

REINVENTING A REGION (1915-1922): VISIONS OF THE MIDDLE EAST IN LEGAL AND
DIPLOMATIC TEXTS LEADING TO THE PALESTINE MANDATE
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The article traces a set of regional images in international legal documents leading to the establishment of the Palestine Mandate (1915-1922). The analysis suggests that at that important crossroad, when a new world order was imagined and negotiated, a broad, layered and diverse vision of a comprehensive ‘region’ was actively present in the minds of very different actors within the framework of empire. A vast territory was reconstructed as opening up for new ways of rule and of influence, for enhanced development and for dealing with strictly European globalized problems. That this powerful regional vision has been disregarded because of the weight of the subsequent territorial geopolitics in the Middle East is not surprising. Today, however, when classic international law responses – the state on the one hand and international cooperation on the other - prove weak and unstable and especially vulnerable to “new regional threats,” it may be worthwhile to look back at a period in which the region was still imagined as a place of political possibility.

Keywords: Regional Order; Middle East History; Sykes Picot Agreement; Balfour Declaration; Article 22 of the Covenant of the League of Nations; Palestine Mandate.

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Our mutual tasks are exceedingly difficult and require all the statesmanship and goodwill that it is possible to bring to bear. But so much has been achieved so conciliatory a spirit has shown itself on all hands, that I have confidence that the deepest wish of my life will be realized and that is that peace and justice should at last reign from the Taurus to the Persian Gulf and from the Mediterranean to the Persian Frontier and all that vast area as interdependent fiscally and politically. If one element is sacrificed or abandoned the whole fabric subsides. Short of a settlement which is satisfactory to the three peoples there are only two alternatives Turkish tyranny or anarchy, either the one or the other signifies that Jew, Armenian, Syrian, Mesopotamian, Palestinian and the people of the Arabian Peninsula must return to the hideous night of misery from which we strive that they shall emerge.

Sir Mark Sykes addresses the Syria Welfare Committee, February 1918.¹

‘No man therefore can conceive anything, but he must conceive it in some place;’

Thomas Hobbes, *Leviathan*, Chapter III

1. Introduction - A Forgotten Regional Moment

The conventional narrative about the political, legal and diplomatic path leading from the First World War to the Palestine Mandate is often told from the hindsight of ensuing and ongoing national conflicts in the region. According to that narrative, during the war Britain made conflicting assurances regarding the region's future and thus created expectations for independence that informed the violent conflicts that followed on. In the McMahon-Hussein correspondence (14 July 1915 to 30 January 1916) it promised an independent Arab state to be established in the vast area that consists of today's Syria, Israel, Jordan, Iraq, and the Arabian Peninsula. In the Sykes-Picot agreement (16 May

¹ Doreen Ingrams, *Palestine Papers (1917-1922): Seeds of Conflict* (Eland 2009) 22. PRO.CAB. 27/25; The Syria Welfare Committee was set up in Cairo toward the end of 1917 by General Gilbert Clayton, Director of British Intelligence and it included Arabs, Zionists and Armenians.

1916), it pledged to divide the influence over this same vast area with France. In the Balfour Declaration (2 November 1917), it promised to facilitate a Jewish home in Palestine, a territory which at the time was understood to consist of an important part of the same vast area. The Palestine Mandate legalized the latter commitment but while the British Empire was torn between commitments to the national aspirations of both groups it had actually frustrated both, creating opportunities for the escalation of a violent conflict right up to its decision to end the mandate in 1947, and well into the new regional geopolitics of independent sovereign states characterized by wars and displacement.²

This legacy of the politics of empire, according to the narrative, is responsible for the poor geo-political state of the region that we recognize today.³ The Middle East is widely seen as the paradigmatic example of failure of regional cooperation and integration. While other regions have developed institutional tools for enhancement of economic and security coordination, the Middle East is dangerously lagging behind.⁴ Middle Eastern states, with their troubled history of colonial meddling are until today deeply engulfed in

² Victor Kattan, *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891–1949* (Pluto Press 2009); Michael J. Cohen, *The Origins and Evolution of the Arab-Zionist Conflict* (University of California Press 1987); Gideon Biger, *The Boundaries of Modern Palestine, 1840–1947* (Routledge, 2004); Isaiah Friedman, *Palestine, A Twice-Promised Land* (Transaction Publishers, 2000); Sahar Huneidi, *A Broken Trust: Herbert Samuel, Zionism and the Palestinians, 1920–1925* (St. Martins Press: 2001); Nick Reynolds, *The Unfulfilled Mandate for Palestine* (Lexington Books 2014) 4–25.

³ Roger Owen, *State Power and Politics in the Making of the Modern Middle East* (3rd edn, Routledge 2000) at 10:

[i]t was at this period [referring to the period starting from the Ottoman defeat and through the carving up of the Middle East] that the basic framework for middle eastern political life was firmly laid – together with many of its still unsolved problems involving disputed boundaries, ethnic and religious minorities which either failed to obtain a state of their own (like the kurds) or were prevented from doing so like the Palestinians.

And chapter 1 generally. Also see Raymond Hinnebusch, *The International Politics of the Middle East* (Manchester 2003) and Louise Fawcett (ed), *International Relations of the Middle East* (Oxford University Press 2013).

⁴ Scholars of international relations generally agree that neither political nor economic regional arrangements have materialized in the Middle East. This seems to exemplify the Middle East as the eternal exceptional case, being out of step with history and immune to the trends affecting other parts of the world. ‘(T)he Middle east remains a peculiar exception to the overall trend of regionalism. Among various regions, the Middle East is not only the least integrated into the world economy but is also characterized by the lowest degree of regional economic cooperation’ (Ali Carkoglu, Mine Eder and Kemar Kirisci, *The Political Economy of Regional Cooperation in the Middle East* (Routledge 1998) 30; Also see Charles Tripp, ‘Regional Organization in the Arab Middle East’, in Louise Fawcett and Andrew Hurrell (eds) *Regionalism in World Politics* (Oxford University Press 1995); Helena Lindholm-Schulz and Michael Schulz, ‘the Middle east: Exception or Embryonic Regionalism?’ *Politeia* 1998, 17; Marianne Laantz, Helena Lindholm-Schulz and Michael Schulz, ‘Regionalization in the Middle east?’ in Michael Schulz, Fredrik Soderbaum and Joakim Ojendal (eds) *Regionalization in a Globalizing World* (London: Zed, 2001).

crises of political legitimacy, and can hardly be expected to respond effectively to ‘new regional threats’.⁵

In this article I claim that this historical narrative is too captivated by the bleak and pressing realities of post-mandatory Middle East conflicts and instabilities. In the period that led to the establishment of the mandate system, while different actors negotiated their visions for a new world order, the Middle East was understood to be a very different territorial and political entity than we understand it today. In fact, the regional structure that we are so used to, consisting of independent states, jurisdictionally divided, each with its own government, laws and institutions, was not even a remote fantasy in the minds of the officials, politicians and commentators who between 1915 and 1922 were deeply engaged in negotiating such ideas as world peace, Arab independence, British-French influence, or a Jewish national home. What is for us a basic descriptive and explanatory structure for understanding the Middle East’s past, its worrying present and its future possibilities - that it is made out of sovereign jurisdictions - was for them not even an abstract aspiration. What then were for these actors the concrete spatial structures by which they imagined and negotiated a new world order in this area?

To be sure, the epistemological context for answering this question is that of empire.⁶ At that point in time, all the actors that had anything to do with negotiating the future of the region were necessarily talking in the language of imperial rule. Whether they were Arab leaders and former functionaries in the Ottoman Empire or nationalist revolutionaries and subjects of that empire, whether they were Zionist leaders discussing the prospects of a

⁵ ‘Apart from the ongoing conflict between Israel and its Arab neighbors, which makes any attempt to achieve an all-embracing regionalism meaningless, Arab countries have not created any long term regional unity among themselves. The Middle East has remained a region of conflict and instability. Structures for regional security and stability have not been created’ Bezen Balamir Coskun, ‘Regionalism and Securitization: The Case of the Middle East’, in Cilja Harders and Matteo Legrenzi (eds) *Beyond Regionalism?: Regional Cooperation, Regionalism and Regionalization* (Ashgate 2008) 89; for the regional implications of the Arab spring see: Bahgat Korany, ‘The Middle East After the Cold War’, in Fawcett (n 3) 77-102; Silvia Feraboli, *Arab Regionalism: A Post-Structural Perspective* (Routledge 2015).

⁶ Over the last few decades there is a turn in the historiography of empire to questions of interconnectedness and of scale. Historians (under impact of post-colonialism, culture studies and feminism) have self-consciously set out to rethink the relation between different parts of empire, and to produce a way of thinking about empire that can account for the experiences of both colonial elites and those subjected to the colonial rule. An important facet of this type of imperial history has been the rejection of the colonial or nation state as the dominant analytical framework for considering the relations of persons and places in Empire. See Zoe Laidlaw ‘Breaking Britannia’s Bounds? Law, Settlers, and Space in Britain’s Imperial Historiography’ (2012) 55 *The Historical Journal*, 807-830; Shaunnagh Dorsett and John McLaren (eds) *Legal Histories of the British Empire: Laws, Engagements and Legacies* (New York: Routledge, 2014). My analysis in this paper is driven by the same intuitions as it attempts to unearth alternative spatial concepts that are significant to imperial experiences of governing.

Jewish national home with British officials over large maps in a London office, and of course if they were British policy makers and administrators directly dealing with the management of imperial desiderata or international diplomats attempting to constrain imperial power – everybody understood the language of empire and had to converse in it in order to be intelligible.

But ‘states’ and national ‘jurisdictions’ beyond the confines of (mainly western) Europe, were not a part of the language of empire. Outside of Europe imperial agents saw vast areas, domains and dominions, colonies and protectorates and geographical spheres of influence. They saw territories and populations, not independent jurisdictions and not even nations. Surely, this will soon change, but at the period we are considering, when a 400 year old empire was shaken to the ground, and the victorious powers were to plan what will come in its place, it was large and penetrable geographical areas that they envisioned, and certainly not sovereign territorial states. All new ideas that they had to confront, the principle of self-determination of nations, the idea of no annexation, and the prospect of world peace had to be considered within this broad and open spatial framework.

This study is an attempt to track the details of a proactive and powerful regional image, trespassing state and sovereign boundaries, that was very much alive in the minds of the different actors involved in legally ordering the post-war world. It uses legal and diplomatic texts to uncover a regional moment of international law in the Middle East, a moment in which ‘the region’ was not yet divided into separate jurisdictions behaving according to the prediction of a realist theory of international law.⁷ Instead, it was being constructed by the expression of different layers of landscapes, ‘mental maps’⁸ of possibilities for the reconstruction of vast, non-territorial areas.

