobi Desert should, it would seem, contain much more information about the nomadic way of life, for over a score of European and Chinese scholars participated; but with incomprehensible shortsightedness, not a single ethnographer was included. Paleontologists and other allies of the social scientist there were in plenty, but no anthropological field workers. For this reason Hedin's story is disappointing; although he accomplished a great deal, he might have done much more. One discovery of considerable sociological interest there was, however: Hedin discovered that



Lake Lop, once the mainstay of a flourishing town on the great trade route across Asia, has returned to its old basin, thus establishing the theory that it has alternately facilitated and discouraged travel between East and West in cycles of about 1,600 years. In the light of this startling discovery, Huntington's "Pulse of Asia" is both corroborated and challenged, and Ujfalvy's theory that "Rome fell because the Chinese built a wall" is similarly strengthened and placed in need of revision. All in all, however, it must be said that Hedin's book is of more interest to the natural than to the social scientist.

If Hedin had paid more attention to the Mongols, and the Kurds, we might have learned more about the truth or falsity of the stories told by Marco Polo and other great travelers of the early commercial revolution. Unfortunately, Martin's book on the sociology of the Renaissance is similarly lacking in information about Italian contacts in the Levant and along the overland trade routes. One must not ask for too much, however, for Martin has crowded between the covers of his little volume one of the best analyses of the proximate antecedents and the social concomitants of the Renaissance that can be found in the literature. Interestingly enough, he defends Burckhardt against the charges of obsolescence or obsolescence that have recently been leveled against him: to Martin, *The Culture of the Renaissance in Italy* is still the greatest treatise in the field. Martin himself has come as near to challenging Burckhardt's supremacy as at present seems possible; in fact, the reviewer feels that so far as a strictly sociological analysis is concerned, Burckhardt has been surpassed.

It seems a far cry from the journeys of the Age of Discovery and the peregrinations of the Renaissance factors and merchants to the wanderings of homeless men and women in our modern industrial world—and it is. Nothing is gained by lumping under one sacred word, "mobility," the whole varicolored diversity of human population movements. In addition to being excellent concrete studies of homelessness in the industrial Rhineland, the brochures by Meuter and Schaidnagl clearly demonstrate the necessity for taking the entire social

context into account when studying population movements. After all, the sociologist should by this time have grasped the idea that person and group are but differing aspects of the same phenomenon, and that mutations in one cannot be understood without taking the other into account.

In fact, even the social philosopher should by this time have become aware of the futility of such antitheses as "individual versus society," et cetera. Unfortunately, Kassner's little pamphlet provides plenty of evidence to show that at least one social philosopher is still in the grip of the old dichotomies. If he and others like him could only realize that neat patterns "explaining" once and for all the relations of "individual" and "society" are disastrously disrupted every time one of their abstract individuals changes his social setting by migrating, less nonsense might be written and printed. But who can bind the beams of Luna? And who shall minister to the moonstruck?

HOWARD BECKER

Smith College

DUPRAT, G. L., and others. *Gründer der Soziologie*. Pp. 158. Jena: Gustav Fischer, 1932. Paper, RM 7.50.

This collection of lectures may in a sense be regarded as a memorial for Albert Schäffle, the centenary of whose birth occurred in February 1932, for the two opening lectures deal with him as sociologist and as social economist.

Nevertheless, the book contains much more than analyses of Schäffle's work: Freyer's beautifully written discussion of the Romantic influence in German sociology; Duprat's keen comparison of Comte and Durkheim; Meusel's fanfare summoning sociologists to recognition of Marx as one of the greatest of sociological systematists; and Marianne Weber's surprisingly objective biographical sketch of that mental Colossus, her deceased husband Max Weber.

All sociologists really interested in the history of their discipline should have this book on their shelves—but how many are *really* interested?

HOWARD BECKER

Smith College



BREYSIG, KURT. *Vom deutschen Geist und seiner Wesensart*. Pp. 290. Stuttgart and Berlin: J. G. Cotta'sche Buchhandlung Nachfolger, 1932. RM 5.80.

In this book one of the greatest of Germany's historical sociologists (or sociological historians) sets forth his national confession of faith. It is an attempt to find "the eternal German"—to discover in the maze of historical events the golden thread of the German *Geist*.

Beautifully written, the book is a projection of the finest traits of Breysig's own mighty heart and mind rather than a historical or sociological treatise, and only those deeply dyed with German culture will be able to understand it as a whole. Nevertheless, the section entitled "An Adventure in the Art of War," pages 159 to 214, can be fairly well comprehended without reading the rest, and students of the history of the Great War can thereby acquaint themselves with a highly original and suggestive discussion of that catastrophe.

HOWARD BECKER

Smith College

HOLMES, ROY HINMAN. *Rural Sociology: The Family-Farm Institution*. Pp. xiii, 416. New York and London: McGraw-Hill Book Company, Inc., 1932. \$3.00.