⁷ Realist imagery dominates the understanding of regionalism in Middle East politics as Arab politics, it is argued dominantly, ‘best fits the realist view of international politics’ (Joseph Nye, *Understanding International Conflicts: An Introduction to Theory and History* (HarperCollins 1993) 147; ‘The Arab states do not coordinate; to the contrary, they compete. In the foreseeable future, the dominant strategy will be bilateralism, not regionalism or multilateralism’ Aarts, ‘The Middle East: A Region without Regionalism or the End of Exceptionalism?’ (1999) 20 *Third World Quarterly* 911, 921

⁸ For the idea that at that period various western and non-western boundary makers involved in the politics of creating a new world order were designing ‘mental maps’ of ‘virtual macro-spaces’, see Scheffler Thomas, “‘Fertile Crescent’, ‘Orient’, ‘Middle East’: The Changing Mental Maps of Southwest Asia”, (2003) 2/10 *European Review of History* 253, 255. In this period, Scheffler claims, ‘imperialist ambitions, military technology and the availability of printed modern maps had made inventing and engineering new

In the following pages I re-read a set of well-known and well-studied documents that influenced the diplomatic and legal politics on the road to the Palestine Mandate – using them as textual maps that express different images of concrete regional significance. In these documents – the McMahon Hussein Correspondence (June 1915- January 1916), the Sykes Picot Agreement (May 1916), the Balfour Declaration (November 1917), Article 22 of the Covenant of the League of Nations (April 1919), and Mandate for Palestine (July 1922) – a vast territory is being opened, in the minds of their creators and negotiators, for a wide-ranging regional politics: for new ways of rule and for opportunities of influence, for enhanced economic development, for the solution of globalized European problems such as the Jewish problem, and for the promise of a legalized jurisdictional order. Within and between these layers of images the documents’ framers endeavor to reinvent a region in their shape and to ascribe to it normative meaning. The article concludes by suggesting that the regional image projected in the Palestine Mandate, the image of legalized separated jurisdictions, served to close up the vast regional space that was being virtually opened in the confused regional politics that preceded it.⁹

A number of definitional and methodological interventions are immediately required.

First, what is it that I mean by the term ‘region’? The concept is tremendously vague and elastic. Is it a territorial term relating to a geographical area and delineated by geographers? Is it a legal or political term?¹¹ I do not believe that a general definition will

and larger ‘spaces’ a fashionable trade among politicians, geographers and journalists’. *ibid.* He relates it to ‘a trend in Western politico-geographical thought that tended to overwrite the classical geographical distinctions between continents, countries and landscapes (*Großraum*), which powerful actors, such as ‘empires’, ‘civilizations’ or ‘races’, were bound to invest with meaning, histories and functions’ (*ibid.*, 255). Also see Mark Polelle, *Raising Cartographic Consciousness: The Social and Foreign Policy Vision of Geopolitics in the Twentieth Century* (Lexington Books 1999). My analysis uncovers within legal and diplomatic documentation a set of visions that were being expressed while prescribing meaning to such ‘large spaces’.

⁹ This article is a partial and preliminary attempt to uncover the relevant spatial concepts in the minds of the agents involved in negotiating orders in the Middle East in the aftermath of the war. It is partial not only because there were many important concrete spatial and jurisdictional images relevant to the negotiations that had very little to do with the ‘region’ (layers of local as well as global images that are beyond the scope of this paper), but also because the selection of sources in focus here is limited to the most influential and well known documents on the historical trail to the Palestine mandate. It is a background for a future book project, which would attempt a broader categorization of different layers of regional visions on the basis of a larger pool of documents.

¹¹ Scholarly attention to regions is divided over different academic disciplines and sub-disciplines. First, there are the geographers who have been studying different forms of regions for many years (see for

be of particular use for this study; regions are or may become institutional facts, but they are first and foremost ideas, constructions and images that shape the spatial reality of our political and economic life. Abstract definitions of regions are of limited value when in fact what makes regions concrete and real are the content of commitments expressed towards them, and the discursive activities constructing and reconstructing them.¹²

Another contested term that I use in this article when referring generally to ‘the region’, is the ‘Middle East’. The invention and subsequent use of the term ‘Middle East’ was not rooted in historical considerations but corresponded to the strategic needs of western geopolitics.¹⁴ Backed by military power, institutions, and economic incentives, the

example Preston E. James, ‘Towards a Further Understanding of the Regional Concept’ (1952) 42:3 *Annals of the Association of the American Geographers* 195; But regions are commonly understood as more than territorial spaces, they have political, legal and institutional aspects beyond the geographical (Anssi Paasi, ‘The Region, Identity, and Power’ (2011) 14 *Procedia Social and Behavioural Sciences* 9. In international relations studies, attention goes to processes of regional integration (see for example, Mary Farrell, Bjorn Hettne, and Luk Van Langenhove, *Global Politics of Regionalism: Theory and Practice* (Pluto Press 2005)). For a recent overview of these different perspectives, see Timothy M. Shaw, J. Andrew Grant and Scarlett Cornelissen, *The Ashgate Research Companion to Regionalisms* (Ashgate 2012). Economists’ definitions also divide between (supra-national) regional trade arrangements (see, for instance, Walter Mattli, *The Logic of Regional Integration: Europe and Beyond* (Cambridge University Press, 1999), while others focus on (sub-national) regional policies (for example, Rune Dahl Fitjar, *The Rise of Regionalism: Causes of Regional Mobilisation in Western Europe* (London: Routledge, 2010). Sociologists have also looked at regions (Pierre Bourdieu, ‘L’identite’ et la representation. Ele´ments pour une re´flexion critique sur l’ide´e de re’gion’ (1980) 35 *Actes de la recherche et sciences sociales* 63–72). What combines these diverse literatures is the insight that ‘regions are central to our understanding of world politics’ (Amitav Acharya and Alastair Iain Johnston, *Crafting Cooperation: Regional International Institutions in Comparative Perspective* (Cambridge University Press, 2007) 629.

¹² Luk Van Langenhove, ‘What is a Region? Towards a Statehood Theory of Regions’ 19:4 (2013) *Contemporary Politics* 474-90. In regional studies, regions are identified as geographical areas that ‘constitute a distinct entity, which can be distinguished as a territorial subsystem (in contrast with non territorial subsystem) from the rest of the international system’ (Bjorn Hettne and Fredrik Soderbaum, ‘The New Regionalism Approach’ (1998) 17 *Politeia* 6, 9). But for the most part, new approaches to regionalism (NRA) argue that it is best:

to maintain eclectic and open minded definitions of regions, particularly in the lower stages of regionness and as far as their outer boundaries are concerned, which often tend to be the most blurred. There are thus many varieties of regions, with different degrees of regionness. This eclectic understanding of regions is made possible because the problematique of the NRA is not the delineation of regions per se, but rather to determine the role of regions in the current global transformation and analyse the origins, dynamics and consequences of regionalism in various fields of activity; that is, increasing and decreasing levels of regionness. *ibid.*

¹⁴ The term was invented in 1902 by an American navy captain writing about the Persian Gulf in international relations, to describe the area north west of India and to distinguish it from the Near East and the Far East. Roger Adelson, *London, and the Invention of the Middle East: Money, Power and War* (Yale University Press 1995) 1 and pp. 22-6; Scheffler (n 8) 253-72. In an article on ‘The Persian Gulf and International Relations’, published in 1902, Alfred Thayer Mahan (1840–1914), author of a much acclaimed study on *The Influence of Sea Power upon History* (1890), argued that the Russian advances in Central Asia and the projected German Berlin–Baghdad railway, might put Britain’s control of the maritime communication lines between Suez and India in jeopardy. Britain, Mahan argued, would be well advised to secure its control of the Persian Gulf region, a vaguely defined area he referred to as the Middle East: ‘The Middle East, if I may adopt a term which I have not seen, will some day need its Malta, as well

concept became, however, a reality imposed upon and sometimes accepted by the region's political actors.¹⁵ In the period under consideration in this article, however, the term 'Middle East' had not yet evolved to its current use, as a geopolitical concept that influences how governments approach the region in terms of their foreign policy, foreign aid, and military assistance or intervention. Many other terms were used more or less interchangeably, with no clear boundaries, depending on the function of the speech, its tone and the speaker's affiliation: the 'Near East', 'Asiatic Turkey', 'Asia Minor,' 'Arabia,' the 'Fertile Crescent', the 'Orient' are only a number of them.¹⁶ In that sense the 'Middle East' is an anachronistic concept that I use for convenience, not accuracy, while fully aware that it is a complicated and changing term with conflicting definitions. However, as the term becomes more and more of regular usage, conflated with Islamic extremism on the one hand and the Arab Spring on the other – it is even less clear today where exactly the 'Middle East' is located, if it is a valid way to conceptualize and understand this region, and what are the impact and consequences of this abstract category and its use?

Methodologically this article conforms, at least partially, to a constructivist approach that asks how agents and the structures of their activities and their narratives are involved in processes of creation and reproduction - that is how structure, broadly defined, shapes the nature of ideas and of actors' capacities, how their interaction is constrained by that structure and at the same time serves to either reproduce or transform that structure.¹⁷ The spatial, geographic narratives that are expressed in the documents analyzed here are structures that shape the interaction between the agents involved in negotiating a new world order during and towards the end of the war. In turn their interaction transforms these structures ultimately reproducing a rather stable construction in the Palestine Mandate. The diverse and layered regional images are expressed here as horizons of

as its Gibraltar (...). The British Navy should have the facility to concentrate in force, if occasion arise, about Aden, India, and the Gulf'. (Alfred Mahan, 'The Persian Gulf and International Relations' September 1902 *National Review* (London), 27, 27–28).

¹⁵ Scheffler (n 8) 253. Also see Michael Bonine, Abbas Amanat and Michael Gaspe (eds) *Is There a Middle East?: The Evolution of a Geopolitical Concept* (Stanford University Press 2012) Introduction.

¹⁶ James Renton, 'Changing Languages of Empire and the orient: Britain and the invention of the Middle East' (2007) 50 *The Historical Journal* 645-667; Scheffler (n 8).