This book by Professor Holmes of Michigan University proposes a sociological system based upon the excellent idea of the typological concept of rural life as a family-farm institution. However, the author soon leaves his stated purpose behind and furnishes a book of social problems similar to many others. It is to be evaluated as an introductory college text based entirely upon an American background. In this respect it strikes a fair average, being better than some and worse than others. In some ways the book is striking, and in others it is extremely disappointing. It is very usable as a text for many introductory courses.

CARLE C. ZIMMERMAN

Harvard University

WATERMAN, WILLOUGHBY CYRUS. *Prostitution and Its Repression in New York*

City, 1900-1931. Pp. 164. New York: Columbia University Press, 1932. \$3.00.

Here is an excellent example of detachment in the treatment of social questions: even the 1931 revelations of police blackmail (unexpected result of repression) fail to raise the printed pulse a single beat. Police and court records, and records of the Committee of Fourteen and other interested voluntary organizations provide the data, centering almost entirely on Manhattan.

Conclusions, stated with necessary tentativeness, are: the police district squad proved more effective than a special service squad operating from central headquarters; voluntary organizations accomplish more by coöperating with the police, as does the Committee of Fourteen, than by attempting actual enforcement; the old alliance of alcohol and prostitution persists; repression as carried out in New York has almost ended open prostitution and forced exploiters to new tactics.

DAVID K. BRUNER

University of Pennsylvania

WASHBURNE, CARLETON. *Remakers of Mankind*. New York: The John Day Company, 1932. 339 pages.

Here is a record of an educational Odyssey to Japan, China, India, Turkey, Iraq, Syria, Egypt, the Soviet Union, Poland, Germany, France, England, and back to the United States: all of which took place, December 1930-1931. The basic material of the book is drawn from interviews with folk prominent in the official educational and political circles. In the main, the author sought information and opinion bearing on education purposes. What are the goals of the several nations? Are they "antagonistic, complementary and harmonious, or identical?"

Specifically, officials were asked concerning their attitude towards: the use of schools to perpetuate a given form of society; the stress on nationalistic versus international education; duty to the state versus duty to one's conscience; the teaching of true versus patriotic history; freedom of teachers and pupils in dealing with controversial questions; indoctrination; paidocentric versus subject-matter empha-



sis in curriculum making; and mental hygiene.

As might be expected, great variation of opinion was found: in place of unity of purpose and coördination of efforts throughout the world towards a consciously selected goal, the educational scene is marked by sharp clashes which reflect the varied political, economic, social, and religious biases which inevitably condition the educational process.

Due to the subject, the method of study, and the limited character of sources, the book is suggestive rather than conclusive; it will satisfy the general reader, but leave the hunger of the scholar unappeased.

THOMAS WOODY

University of Pennsylvania

KULP, DANIEL H., II. *Educational Sociology*. Pp xvi. 604. New York: Longmans, Green & Company, 1932. \$3.50.

This work, essentially a restatement of sociological principles for prospective teachers, is done in so competent a fashion that it may well contribute to the thinking of specialists. The concise summary of social psychology is particularly good. The section on collective behavior in school life is excellent, but perhaps misnamed, inasmuch as there is little discussion of collective behavior in the school. There is a section devoted principally to social problems, and a section on the methods and history of sociology. The book moves toward an educational sociology which will represent a thoroughgoing application of sociological concepts to the analysis of social interaction in the schools. Yet it does not seem unjust to say that educational sociology as Kulp has rendered it remains sociology for teachers.

A master of curt statement, Professor Kulp has produced a compact but readable book. A liberal, he sometimes expresses his liberal sentiments with telling force, sometimes with beautiful indirection. The book abounds in telling phrases, and bristles with thought-provoking questions. It should find many readers.

WILLARD WALLER

Pennsylvania State College

BERGSON, HENRI. *Les deux sources de la morale et de la religion*. Pp. 346. Paris: Felix Alcan, 1932. 25 francs.

WAGNER, FRIEDRICH. *Geschichte des Sittlichkeitsbegriffes*. Vol. I, "Der Sittlichkeitsbegriff in der antiken Ethik," pp. vii, 187; vol. II, "Der Sittlichkeitsbegriff in der Hl. Schrift und in der altchristlichen Ethik," pp. vii, 280. Münster in Westfalen: Aschendorffsche Verlagsbuchhandlung, 1928-31. Paper, RM 7.15 and 12.96.

Like many philosophers, Bergson cuts all his doctrines to the same fundamental pattern. The present discussion of "the two sources of morality and religion" is based on the familiar old dichotomies of intelligence versus intuition, mechanism versus freedom, and blind chance versus creative evolution. Those familiar with his earlier writings need not pay much attention to this latest product, and those whose professional interests have not already led them to examine the earlier writings may spare themselves the trouble of studying any of them, early or late. M. Bergson's gift of eloquence has been responsible for the perpetration of much high-sounding nonsense.