¹⁷ Nicholas Onuf, *World of Our Own Making* (University of South Carolina press 1989); Alexander Wendt, *Social Theory of International Politics* (Cambridge University press 1999); Emanuel Adler, 'Seizing the Middle Ground: Constructivism in World Politics' (September 1997) 3 *European Journal of international relations* 319.

political possibility for regional reconstruction. The subsequent construction expressed in the Palestine Mandate, however, of a region legally divided into separate jurisdictions, effectively replaced these layers to such an extent that we are today unaware of there ever existing other regional imaginations and over pessimistic as to the possibilities of regional cooperation in the Middle East.¹⁸

The Middle East was reconstructed in the years leading to the Palestine Mandate and especially in the years that followed as a region of nations awaiting independence. At the same time the regional images that pre-existed the new world order faded away in the turmoil, violence, hope and distress that this new order initiated. Waned and faded away until very little was left of them and ‘the region’ was and still is imagined as a failure of trade and coordination. It is, in that sense, still waiting to be reconstructed in ways more viable and more beneficial to its own population.

2. The McMahon-Hussein Correspondence – A Vast Territory Opening Up for Rule

The McMahon-Hussein Correspondence (July 1915- March 1916) consists of a number of letters exchanged between Sir Henry McMahon, the British high commissioner in Egypt, and Sharif Hussein, the custodian of the holy cities of Mecca and Medina. Very early on, the correspondence became the subject of conflicting interpretations and for more than half a century it ‘haunted Anglo-Arab relations’.¹⁹ The correspondence became part of the Palestine dispute, as Arab leaders, commentators and delegates to the Palestine

¹⁸ For an exception to the pessimistic realist approach to regional relations in the Middle East see Albert Hourani, ‘How Should We Write the History of the Middle East’ (1991) 23:1 *International Journal of Middle Eastern Studies* 133; and Michael Barnett, *Dialogues in Arab politics: negotiations in Regional Order* (Columbia University Press, 1998) who applies a constructivist narrative approach to show that Arab politics is organized according to ongoing negotiations about the desired regional order. States and non-state agents can be understood as engaged in a never ending process of negotiating the norms that are to govern their relations. Regional order in his view emerges not only because of stable correlation of military forces but also because of stable expectations and shared norms. The article subscribes to such an approach.

¹⁹ Elie Kedourie, *In the Anglo-Arab Labyrinth: The McMahon-Husayn Correspondence and Its Interpretations, 1914–1939* (Routledge 2000) 3. The book documents the genesis and interpretations of the McMahon-Hussein correspondence. The full text of the correspondence (consisting of ten letters) could be found online at: <http://www.jewishvirtuallibrary.org/jsource/History/hussmac1.html> (hereinafter: The McMahon-Hussein Correspondence).

conferences of 1938-1939, claimed that in it McMahon promised Palestine to the Sharif.²⁰

When McMahon and Hussein were secretly writing to one another in 1915-16, the Balfour Declaration was not yet written; there was no mandate in Palestine and no dispute between British, Zionists and Arabs over the control of Palestine. The letters were a part of a different story of Arab-British war-time diplomacy. The correspondence therefore cannot be properly understood as the first step in the dispute over the future of Palestine. It is, however, a part of broader regional politics that was overshadowed by the later conflict. In the following I claim that the intense debates over the wording of the documents, lawyerly in their essence,²¹ conceal in their focus on the later national controversy, an important aspect of pre-mandate diplomacy: the broad perspectives that the authors rather naturally held with regards to the 'region'.

The first letter, dated 14 July, was written by Abdullah, the second son of the Sharif and addressed to Ronald Storrs, oriental secretary at the British residency in Cairo. In it the British were asked to acknowledge: (1) Arab independence in an extensive territory, (2) Britain's responsibility for the defense of this independent realm and (3) British approval of a proclamation of an 'Arab Kalifate of Islam'.²² The area that was announced by Abdulla engulfed the Levant, Mesopotamia and Arabia, a fantastically large portion of territory. 'England will acknowledge', the Sharif demanded, 'the independence of the

²⁰ Details of the correspondence were first made public less than a year after the end of the war by *The Daily Telegraph* (signed by the journalist Perceval Landon, but actually written by T.E. Lawrence. In 1923 a full account was published in a book by J. de V. Loder, *The Truth about Mesopotamia Palestine and Syria*. In 1934, the text was published in Arabic in a work by Amin Sa'id. In 1938 most of the letters were first published in English in the appendix to George Antonius' book, *The Arab Awakening* (H. Hamilton, 1938). The British government refused to officially publish the letters, until 1939, when it came out in a white paper. Kedourie (n 18) 3.

²¹ In the words of Elie Kedourie, 'as lawyers, say, would argue over the wording of a contract or the proper construction of a statute' *ibid* 4.

²² In 1914 Amir Abdullah contacted Storrs in Cairo (through Lord Kitchener, then Consul General in Egypt) to request British support for an Arab revolt against the Turks. This plea was answered cautiously by the British Government, who at that time was still exercising friendly relations with the Ottoman Empire, under the pre-war conception that Ottoman rule over the Levant will prevent an escalation of European Imperialism in the Near East. Six months later when war broke out and as the Sultan proclaimed a Jihad against the British Government, Lord Kitchener approached Abdullah to induce him to support an Arab revolt (see Kedourie (n 18) 17-19); for more on the pre-McMahon Hussein diplomacy between Cairo, Mecca and London see *ibid* 3-31). In December 1914 another letter composed by Storrs addressed as a 'Proclamation to the natives of Arabia and the Arab Provinces' read: 'This is a message of peace and consolation from the Empire of Great Britain to the Natives of Arabia, Palestine, Syria, and Mesopotamia – the Countries lying between the Red Sea, Bahr El Arab, Persia Gulf, frontiers of Persia and Anatoli[a] and the Mediterranean Sea' (see quoted *ibid*. 22).

Arab countries, bounded on the north by Mersina and Adana up to the 37th degree of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn 'Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina. England to approve the proclamation of an Arab Khalifate of Islam'.²³

After another short exchange in which McMahon attempted to delay the recognition of these boundaries²⁴; and Hussain strongly protested,²⁵ finally, on 24 October McMahon writes back, approving with some specific limitations, the territorial horizon asked for:

The two districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab, and should be excluded from the limits demanded.

With the above modification, and without prejudice of our existing treaties with Arab chiefs, we accept those limits.

As for those regions lying within those frontiers wherein Great Britain is free to act without detriment to the interest of her ally, France, I am empowered in the name of the Government of Great Britain to give the following assurances and make the following reply to your letter:-.²⁶

And here the British recognize Arab independence, guarantee the inviolability of the holy places, give the Arabs advice and assist them in “what may appear to be the most suitable forms of government in those various territories”, they also require that the Arabs seek

²³ The McMahon-Hussein Correspondence (n 18) translation of a letter dated 14 July 1915. For an illustration of the breadth of this macro space see Figure 1.

²⁴ ‘With regard to the questions of limits and boundaries, it would appear to be premature to consume our time in discussing such details in the heat of war, and while, in many portions of them, the Turk is up to now in effective occupation’. McMahon-Hussein correspondence (n 18) translation of a letter from McMahon to Hussein dated 30 August 1915.

²⁵ ‘As the limits and boundaries demanded are not those of one person whom we should satisfy and with whom we should discuss them after the war is over, but our peoples have seen that the life of their new proposal is bound at least by these limits and their word is united on this’. McMahon-Hussein correspondence (n 18) translation of a letter from Hussein to McMahon, dated 9 September 1915.

²⁶ McMahon-Hussein correspondence (n 18), translation of a letter from Hussein to McMahon, dated 24 October 1915.

advise from Britain only and recognize its interests and its position in Bagdad and Basra where it envisions British administration.²⁷

And thus unrolls the first regional image in our story, a vast continental territory designated for Arab independence, to which the British reluctantly adhere specifying limited exceptions informed by specific commitments that they hold, towards the French and Arab Chiefs.²⁸

What was the basis for such a broad territorial demand? How could the Emir of Mecca, a rather ambitious Ottoman nominated administrator (guardian of the holy cities of Mecca and Medina), demand in the name of ‘the Arab nation’ a protected rein over a massive span of territory and its, arguably homogenous population? A further inquiry into the spatial, territorial perceptions that the British and the Arabs conveyed in the pre-correspondence negotiations may clarify that.

In September 1914, the intelligence department of the Egyptian war office in Cairo produced a paper titled, ‘Appreciation of Situation in Arabia’. The paper stressed the Turkish government’s declining authority and its difficulty to keep the country quiet: ‘There seems little doubt that there has been a distinct tendency towards combination on the part of the more powerful chiefs such as: Ibn Sa’ud of Nejd, the Idrisi of Asir, the Sharif of Mecca, and possibly also Ibn Rashid, with a view to throwing off the Turkish domination and working towards Arabia for the Arab’.²⁹ The paper warns that the Ottoman government ‘has made great efforts to come to an arrangement with the principal Chiefs in Arabia in order to secure, if not their active assistance, at least their friendly neutrality...In any case it seems almost certain... that the Sharif of Mecca has now definitely thrown in his lot with Turkey’. This paper was designed to sound an alarm over Ottoman activities in Arabia and to push British policy towards greater involvement therein.

This warning was already lurking in the imagination of British policy makers on 31 October 1914 – the day of the formal declaration of war between Britain and the Ottoman Empire. That day, Lord Kitchener, drafted a message (approved by Foreign Secretary, Sir

²⁷ *ibid.*

²⁸ Kedourie (n 18), Renton (n 15).

²⁹ Kedourie (n 18) 13.

Edward Grey) to Abdullah attempting to persuade him, as a representative of the Arab Nation, to assist England in the war:

If the Arab nation assist England in this war that has been forced upon us by Turkey, England will guarantee that no internal intervention takes place in Arabia, and will give Arabs every assistance against external foreign aggression. It may be that an Arab of true race will assume the Khalifate at Mecca or Medina, and so good may come by the help of God of all the evil that is now concurring.³⁰

This message already contains a very wide, far reaching perception of the Mecca caliphate to include the Arabs, or the 'Arab nation'; That the image of an Arab caliphate is brought up by Kirschner, unsolicited by the Sharif, shows that the war unlocked in the mind of the British, a wide range of regional threats and possibilities.

The letter that transmitted this message (dated 1st November 1914) went even further. Apart from a promise to guarantee independence from external aggression, in particular the Ottoman, and wishes for a 'true Arab race' caliphate, the letter also promises to replace Turkey with the Arab nation in religious recognition:

Till now we have defended and befriended Islam in the person of the Turks; henceforward it shall be in that of the noble Arab.... It would be well if Your Highness could convey to your followers and devotees, who are found throughout the world, in every country, the good tidings of the freedom of the Arabs, and the rising of the sun over Arabia.³¹

The stress in this letter is on a wide and general Arab movement of which the Sharif was the head. It is read as an unqualified expression of support for an already existing movement and an Arab caliphate, led by the Emir Hussein, to replace the Ottoman Empire - in return for Arab support in the English war. In the reply to the letter, Hussein asserted openly that the Ottoman caliphate no longer existed³² and in a letter to Storrs Abdulla informed that he is taking the letter of 1 November as a basis for action and 'a reference for the present and the future'.³³

On December 4 1914, another British letter, in a proclamation form, was authored in London:

³⁰ F.O. 371/2139, 65589/44923. *ibid.* 18.

³¹ F.O. 371/1973, 87396; *ibid.* 19. Probably written by Storrs.

³² F.O. 371/2139, 81133/44923. *ibid.*, x

³³ *ibid.*

This is the message of peace and consolation from the Empire of Great Britain to the natives of Arabia, Palestine, Syria, Mesopotamia – the countries lying between the Red Sea, Bahr El Arab, Persian Gulf, frontiers of Persia and Anatolia and the Mediterranean Sea. The Government of Great Britain informs you hereby that she has decided not to attack you or initiate war against any of you – nor does she intend to possess any part of your country neither in the form of conquest and possession, nor in the form of protection or occupation.

If the Arabs were to get rid of the Turks ‘and take the reins of the Government of their country into their hands, we will give up those places for them, at once’. Great Britain, the proclamation added, ‘had always defended the caliphate, even if it was a caliphate of conquest and necessity, as the Turkish Kaliphate’. The Arabs, the proclamation went on, ‘are more powerful than the Turks in the administration of the government and are better prepared to uphold the elements of progress and civilization’...

The Government of Great Britain therefore, promises you help if you help yourselves and take steps to establish an Empire for the Khalifate to administer your vast countries and she should not require of you in return to help in fighting the Turks or others, but she wishes you to work for yourselves and unite in serving your cause and interests.³⁴

Not only that this proclamation imagines a unified Arab nation in its ‘vast countries’, it also independently of any requests by the Husseins, suggest the boundaries that would soon figure in the correspondence. British propaganda addresses its proclamations, not simply to the Arab nation, not to the natives of Hijaz, but to those occupying the vast landscape that is soon to be opened up for a new type of rule: Arabia, Palestine, Syria, Mesopotamia, borderless territories stretching out across the open landscapes that lie between the Red Sea, Bahr El Arab, Persian Gulf, frontiers of Persia and Anatolia and the Mediterranean Sea. And so, the British, imagining the threat of unified Arab chiefs roaming the Ottoman territory in support of the Turks, reframe that same territory, in an attempt to promise them independent and religious rule, a real caliphate of truth, to replace the caliphate of necessity, and a new empire to replace the old.³⁵

³⁴ F.O. 141/170 file 3156 (in Kedoury (n 18) 22).

³⁵ Another indication of British enthusiasm to attract the Emir, but also of Britain’s perception that his caliphate is expected to replace the Ottoman Empire and be vast in territory, and in representation was expressed in the instructions given by Edward Grey (under Asquith’s approval) – to McMahon (14 April)

In these grand promises the British did not earnestly recognise a concrete Arab sovereign state to be independent in its broad acknowledged territory. They used, sometimes carelessly and often intentionally, broad and vague concepts to lure their interlocutors to favor British promises over Turkish and German ones. Storrs for example was very clear in a telegram, responding to an Arabic leaflet (probably from 14 May 1915) when he explained that the grand concepts were not serious indications to British commitments:

‘The expression “Arab Empire”, “Kingdom”, “Government”, “Possessions” etc. is used throughout the Sharifial correspondence, on both sides, in a general and undefined sense: and is variously rendered by the words Hukuma (Government) Mamlaka (Possessions) and Dawla (Power, Dynasty, Kingdom). Neither from these terms, nor from any phrase employed by H.M.G. throughout the negotiations, is it possible to elaborate any theory as to the precise nature of this vaguely adumbrated body...’³⁶

But there were many in the government who were less light-hearted about these commitments. ‘I doubt if the Foreign Office quite realizes wherein the caliphate consists and what it implies’, commented Sir Thomas Holderness of the India office, ‘Unlike the Papacy it must, if it to be more than an empty claim, have extensive temporal empire’. And the secretary of state, Lord Crew observed, ‘It is dangerous to mix up the Kalifate and the Sharifate or to suppose that the latter can be easily transformed into the former’.³⁷ And in fact even the eagerness to lure the Arabs was not consistent, as during this period, the British policy was shaky at best. On December 16, Grey minuted in his reaction to a French Embassy report on the Arab revolt and the proclamation of an Arab Caliphate (which he approved): ‘We must not stir the dangerous question of the caliphate’.³⁸

To be sure the claim in this section was not that the British envisioned an independent Arab territory exercising state-like sovereignty in a defined jurisdiction; their promises were vague and they quite consciously moved between different visions of rule that will occupy the vast terrain (kingship, suzerainty, caliphate, empire, were just a few of them).

to let it be known, if he thinks it desirable, ‘[T]hat his Majesty’s Government will make it an essential condition of any terms of peace that the Arabian Peninsula and its Muslim holy places should remain in the hands of an independent sovereign Moslem State’. *ibid*, 23.

³⁶ F.O. 141/461, file 1198. *ibid* 25.

³⁷ *ibid* at 31.

³⁸ F.O. 371/2147, 87764; *ibid* 28-29.

Instead, I claim that they were negotiating, as were their Arab counterparts, under the assumption that Turkish Asia, a large and vague territory is going to open up for new types of rule.

3. The Sykes-Picot Agreement: A Region Opening-Up for Development

On May 16, 1916, Great Britain and France concluded a secret agreement commonly and unofficially, known as the ‘Sykes-Picot Agreement’.³⁹ The Agreement divided Ottoman territory into British and French spheres of influence. Key provisions included the partition of the entire Fertile Crescent into several zones, which influenced directly the eventual delineation of most of the other areas of former Ottoman Arab lands.⁴⁰ Neither the British-French Agreement, nor the rather arbitrary delineations on maps affixed to the Treaty were known to the Arabs when the Arab Revolt began, with the military and financial support of Great Britain, on June 10, 1916. The agreement was kept secret because the role Britain and France hoped to reserve for themselves would have angered the Arabs and jeopardized their collaboration, but Tsarist Russia have been kept informed. When the Bolsheviks came to power they published the document, and on 26 November 1917 it was printed in the Manchester Guardian.⁴¹

The publication of the secret agreement startled Arab leaders and many in the western world, and is until today considered a classic mark of imperial dishonesty and betrayal. It had, no doubt, an immense impact on both British need to reassert legitimacy vis-a-vis the Arabs and through its implementation in the mandate system, on eventual

³⁹ Available on the United Nations site:

<http://unispal.un.org/unispal.nsf/0145a8233e14d2b585256cbf005af141/232358bacbeb7b55852571100078477c?OpenDocument>

⁴⁰ ‘1. That France and Great Britain are prepared to recognize and protect an independent Arab state or a confederation of Arab states (a) and (b) marked on the annexed map, under the suzerainty of an Arab chief. That in area (a) France, and in area (b) Great Britain, shall have priority of right of enterprise and local loans. That in area (a) France, and in area (b) Great Britain, shall alone supply advisers or foreign functionaries at the request of the Arab state or confederation of Arab states. 2. That in the blue area France, and in the red area Great Britain, shall be allowed to establish such direct or indirect administration or control as they desire and as they may think it to arrange with the Arab state or confederation of Arab states. 3. That in the brown area there shall be established an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other allies, and the representatives of the sheriff of Mecca’. (Sykes-Picot Agreement, 1-3).

⁴¹ On 23 November 1917 *Pravda* and *Izvestia* began to publish the secret agreements including the various plans to partition the Arab provinces of the Ottoman empire and the proposal to hand over Constantinople and the Straits to Russia. See James Bunyan and Harold Fisher, *The Bolshevik Revolution 1917–1928: documents and materials* (Stanford University Press) 24.

jurisdictional boundaries in the Middle East.⁴² But these dramatic implications obscure another aspect of the Sykes-Picot Agreement that its secrecy made possible. Since it was not intended for publication, the drafters of the document were quite free to express through this document true imperial sentiment. By that I do not necessarily mean their greed and exploitation, accompanied by disregard to native aspirations. These are obviously expressed in the document and are manifested in its commonplace interpretations. Instead I mean to refer to a powerful imperial image of a region that is opening up for innumerable future possibilities for development.

France and Britain opened the region's map and drew lines. They surveyed the territory as a vast and open space available for division among them of course, but also for many other sorts of productive activities. What, in the minds of its imperial architects, was this massive territory capable of? What could it contain? The list of the activities that the agreement superimposes on the map is long and ambitious. Among others, the region is being opened to: protection of independent indigenous rule,⁴³ enterprise and local loans,⁴⁴ the supply of expertise,⁴⁵ the establishment of direct and indirect administration or control,⁴⁶ and the conduct of international⁴⁷ and regional⁴⁸ relations.

⁴² For a detailed description of the impact on Anglo-Arab relations see Kedourie (n 18) 159-184. Jukka Nevakivi, *Britain, France and the Arab Middle East, 1914-1920* (Athlone, 1969); For the Impact of the agreement on the shape of subsequent borders and regional relations see: Fawcett (n 3).

⁴³ 'That France and Great Britain are prepared to recognize and protect an independent Arab states or a confederation of Arab states'. (1)

⁴⁴ 'That in area (a) France, and in area (b) Great Britain, shall have priority of right of enterprise and local loans'. (1)

⁴⁵ 'That in area (a) France, and in area (b) Great Britain, shall alone supply advisers or foreign functionaries at the request of the Arab state or confederation of Arab states'. (1)

⁴⁶ 'That in the blue area France, and in the red area Great Britain, shall be allowed to establish such direct or indirect administration or control as they desire and as they may think fit to arrange with the Arab state or confederation of Arab states'. (2)

⁴⁷ With Russia: 'That in the brown area there shall be established an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other allies, and the representatives of the sheriff of Mecca'. (3) But also with Italy and Japan: 'the conclusion of the present agreement raises, for practical consideration, the question of claims of Italy to a share in any partition or rearrangement of Turkey in Asia, as formulated in Article 9 of the agreement of the 26th April, 1915, between Italy and the allies. His Majesty's government further consider that the Japanese government should be informed of the arrangements now concluded'. (See the eschatocol).