Wagner's history of the concept of morality is an interesting exhibit of Catholic scholarship. It is sober and fair-minded, even where it most vigorously differs from the codes under examination. Specialists in the field will probably find it useful for the Classical and Patristic periods. Preliterate data are conspicuous by their absence—page Westermarck and his "Ethical Relativity"!

HOWARD BECKER

Smith College

SHRYOCK, JOHN K. *The Origin and Development of the State Cult of Confucius*. Pp. 320. New York: The Century Company, 1932. \$4.00.

We have here, succinctly outlined, the vicissitudes of the Confucian cult in every period of Chinese history. It is more than a study of Confucian state-worship, it is in reality a history of China with the state philosophy and ritual placed in the foreground. The work has therefore a wider usefulness than the title suggests.



Despite inescapable slips in detail, the data are for the most part reliable, and the interpretation convincing. Adequate and illuminating notes follow each chapter, with important names and titles of books in Chinese characters as well as in romanized script. It is unfortunate, however, that in the matter of romanization the author has followed his own system, which is confusing to one who is better acquainted with other systems. The Appendix contains a complete list of the tablets in the Confucian temple, interesting comments on each name, and the exact date on which it was entered. For the writing of this book the author utilized every important European source, and not a few Chinese sources hitherto untranslated.

ARTHUR W. HUMMEL

Washington, D. C.

FORTUNE, R. F. (Introduction by B. Malinowski.) *Sorcerers of Dobu*. Pp. xxviii, 318. New York: E. P. Dutton & Company, Inc., 1932. \$5.00.

In *Sorcerers of Dobu*, Dr. Fortune gives a vivid presentation of native life on a small island in Melanesia. Living among the natives, speaking their language, he observed their life with a trained eye. He watched their gardening, trading, love making, dying, ambitions, hates, jealousies, and above all and running through all, their fear of witchcraft and sorcery. It is this varied material which he gives, not "knocked down and shipped" as so many curious bits of information, but assembled so that one can see how the community functions; how fear of witchcraft influences the marital group and how this group influences witchcraft; how death affects gardening and gardening affects trading.

The functional school of anthropology emphasizes the need for picturing the processes of interrelation of primitive groups. It is perhaps fitting that this excellent study of the Dobu contains an introduction by Dr. B. Malinowski, "god-father and standard bearer of the functional method" (p. xxiv)—a method also associated with the names of A. R. Radcliffe-Brown and others.

The analysis of the Dobuan dual family, with its rare feature of alternating residence

—a year in the father's, then a year in the mother's village—will prove stimulating and enlightening to specialists on the family.

ISABEL GORDON CARTER

Moylan, Pa.

HARTSHORNE, CHARLES, and WEISS, PAUL (Eds.). *Collected Papers of Charles Sanders Peirce*, Vol. II, *Elements of Logic*. Pp. xi, 535. Cambridge: Harvard University Press, 1932. \$6.00.

It is no news that logicians may be poor thinkers and that good thinkers may not be logicians. But for a first-rank logician like Peirce to write: "Clear as it seems to me that certain dicta of my conscience are unreasonable, and though I know it may very well be wrong, yet I trust to its authority emphatically rather than to any rationalistic morality"—that is news. Holding such a view, Peirce nevertheless thought logic of great importance. For, although we should "base our conduct as much as possible on Instinct," yet situations occur, complex situations, where reasoning is needed for successful eventuation. And logic is the science of right reasoning. Furthermore, practice in, though not mere acquaintance with, good logic should improve the quality of thinking.

This volume, of interest primarily to logicians, is, in an introductory fourth part, good reading for any one who thinks about thinking. There are here revealed the thoughts of a master mind (Peirce is commonly so acclaimed) on the nature of logic and its relation to instinct and to other disciplines of thought; e.g., its priority over metaphysics, and its subordination to mathematics and even, if we accept Peirce's insight, to ethics and æsthetics.

Eight more volumes are in prospect.

L. M. PAPE

University of Chicago

JOAD, C. E. M. *Philosophical Aspects of Modern Science*. Pp. 344. New York: Macmillan Company, 1932. \$3.75.

This book was conceived in wrath at the idealistic and monistic philosophies of science being put forth by scientists such as Eddington, Jeans, and even Russell. The burden of the argument is that all the good



work done by recent realism has been mistakenly disregarded. The main motive is the jeopardy to values through their loss of independence under monistic idealism. Values, for Joad, find validation only in a realistic and pluralistic world. They are to be contemplated, not had. They are not created but discovered.

The new idealism arises from the new theories of matter. The world of science, which was once a world of inert matter and gave rise to materialism, is now a world of formulæ, pointer-readings; in other words, thought-constructs. But to admit the mind's participation in the construction of reality is eventually to make mind the whole hog. It leads, moreover, to the ultimate denial of the reality of the ordinary sense world, even of the world of scientific objects: they are appearances only.

Joad insists that monism is self-defeating, for it rests upon the distinction between appearance and reality, and yet is denied by the very existence of appearances. Similarly, idealism is a huge paradox, presupposing in its proof what in the end it denies, viz., the everyday world.

L. M. PAPE

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