⁴⁸ 'It shall be agreed that the French government will at no time enter into any negotiations for the cession of their rights and will not cede such rights in the blue area to any third power, except the Arab state or confederation of Arab states, without the previous agreement of His Majesty's government, who, on their part, will give a similar undertaking to the French government regarding the red area'. (9) 'The British and French government, as the protectors of the Arab state, shall agree that they will not themselves acquire and will not consent to a third power acquiring territorial possessions in the Arabian peninsula, nor consent to a

But this broad territorial space can also accommodate much more detailed, administrative and governmental constructions: the expansion and emancipation of ports,⁴⁹ the establishment of trade and transportation norms, and their harmonization over the territory,⁵⁰ the transfer of water,⁵¹ the negotiation with allies over neighboring territories,⁵² the establishment of railroads and the control over their path,⁵³ the monopolization of rail routes and their distribution according to economic needs,⁵⁴ the transportation of troops,⁵⁵ the control over rates of customs and tariff,⁵⁶ the regulation of custom barriers between the different zones and into the area,⁵⁷ and arms control.⁵⁸

third power installing a naval base either on the east coast, or on the islands, of the red sea. This, however, shall not prevent such adjustment of the Aden frontier as may be necessary in consequence of recent Turkish aggression'. (10); 'The negotiations with the Arabs as to the boundaries of the Arab states shall be continued through the same channel as heretofore on behalf of the two powers'. (11)

⁴⁹ 'That Alexandretta shall be a free port as regards the trade of the British empire, and that there shall be no discrimination in port charges or facilities as regards British shipping and British goods.... That Haifa shall be a free port as regards the trade of France, her dominions and protectorates, and there shall be no discrimination in port charges or facilities as regards French shipping and French goods.... There shall be freedom of transit for French goods through Haifa and by the British railway through the brown area, whether those goods are intended for or originate in the blue area, area (a), or area (b), and there shall be no discrimination, direct or indirect, against French goods on any railway, or against French goods or ships at any port serving the areas mentioned'. (5)

⁵⁰ 'There shall be freedom of transit for British goods through Alexandretta and by railway through the blue area, or (b) area, or area (a); and there shall be no discrimination, direct or indirect, against British goods on any railway or against British goods or ships at any port serving the areas mentioned' – and repeated for France in its areas (4)

⁵¹ '... guarantee of a given supply of water from the Tigres and Euphrates in area (a) for area (b)'. (4)

⁵² 'His majesty's government, on their part, undertake that they will at no time enter into negotiations for the cession of Cyprus to any third power without the previous consent of the French government'. (4)

⁵³ 'That in area (a) the Baghdad railway shall not be extended southwards beyond Mosul, and in area (b) northwards beyond Samarra, until a railway connecting Baghdad and Aleppo via the Euphrates valley has been completed, and then only with the concurrence of the two governments'. (6)

⁵⁴ 'That Great Britain has the right to build, administer, and be sole owner of a railway connecting Haifa with area (b)... It is to be understood by both governments that this railway is to facilitate the connection of Baghdad with Haifa by rail, and it is further understood that, if the engineering difficulties and expense entailed by keeping this connecting line in the brown area only make the project unfeasible, that the French government shall be prepared to consider that the line in question may also traverse the Polgon Baniyas Keis Marib Salkhad tell Otsda Mesmie before reaching area (b)'. (7)

⁵⁵ 'That Great Britain ... shall have a perpetual right to transport troops along such a line at all times'. (7)

⁵⁶ 'For a period of twenty years the existing Turkish customs tariff shall remain in force throughout the whole of the blue and red areas, as well as in areas (a) and (b), and no increase in the rates of duty or conversions from ad valorem to specific rates shall be made except by agreement between the two powers'. (8)

⁵⁷ 'There shall be no interior customs barriers between any of the above mentioned areas. The customs duties leviable on goods destined for the interior shall be collected at the port of entry and handed over to the administration of the area of destination'. (8)

⁵⁸ 'It is agreed that measures to control the importation of arms into the Arab territories will be considered by the two governments'. (12)

This is a startling example of imperial regionalism. In secret, when the Empire can speak freely it sees the world as divided into regions, to be opened up, for influence, for a variety of activities of protection, control, development, political and administrative creation, and for detailed engineering of space and populations. In fact, when we read the Sykes-Picot agreement as an expression of imperial sentiment for regional development, it may be easier to understand why the British did not see an explicit contradiction between their promises to the Arabs and their commitments to the French. Indigenous self-rule is just one developmental goal that they commit to as part of their regional strategy. An agreement with the French on its terms and boundaries is necessary in order to manage the political landscape that will enable it.⁵⁹

4. The Balfour Declaration (November 1917) – A New Home for A European Problem

On the face of it, the Balfour Declaration - stating in November 1917 that the British government ‘view with favour the establishment in Palestine of a national home for the Jewish people, and will use its best endeavours to facilitate the achievement of this object’ – is devoid of any concrete regional vision.⁶⁰ From the viewpoint of almost 100 years of national conflict that it arguably initiated, it is seen to express a strictly territorial politics with no regional significance: The Jews wish to establish a national home within the limited jurisdictional boundaries of Palestine, and the British Empire will help them achieve that purpose while protecting the rights of local communities. The vast landscape that we saw in the McMahon-Hussein correspondence and in the Sykes-Picot Agreement seem to vanish as the focus moves to the much more constrained (and modest) map of ‘Palestine’.⁶¹

⁵⁹ Jukka Nevakivi sees the Sykes-Picot Agreement as a direct continuation of British attempts to manage their relations with the Arabs (Nevakivi, (n 41) 22-26).

⁶⁰ The British Government, ‘The Balfour Declaration’ 2 November 1917 (hereinafter: the Balfour Declaration); available online: http://avalon.law.yale.edu/20th_century/balfour.asp; The official text continues: ‘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 Jews in any other country’.

⁶¹ The territoriality of ‘Palestine’, however, was at the time of the Declaration highly ambiguous to the effect that the image expressed is actually devoid of any specific bounded significance. ‘Where exactly is Palestine?’ was a question that no one could straightforwardly answer, not even the Zionists. Under Turkish rule Palestine was not a geo-political, nor an administrative unit. Moreover, both Zionists and Arabs had quite divergent and vague notions of the territorial extent of ‘Palestine’. For example, The King Crane Commission that conducted interviews in former Ottoman territories in 1919 in order to inform American

A closer look at the political context of the declaration may nonetheless uncover here too a distinct and broad regional image that is active in the document but obscured by its traditional place in the historiography of the conflict. Here a new and promising geographical space was being opened for the solution of the Jewish question, an urgent and painful European problem that is at the same time being globalized.

The idea that a territorial space within the framework of empire could be an effective solution to Europe's Jewish question animated Zionist leaders already in the early days of the movement. In his 1876 program, *The Jewish State*, Theodore Hertzl directly pleads to the European empires: 'Let sovereignty be granted us over a portion of the globe large enough to satisfy the rightful requirements of a nation; the rest we shall manage for ourselves'.⁶² The sovereignty that he calls for seems like a stage of emancipation – only not in Europe, but in the European territories or in those territories under their influence. He suggests a way for the European governments to rid of their Jewish problem by exporting it to the colonies while at the same time promoting their development goals in those territories. The benefit is described on a large scale – a solution to a European problem, advancement of European interests in the territories, local and regional development with the assurance that the neighboring countries will also enjoy its added value:

The Society of Jews will negotiate with the present masters of the land, putting itself under the protectorate of the European Powers, if they prove friendly to the plan. We could offer the present possessors of the land enormous advantages, assume part of the public debt, build new roads for traffic, which our presence in the country would render necessary, and do many other things. The creation of our State would be beneficial to adjacent countries, because the

policy about the region's people and their desired future, indicated that both Christians and Muslims do not separate Syria from Palestine and that Jews talk about Palestine together with 'Transjordan'. The King-Crane Commission Report, 28 August 1919 (Available Online: <http://www.hri.org/docs/king-crane/>)

⁶² Theodore Herzl, *The Jewish State* (1876) Chapter 2, The Jewish Question, Available online http://www.zionism-israel.com/js/Jewish_State_Chapter_2.html

cultivation of a strip of land increases the value of its surrounding districts in innumerable ways.⁶³

Herzl draws a grandeur image of the role of the Jews in the region. They are not coming there to occupy a small land and live discretely, they are coming with ‘marvelous potency’ to manage, in the interest of the European Powers and the possessors of the land, vast issues. They will regulate the whole finances of the Turks. They will form a European fortification of Europe ‘against Asia, an outpost of civilization as opposed to barbarism’.⁶⁴ They will remain in contact with Europe and live under its guaranteed protection. They will be a sanctuary of Christendom with an extra-territorial status. They will develop the country and the region.⁶⁵

As the Zionist movement developed, the idea of a colonial solution to the Jewish question continued to arouse the imagination of its leaders. The Jewish question is described as a universal problem that needs solution on a universal platform - it makes sense that the colonized territories would be also incorporated in the solution; as Dov Ber Borochoy, one of the founders of the Zionist labor movement, explained in 1906: ‘The Jewish problem migrates with the Jews. Thus a universal Jewish problem is created which involves not only Jewish philanthropists but also the political powers of the civilized nations’.⁶⁶

When the war with Turkey was declared, Zionist leaders saw an opportunity to realize their aspirations. Chaim Weizmann, then a prominent Zionist leader and soon after President of the English Zionist Federation, recalled that in December 1914, when he met Lloyd George (then Chancellor of the Exchequer) and Herbert Samuel (then MP and

⁶³ *ibid.*

⁶⁴ *ibid.*

⁶⁵ “Palestine is our ever-memorable historic home. The very name of Palestine would attract our people with a force of marvelous potency. If His Majesty the Sultan were to give us Palestine, we could in return undertake to regulate the whole finances of Turkey. We should there form a portion of a rampart of Europe against Asia, an outpost of civilization as opposed to barbarism. We should as a neutral State remain in contact with all Europe, which would have to guarantee our existence. The sanctuaries of Christendom would be safeguarded by assigning to them an extra-territorial status such as is well-known to the law of nations. We should form a guard of honor about these sanctuaries, answering for the fulfillment of this duty with our existence. This guard of honor would be the great symbol of the solution of the Jewish question after eighteen centuries of Jewish suffering”. *ibid.*

⁶⁶ Borochoy, *The Poalei Tzion Platform*, 1906 (Available Online: [http://www.zionism-israel.com/hdoc/Poalei Tziyon_1906.htm](http://www.zionism-israel.com/hdoc/Poalei_Tziyon_1906.htm))

President of the Local Government Board), the latter said that he was preparing a memorandum for the Prime Minister (Asquith) on the subject of a Jewish State in Palestine.⁶⁷

But the Balfour Declaration, almost two years later, was the immediate outcome less of Zionist propaganda that Samuel echoes in his memoranda, and more of British wartime propaganda. 1917 was a critical year for the allies. The Russian Revolution weakened the struggle against Germany in the east and German troops were about to transfer from Russia to the western front.⁶⁹ On June 13, Ronald Graham, assistant under secretary of state for foreign affairs, submitted in a memorandum to Lord Hardinge, permanent under secretary of state for foreign affairs, that:

(...) the moment has come when we might meet the wishes of the Zionists and give them an assurance that His Majesty's Government are in general sympathy with their aspirations. This might be done by a message from the Prime Minister or Mr. Balfour to be read out at a meeting which could be arranged for at any time. Such a step would be well justified by the international political result it would secure.⁷⁰

⁶⁷ Chaim Weitzmann, *Trial and Error* (Jewish Publication Society of America 1949) p. 192. In fact Samuel wrote three. In January 1915 he submitted the first: "The course of events opens a prospect of change, at the end of the war, in the status of Palestine. Already there is a stirring among the twelve million Jews scattered throughout the countries of the world. A feeling is spreading with great rapidity that now, at last, some advance may be made, in some way, towards the fulfillment of the hope and desire, held with unshakable tenacity for eighteen hundred years, for a restoration of the Jews to the land to which they are attached by ties almost as ancient as history itself... It is hoped that under British rule facilities would be given to Jewish organizations to purchase land, to found colonies, to establish educational and religious institutions, and to spend usefully the funds that would be freely contributed for promoting the economic development of the country. It is hoped also that Jewish immigration, carefully regulated, would be given a preference so that in course of time the Jewish people, grown into a majority and settled on the land, may be conceded such degree of self-government as the conditions of that day may justify". Pro. CAB 37/123/43. Ingrams (n 1) 5.

⁶⁹ James Renton, *Flawed Foundations: 'The Balfour Declaration and the Palestine Mandate'* in Rory Miller (ed), *Britain, Palestine and Empire, The Mandate Years* (Ashgate, 2010)

⁷⁰ PRO.FO. 371/3058; Ingrams (n 1) 8-9

And Arthur Balfour, foreign secretary for Lloyd George wartime administration minuted on the document: ‘I have asked Ld Rothschild and Professor Weizmann to submit a formula’.⁷¹

Curiously, the quick process that followed and culminated in the Balfour Declaration of November 2nd, had nothing to do with actual British policy plan for the post-war future of Palestine. In fact, in those critical war months of the second part of 1917, the British had no such plans.⁷²

The principal aim of the declaration was to win the allegiance of world Jewry for the Allied cause, especially in the US and in Russia, under the false assumption that the Jews were predominantly Zionists and that they wielded great influence in American society and politics and among the Russian revolutionary circles.⁷³ If the Jews could be persuaded that the entente was committed to securing their interests, then the British government would win a powerful pro-war ally wherever Jews were to be found.⁷⁴ The belief that Jews were both Zionist and powerful stemmed not only from anti-Semitic myths but also from a trend in the British foreign office circles of viewing ethnic groups as powerful races focused on the goal of self-determination.⁷⁵ This trend resulted in a series of nationalist propaganda policies during the war that were designed to win over racial power in the US and Russia predominantly. A Jewish Section in the Department of Information was set up in December 1917 with a far reaching propaganda operation using press, pamphlets, books and films.⁷⁶ The aim of these operations were not to actually develop the national movement but to win “the imagined global war asset of Jewish power”;⁷⁷ there was no discussion of whether support for Zionism will secure British interests in Palestine, because there were no definite plans for British control over Palestine, nor was there a clear policy for the future of the Middle East as a whole.⁷⁸

⁷¹ *ibid.*

⁷² Renton, (note 66) 16, 18-19. Also see: John J. McTague, *British Policy in Palestine, 1917-1922* (University Press of America 1961) 240; Leonard Stein, *The Balfour Declaration* (Simon and Schuster 1961); Malcolm Yapp, ‘The Making of the Palestine Mandate’ (1995) 1 *Middle Eastern Lectures* 9.

⁷³ Mark Levene, ‘The Balfour Declaration: A Case of Mistaken Identity’, (January 1992) 107/422 *English Historical Review* 54-77.

⁷⁴ More on the assumptions behind the British Zionist wartime Policy see James Renton, *The Zionist Masquerade: The Birth of the Anglo-Zionist Alliance, 1914-1918* (Palgrave Macmillan 2007) 1-22.

⁷⁵ *ibid* 23-42; Also see - Jacob Norris, *Land of Progress: Palestine in the Age of Colonial Development, 1905-1948* (Oxford University Press, 2013) 63-91.

⁷⁶ *ibid*, chapter 5.

⁷⁷ Renton (n 66) 18.

⁷⁸ *ibid.* 19. Also see John Fisher, *Curzon and British Imperialism in the Middle East 1916-1919* (Or 1999).

Corresponding with the principal aim of the Declaration - to impress world Jewry, rather than to implicate British post-war interest in the region - Zionist leaders were asked to draft it themselves.

In this context the outward silence of the Zionist regional image in the Declaration can be understood. In their imagination, and to a great degree, in the imagination of their British, and generally European interlocutors, the region was becoming meaningful, and indeed a powerful wartime asset as a key to the solution to European problems. In the Balfour Declaration, the region opens up for occupation as a European territory, designed to create a pragmatic and just solution to the pains of the European society. In fact the whole world suffers because the Jews are away from their old territory. That is why it seemed useful to declare in 1917 that Britain will back Zionist aspirations in the region – because a geographically remote solution to the European Jewish problem is potentially a valuable idea in European politics. A national home for the Jewish people in a new and open space, means a home in which Europe can finally rest its Jewish question.

But how would a Jewish home elsewhere work as a solution to a European minority problem? Isn't the problem that Jews seek equality of rights in their own home countries? This question was strongly adhered to by non-Zionist Jews and others opposed to the declaration. On October 4th, Lord Balfour took up the case before the war cabinet. He saw:

nothing inconsistent between the establishment of a Jewish national focus in Palestine and the complete assimilation and absorption of Jews into the nationality of other countries. Just as English emigrants to the United States became, either in the first or subsequent generations, American nationals, so, in future, should a Jewish citizenship be established in Palestine, would Jews become either Englishmen, Americans, Germans, or Palestinians.⁷⁹

The Jewish problem will be evened up, when Jews become a nation like any other in their own territory. Objections to the declaration took the shape of claims that a Jewish home would only worsen the position of the Jews in their countries of origin:

⁷⁹ Ingram (n 1) 11.

How would he [asked Edwin Montague, then secretary of state for India, of Jewish descent] negotiate with the people of India on behalf of his Majesty's Government if the world has just been told that his majesty's government regarded his national home as being in Turkish territory?... the Cabinet's first duty was to English Jews.⁸⁰

The Jewish problem was not – claimed the anti-zionist minister – be solved in any other territory but in the European home. A new draft was suggested as a response to such objections, a draft which emphasizes the pressing racial question involved:

His Majesty's Government views with favour the establishment in Palestine of a national home for the *Jewish Race*...it being clearly understood that nothing shall be done which may prejudice... the rights and the political status enjoyed in any other country by such *Jews who are fully contented with their existing nationality and citizenship*.⁸¹

This draft was submitted with confidentiality to the leaders of the Zionist movement and to anti-Zionist Anglo-Jewry. Replies were received during October. Many of the replies were strongly affirmative of the safeguards provided, both internal (for Jews all over the world), and external (for non Jewish inhabitants of the land). Rejections were framed in the language of concern that the Jewish problem cannot be effectively solved in a new territory:

For the true well-being of the Jewish race emancipation and liberty in the countries of the world are a thousand times more important than a 'home'. In any case only a small fraction of the Jews could be collected together in Palestine...⁸²

And strongly stressing the problem of Jewish home and Jewish homelessness in Europe, Leonard Cohen, the Chairman of the Jewish Board of Guardians warned:

The establishment of a 'national home for the Jewish race' in Palestine, presupposes that the Jews are a nation, which I deny, and that they are homeless,

⁸⁰ *ibid*, 11-12. Lord Curzon objected stating that Palestine was not well conditioned as a seat for the Jewish race because of the country's barren desolation and the Muslim population. *ibid*. 11.

⁸¹ *ibid*, 13. Emphasis added.

⁸² Mr CG Montifiore, President of the Anglo-Jewish Association. *ibid*, 15.

which implies that in the countries where they enjoy religious liberty and the full rights of citizenship, they are separate entities unidentified with the interests of the nations of which they form parts, an implication which I repudiate.⁸³

The Jewish opposition to the declaration responded directly to its attempt to solve the European Jewish problems in a new home territory. The real solution must be in Europe – in their real ‘home’.

Following these reactions and many more letters from Jews in Britain and abroad that were received in the Foreign Office in favor of the Declaration, the war cabinet met on October 31. Additional delays, pressed the foreign office, will throw the Zionists into the arms of the Germans:

[T]he vast majority of Jews in Russia and America, as indeed all over the world, now appear to be in favor of Zionism. If we could make a declaration favourable to such an ideal, we should be able to carry an extremely useful propaganda both in Russia and America.⁸⁴

The concerns about the declaration, Lord Balfour explained, were twofold: That Palestine is inadequate to form a home for the Jews and the future position of Jews in western countries. In his replies, Balfour makes an important connection between the two problems – the condition of the territory and the condition of Jews in Europe:

First, he agrees, Palestine under ‘Turkish misrule’ may not be adequate for Jewish immigration, but under scientifically developed conditions, it could sustain a large population. Second, the idea of a national home, he explains, should not be exaggerated. He understood it to mean:

[S]ome form of British, American or other protectorate, under which full facilities would be given to the Jews to work out their own salvation and to build up, by

⁸³ Mr LL Cohen, Chairman Jewish Board of Guardians. *ibid*, 16.

⁸⁴ Lord Balfour’s statement, as minuted from 31 October meeting; printed in Ingram, *ibid* 16.

means of education, agriculture, and industry, a real centre of national culture and focus of national life.⁸⁵

He then repeats his argument about the connection between Jewish assimilation and citizenship: A British citizen can easily move to the United States and become full citizen, but having no national citizenship, Jewish assimilation is incomplete.⁸⁶

In other words, the Jewish problem as a European, and global problem of assimilation will be solved in the new territory by creating a European protectorate over a Jewish 'home'. Home signifies a place of protection, rather than a place for independent statehood, and it is this protected space, that they lack in Europe, that is provided for them in the new territory. The colonized territory will be transformed to the European home that is needed in order to solve Europe's Jewish problem. With the help of a European protector in occupying that territory, the Jews can finally be at home – in Europe and all over the world.⁸⁷ After some more reservation from Lord Curzon, regarding the fit of Palestine for Jewish settlement, the War cabinet authorized the Declaration..⁸⁸

Under this reading of the Balfour Declaration as envisioning a space in the region for the solution of the European/Jewish problem of homelessness, it is interesting to geographically contrast the promise to the Arabs in the McMahon Hussein Correspondence and the promise to the Jews in the Balfour Declaration. While both were clear acts of wartime propaganda – they took place in very different imaginary spaces. The promises to Arabs were aimed at influencing the inhabitants of the region to take action against the Ottoman Empire – that is why the regional image that was expressed in them was one of a vast territory open for local, self-determined (though ambivalent and

⁸⁵ *ibid* 17.

⁸⁶ *ibid*.

⁸⁷ In December 1917, Middle East experts in the foreign office political intelligence department, AJ Toynbee and Lewis Namier, wrote a note responding to a concerned Report on Zionism by the US Consulate in Geneva. The worry expressed in the Report was that that the Zionist leadership seeks to establish 'special rights' for the Jewish minority and a Jewish state. Toynbee and Namier's response was that undemocratic restrictions on the rights of non-Jews while under British or US rule, need only last 'until there was a sufficient population in the country fit to govern it on European lines'; Renton (n 66) 29. At this moment when the question of the forms of rule for this region was very much open, a Jewish form of rule, following 'European lines' would look like one particularly tempting vision. That way Europe will solve its Jewish problem, in a civilized European way, outside of the impossibilities of European limited borders.

⁸⁸ Pro. CAB. 23/4. Ingram (n 1) 18. The letter embodying this declaration was sent to Lord Rothschild on 2 November 1917.

vague) rule. The latter was meant to influence the Jews in the United States and in Russia to impact their governments to join the war – that is why the region seemed empty and silent – it was only a new space for the solution of old and particularly European social problems.⁸⁹

5. Article 22 of the Covenant - Legalizing Imperial Spheres of Influence

Whereas the Balfour Declaration is part of a story about wartime diplomacy, Article 22 of the Covenant of the League of Nations is part of the story of post-war diplomacy for peace. The impact of the disclosure of the secret treaties by the Bolsheviks proved even greater than the Bolsheviks had anticipated.⁹⁰ France and Britain attempted damage control. On January 5, 1918, British Prime Minister David Lloyd George said that Britain was reassessing its plans for a postwar disposition in the Ottoman territories. He said: ‘Mesopotamia, Syria and Palestine are in our judgment entitled to recognition of their separate national conditions...’⁹¹ And in a joint Anglo-French declaration in November 1918 Britain and France pledged that they would ‘assist in the establishment of indigenous governments and administrations in Syria and Mesopotamia’ by ‘setting up of national governments and administrations deriving their authority from the free exercise of the initiative and choice of the indigenous populations’.⁹²

⁸⁹ Maybe this is also why there is no real sense of contradiction to be found in the government’s debates leading to the Balfour Declaration. The two commitments were aimed to be heard in completely different places – and they could, in the mind of the British propaganda architects, easily align.

⁹⁰ Trotsky said that the secret treaties revealed the Entente’s ‘dark plans of conquest’. Jane Degras (ed), *Soviet Documents on Foreign Policy* (vol. 1 Oxford University Press 1951) 8–9. Seymour Cocks, *The Secret Treaties and Understandings: Text of the Available Documents* (Union of Democratic Control 1918) 11.

⁹¹ *ibid* 47.

⁹² Anglo French Declaration, November 7 1918 (available online <http://www.scribd.com/doc/71915217/The-Anglo-French-Declaration-Nov-7-1918#scribd>):

The goal envisaged by France and Great Britain in prosecuting in the East the War let loose by German ambition is the complete and final liberation of the peoples who have for so long been oppressed by the Turks, and the setting up of national governments and administrations deriving their authority from the free exercise of the initiative and choice of the indigenous populations. In pursuit of those intentions, France and Great Britain agree to further and assist in the establishment of indigenous Governments and administrations in Syria and Mesopotamia which have already been liberated by the Allies, as well as in those territories which they are engaged in securing and recognizing these as soon as they are actually established. Far from wishing to impose on the populations of those regions any particular institutions they are only concerned to ensure by their support and by adequate assistance the regular working of Governments and administrations freely chosen by the populations themselves; to secure impartial and equal justice

Pressure on Britain and France over how they would treat the Ottoman territories came not only from the East, but from the United States too.⁹³ In a speech to a joint session of the U.S. Congress on January 18, 1918, President Woodrow Wilson declared principles that should guide a postwar settlement. He railed against the Europe-dominated order that he saw as a cause of the Great War and in the same breath, he denounced control of foreign territories: ‘The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular governments and likely at some unlooked-for moment to upset the peace of the world’.⁹⁴ Wilson listed fourteen propositions, which became known as his ‘fourteen points’ for a just postwar order. Wilson’s fifth point focused on colonialism. He demanded:

A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.⁹⁵

And in his twelfth point, Wilson dealt specifically with the Ottoman territories, as follows:

The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development.⁹⁶

for all; to facilitate the economic development of the country by promoting and encouraging local initiative; to foster the spread of education; and to put an end to the dissensions which Turkish policy has for so long exploited. Such is the task which the two Allied Powers wish to undertake in the liberated territories.

⁹³ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press 2004) 139. Hersch Lauterpacht, ‘The Mandate under International Law in the Covenant of the League of Nations’, in Elihu Lauterpacht (ed), *International Law: Being the Collected Papers of Hersch Lauterpacht* (vol. 3, Cambridge University Press, 1977) 29, at 32.

⁹⁴ President Woodrow Wilson's Fourteen Points, 8 January, 1918 (available online: http://avalon.law.yale.edu/20th_century/wilson14.asp).

⁹⁵ *ibid.*

⁹⁶ *ibid.*

With its progressive impetus, Wilson's document reveals a fourth image of the region, or more generally – of imperial regionalism, that will also prevail over the subsequent Article 22 of the Covenant that founded the League's mandatory system. This is not a new image but it will be legalized anew in the instrument for the mandate system. Traditionally, empire does not relate to sovereign jurisdictions outside of (western) Europe, but to territories and populations. Accordingly, the imperial world is divided into vague and wide geo-political spheres of influence, large borderless territories over which empires negotiate their claims. A close spatially sensitive reading of the Wilsonian principles raises exactly this image. The proclamation starts from the United States' perspective and looks at 'the world' as a big and open map, which is to be reformed:

What we demand in this war (...) is nothing peculiar to ourselves. It is that the world be made fit and safe to live in... All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us.⁹⁷

From this grand perspective a programme for world peace evolves. After some universal principles (opening up secret documents, opening the seas to navigation, and opening the world to free trade, points 1-3), the plan requires a more detailed perspective. But here the proclamation moves, not from people to people or from issue to issue – it moves instead across large territories - from region to region and everywhere it goes - it dispels injustice, as if it sweeps it away off the map of the world: point VI clears Russian territory, point VIII reaffirms French territory, point IX adjusts the frontiers of Italy, point X the freedom of the peoples of Austro- Hungary, point XI, Brings justice to the Balkans. Finally, point XII focuses on the territories of the Ottoman Empire and confirms sovereignty to Turkey, and security of life and autonomous development to all other nationalities, leaving an open space in the Dardanelles for the free passage to the ships and commerce of all under international guarantees.⁹⁸

⁹⁷ *ibid.*

⁹⁸ It is interesting that when (in point V) the proclamation addresses imperial right there are no more references to 'nations', only to 'populations'. In the context of colonial claims, nationalities are irrelevant as the interest of 'populations' replace them.

This legacy of Wilson's proclamation passed on to Article 22 of the Covenant by way of the practical translation of a number of international commentators, architects of the league and the mandate system. One of the most prominent of them was the South African General Jan Smuts.⁹⁹ In his December 1918 pamphlet which had tremendous influence on the final draft of Article 22 of the Covenant, Smuts starts from the assumption that the League will have to occupy the 'great position' of the old European Empires subsequent to the 'passing away of the old European order' and become the foundation for a new international system.¹⁰⁰ As the epitome of western civilization, the League becomes in Smuts' proposal the heir of the great imperial estates. But the people in these great estates, in the territories of Russia, Austria and Turkey, are 'untrained politically; many of them are either incapable or deficient in power of self-government; they are mostly destitute and will require much nursing towards economic and political independence'.¹⁰¹ To prevent a new scramble for the territories the League of Nations must become 'the reversionary in the broadest sense of these empires'.¹⁰² To fulfill the task, the league must enact its territorial policy according to the principles of 'no annexation and the self determination of nations'.¹⁰³

But what is the territory upon which those principles will be applied? How does Smuts see the subject of the league's progressive territorial policy? The image of the new and just world that Smuts envisions is not surprisingly, an imperial image of vast geographical domains and spheres of influence. Smuts, not unlike Wilson, moves from one region to another and reorganizes the world and its 'peoples' as just, rational and peacefully reformed: Smuts starts from *Russian territories*, Finland, Poland, Czechoslovakia and Jugoslavia, he considers, will probably be found sufficiently capable of statehood to be recognized as individual states.¹⁰⁴ But the *Transcaucasian and Transcaspian* provinces of Russia are as yet deficient in the qualities of statehood and may need to settle for internal autonomy. From these Smuts moves down the imperial

⁹⁹ Smuts' 1918 Pamphlet titled, *The League of Nations: A Practical Suggestion* (reprinted in In David Hunter Miller, *The Drafting of the Covenant* (vol. 2 G.P. Putnam's sons, 1928) 23), was termed 'the most effective contribution made by individual enterprise' (Frederick Pollock, *The League of Nations* (Stevens and Sons 1920) 77-78.

¹⁰⁰ Smuts (n 98) 23, 24.

¹⁰¹ *ibid*, 26.

¹⁰² *ibid*.

¹⁰³ *ibid* 27.

¹⁰⁴ *ibid*, 29.

map to *Turkish territories*: Upper and Lower Mesopotamia, Lebanon and Syria are also capable of autonomy but not of complete statehood. And of course, there are delicate variations in each of these vast domains: ‘At the one end a territory may be found barely capable of autonomy: at the other end the approach to complete statehood is very near. Mesopotamia would probably be a case of the former kind; Syria of the latter.’¹⁰⁵ Some populations within these territories like in Palestine and the Armenian Vilayets, may be too heterogeneous for administrative cooperation and so autonomy is out of the question at least for some time,¹⁰⁶ And some domains (the former German colonies in the South-Pacific and South-West Africa) are inhabited by barbarians and cannot possibly govern themselves.¹⁰⁷

And so the great principles of self-determination and no annexation are superimposed on an imperial landscape. Territories are vast and populations are many – and the task of the heirs of the dying empires, each in its own sphere of influence,¹⁰⁸ is – as it always was – to put order and justice and by that to unify and pacify a world of anarchy and barbarism.¹⁰⁹

Not surprisingly, the later drafts of Article 22 were very much influenced by Smuts’ scheme.¹¹⁰ The final text expresses the same imperially infused regional image construing territories and populations within broad areas of influence under a (sacred) protection scheme rather than within jurisdictions and by sovereign states.¹¹¹ The imperial powers

¹⁰⁵ *ibid.*

¹⁰⁶ *ibid.* It is interesting that Smuts often uses ‘people’ and ‘territory’ interchangeably, for example on page 31 when he claims that the people or the territory will determine the form of its internal self-government.

¹⁰⁷ *ibid.*, 28.

¹⁰⁸ Individual states will be nominated to administer each territory, preferably on historic grounds: ‘In the case of most peoples not yet risen to complete statehood there is some power which in the past taken an active interest in their affairs and development.’ (p. 31)

¹⁰⁹ The British Empire is the example for the proper operation of such task:

In the British Empire the common policy is laid down at conferences of the imperial Cabinet, representing the United Kingdom, the Dominions and India, while executive action is taken by the individual government of the Empire. In the second place, the minor constituents of the Empire, consisting of Crown Colonies, protectorates and territories, are not represented directly at the Imperial Cabinet, but are administered or looked after by the individual principal constituent states referred to, just as it is here proposed that the Powers should under the league look after the autonomous undeveloped territories. In the third place, the economic policy of the open door and the non-military police policy here advocated for these autonomous or undeveloped territories are in vogue in the analogous British crown colonies, protectorates and territories. *ibid.* p. 36.

¹¹⁰ Miller (n 94) 654-656; 679-681; 691-691.

¹¹¹ ‘To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to

who will be nominated as tutors and protectors, are also portrayed beyond borders, they are ‘advanced nations who by reason of their resources, their experience or their geographical position’, not by reason of their sovereignty, can best exercise the League’s mandates.¹¹² The world map is open and the empires are deepening their spheres of influence as advisors, administrators or (in exceptional cases of remote territories), sovereign protectors.

Like Wilson’s proclamation and Smuts’ plan, the text of Article 22 hovers from region to region and reorganizes domains, territories and populations. The former Turkish Empire is seen as a large territorial continuum with ‘communities’ possessing different levels of development, to be administrated under the advice of a mandate.¹¹³ From Asiatic Turkey the text drifts to Central Africa¹¹⁴ and then - across the continent to another territory, Smuts’ former German territories of barbaric dependency which must be directly ruled as an integral portion of the mandatory’s territory ‘in the interest of the indigenous population.’¹¹⁵

And so, the League is seen as taking responsibility and dealing ‘with the great territorial questions which must arise from the break-up of those empires’¹¹⁶ and these questions are understood and responded to within the framework of a regional imperial image in which the world, outside of western Europe, is made of vast domains of concern.

stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form *a sacred trust of civilisation* (...)’ (Article 22(1)).

¹¹² Article 22(2).

¹¹³ ‘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’. Article 22(4).

¹¹⁴ ‘Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic (...)’. Article 22(5).

¹¹⁵ ‘There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population’. Article 22(6).

¹¹⁶ Smuts (n 98) 36.

6. Mandate for Palestine: A Jurisdictionally Divided Space

The Palestine Mandate was a legal and administrative instrument; it did not specify the borders of a geographical territory. The territorial jurisdiction of the mandate was subject to change by treaty, capitulation, grant, usage, sufferance or other lawful means.¹¹⁷ But for all practical matters the text that founded the Palestine Mandate – *Mandate for Palestine*, was a jurisdiction establishing document – creating a closed, legally bounded, territorial jurisdiction under British administrative control. In this respect, the *Mandate for Palestine* formally confirmed by the Council of the League of Nations on 24 July 1922, represents a tremendous shift in the imperial regional image that we saw in Article 22, from which it drew its authority. In fact, it represents a shift from all the documents that we have inspected hitherto, and that have led to it.

In the *Mandate for Palestine* we no longer find a vast region, divided into spheres and dominions of influence and being opened up for rule, control or development. In fact, in this document, the image of imperial officials and policy makers standing over large maps and roaming from one region to another in search of imperial interests, threats and opportunities – seem to have disappeared. Instead, the document frames and closes up a space for legal administration and governance. Instead of open and vague opportunities for rule, we now have a concrete territorial jurisdiction. Instead of vast domains of influence we now have a legally governed state.

¹¹⁷ The Preamble to the establishing document *Mandate for Palestine* states that the boundaries of the Palestine mandate may be fixed by the League of Nations (The League of Nations, *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, Cmd. 1785 (1923)). In fact, the Paris Peace Conference came to an end without a treaty being signed with Turkey and without a decision being made as to the future of the former Turkish territories. In April 1920, the Allies Supreme Council met in the Italian town of San Remo and agreed on a formula to be presented in the conference at severe, and to be confirmed in the final peace treaty. The Treaty of Sèvres of 10 August 1920 tracked Covenant Article 22 and the San Remo decisions on the future status of these territories. France was to be a mandatory in Syria, Britain in Palestine and Mesopotamia. The treaty included a section headed ‘Syria, Mesopotamia, Palestine’, which read, in part:

Article 94. The High Contracting Parties agree that Syria and Mesopotamia shall, in accordance with the fourth paragraph of Article 22, Part I (Covenant 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...The determination of the other frontiers of the said States, and the selection of the Mandatories, will be made by the Principal Allied Powers.

The provision on Palestine, however, did not use the term ‘state’ (Article 95). See John Quigley, *Statehood for Palestine International Law in the Middle East Conflict* (Cambridge University Press 2010) 32-33.

This new image of a closely-knit jurisdiction is created by detailed and systematic construction of administrative authority. The first article establishes full powers of legislation and administration. A legal and administrative jurisdiction is thereby erected where legal authority is not questioned nor shared.¹¹⁸ The second article frames the purpose of this authority –

[P]lacing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home... and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.¹¹⁹

And thus we have an authority with a determined purpose within a particularly defined jurisdiction.

From this point the document goes on to stipulate what will be the mechanisms that the authority will consider, recognize, facilitate or enact in order to realize its purpose: local autonomy (Article 3); a Jewish agency (Article 4); Jewish immigration and land settlement (Article 6); a nationality law (Article 7); an equitable judicial system (Article 9); a commission of inquiry on religious rights (Article 14); freedom of conscience, religion and religious education (Article 15); equitable conditions of trade (Article 18); law of antiquity including regulating and authorizing excavations, and expropriation of land (Article 21); official languages and official rest days (Article 22 and 23).

The mandated authority will also engage, according to the document, in characteristically jurisdictional activities such as establishing foreigners' immunities and enforcing rules of extradition (Articles 8 and 10); establishing a land system, regulating public ownership and private development of natural resources, public works, services and utilities, and regulating their revenue (Article 11), controlling foreign relations, issuing exequaturs for foreign consuls and protecting citizens abroad (Article 12); protecting religious sites and their immunities and supervising religious bodies (Article 13 and 16); organizing a defense force (Article 17) imposing taxes and custom duties and concluding custom agreements in the region; (Article 18); applying international law treaties and principles

¹¹⁸ 'The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate'. (*Mandate for Palestine*, Article 1).

¹¹⁹ *ibid*, Article 2.

and cooperating with international bodies (Article 19); submitting international disputes for settlement before the Permanent Court of International Justice (Article 26).

A full-fledged modern state jurisdiction is being created, replacing any former ambiguities of rule. A home for the Jews is being anticipated as a powerful administrative reality of legal government. All previous regional dreams of a vast territory, vaguely governed by suzerains, kings, religious leaders, economic developers or democratic self-governed nations, will from now on be undermined and obscured by the persuasive totality of the new regional image that is being established in a *Mandate for Palestine* – a region of divided unitary centralized jurisdictions, representing national claims.¹²⁰

7. Conclusion: Closing Up Regional Opportunities

The article explored and highlighted a ‘forgotten regional moment’ in the negotiations over the fate of post World War I Middle East. It claimed that at the pre-formative transitional period, leading to the Palestine Mandate, many actors involved in negotiations over its future settlement, envisioned the region as a vast space open to different sorts of political possibilities. In the *McMahon Hussein Correspondence* the region was seen as opening for Arab self-rule. In the *Sykes-Picot Agreement* it was expressed as a vast space open to development; in the *Balfour Declaration* it was constructed as a European space of protection for the solution of European and global Problems. In *Article 22* it was seen as a sphere of influence for European management of civilizations. In *A Mandate for Palestine*, all these vast and open visions were replaced. For the first time - the idea of jurisdictional separation of quasi-constitutional states was introduced to shape the reality of the region.

How and why did the transition happen? Why did the classic imperial regional image that still figured strongly in the minds of all those involved in negotiating a new world order during the war, vanish in the document that was supposed to operationalize this order? How and why did the urge to open up territories for opportunities of many sorts

¹²⁰ For the mandates of Mesopotamia, Iraq and Syria see in Isaiah Friedman, *British Pan-Arab Policy 1915-1922* (Transaction Publishers, 2010). Quigley (n 112) 28-33.

culminate in a completely opposite impetus towards jurisdictional division and enclosure?

These important questions were not answered in this article and require further historical inquiry. One reason may be that a closed jurisdictional mandate and a divided region were the solution to the growing pressures of confused British regional politics. This politics at once created and frustrated expectations and heightened the pressure that strongly affected British policy makers. Thus, British involvement in the 'region' caused a critical escalation by a multiplicity of responders (Arabs, Zionists, US delegates, and the French). The solution was found in the Palestine Mandate – it was a solution not only because it allowed British control over large parts of the former Ottoman territories with international legitimacy, but also because it sealed the door of the broad 'regional' ambitions and pressures, creating, by legal means, a jurisdiction, a space that functions in a controllable governable way.

In 1937, the Palestine Royal Commission Report (the Peel Commission that was sent to Palestine after the Arab revolt of 1936) concluded that the obligations in the opening paragraph of Article 22 of the covenant, to the well-being and development of the peoples in the mandate system - were contradictory in Palestine, and impossible to implement. The bitter conflict between fundamentally different national communities in this land can only be resolved by the creation of two separate, sovereign states.¹²¹ In that, a further enclosure was taking shape. The open region, full of political possibility, was being reshaped by the Palestine Mandate, in the image of ever more firm and neatly defined borders for 'fundamentally different communities'. Now, a new set of images arose to influence the historical horizon - a vision of jurisdictional partition, a division - as the foundation of peace.

¹²¹ Peel commission report pp. 370-96 Available online at <https://unispal.un.org/pdfs/Cmd5479.pdf>