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Normative geographies and the 1940 Land Transfer Regulations in Palestine

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Abstract

In recent years, there have been several calls for geographers to engage more closely with the normative in their work. This paper supplements those calls by suggesting that geographers turn their attention to popular understandings of and discourses about justice. In the first part of the paper, I make a case for such scholarship and argue that it should be undergirded by two premises. The first premise is that understandings of justice depend not only on abstract ideas about the just, but on the geographical and historical frames - geographical imaginaries - through which we understand the world; the second is that understandings of justice (including both abstract ideas and geographical imaginaries) are deeply historical and social. In the second part of this paper, I demonstrate the centrality of historical and social geographical imaginaries to assessments of justice by examining the discourse surrounding the controversial 1940 Land Transfer Regulations in Palestine. Put in place at the behest of British Colonial Secretary Malcolm MacDonald, the Regulations restricted the areas in which Jews could buy land in Palestine. While Jews in Palestine condemned the Regulations as racially discriminatory, MacDonald defended them as necessary if the British were to fulfil the British Mandate Government's obligations to the Palestinians as well as to the Jews. A close look at the positions of each side reveals that their

differences lay not in their abstract principles of justice but in the geographical imaginaries through which they viewed Palestine and the Palestinians.

Introduction

Geographers are deeply and demonstrably concerned with justice. Radical, critical and other geographers have studied the spatial dimensions of environmental, economic, sexual and racial forms of injustice, among others (see, for example, Holifield et al. 2009 and the rest of the special issue; Loyd et al. 2012; Pulido 2000; Wright 2006), and they have studied the laws and legal systems through which these injustices are redressed and reproduced (see, for example, Blomley et al. 2001; Forest 2004; Herbert 2006; Jeffrey 2009; Ross 2006). Despite this, geographers have not paid very much attention to popular - by which I mean non-academic and non-jurisprudential - understandings of and dis courses about justice.1 Doing so matters if we believe, as many geographers do, that social change requires organisation and action, and that these require the development of common understandings of existing injustices and the better worlds that the eradication of these injustices would make possible.

In the first part of this paper, I make a case for the academic study of popular understandings and dis courses of justice. I begin with a review of recent calls for geographers to pay greater attention to the normative, all of which have proposed that geographers confess and debate their own ideas about justice, and that they engage more closely with the literature on justice within political philosophy and related fields (Olson and Sayer 2009; Sayer 2011; Sayer and Storper 1997). I then consider two possible reasons why these calls have generally gone unheeded: first, geographers who view understandings of justice as innate may not see much merit in subjecting them to social scientific scrutiny; second,

geographers committed to using their research to combat injustices may be skeptical of the political benefits of the scholarship being proposed by those calling for greater attention to the normative in geography. With this second concern in mind, I propose the study of popular understandings and discourses of justice as an additional research agenda for normative geographies. Such research would remedy a gap in geographical scholarship while also improving the potential of normative geographies to produce politically useful knowledge. In the balance of this part of the paper, I suggest that research on popular understandings and discourses of justice should be informed by two premises. The first premise is that people's assessments of the justness of particular policies and practices depend not only on their abstract ideas or principles about what is just, but also on the geographical imaginaries - 'taken-for-granted spatial ordering[s] of the world' (Gregory et al. 2009, 282) - through which they see the people and places that are the potential objects of those policies and practices. The second premise is that both ideas about justice in the abstract and geographical imaginaries are, whatever their natural elements, deeply social and historical. As a framework for examining popular understandings and discourses in a way that acknowledges their insights and their political importance without naturalising or romanticising them unduly, I suggest we consider them part of what Antonio Gramsci called 'common sense' (1971).

In the second part of this paper, I illustrate the potential centrality of geographical imaginaries –

understood as social and historical – to assessments of the justness of particular policies and practices. I do this through an analysis of the discourse surrounding the 1940 Land Transfer Regulations in Palestine. Put in place by the British Mandate Government, the Regulations placed restrictions on the ability of Jews to purchase land in Palestine. While many Jews in Palestine condemned the Regulations as racially discriminatory and contrary to the terms of the British Mandate for Palestine, British Colonial Secretary Malcolm MacDonald defended them as necessary if the British were to fulfil their obligations to the Palestinians as well as to the Jews.2 A close look at the discourse of these parties and the history of this period makes clear that their disagreement was not over principles of justice in the abstract.

Rather, the two parties differed in the geographical imaginaries through which they viewed Palestine and the Palestinians.3 Moreover, it was a changing geographical imaginary that allowed MacDonald – a longtime supporter of Zionist efforts – to develop new views about what constituted just policy in Palestine. While the primary purpose of this case study is to demonstrate the importance of geographical imaginaries to assessments of justice, it is hoped that the history presented here – which draws on material collected from the United Nations Archives (UNA), the Israel State Archives (ISA), the University of Oxford Middle East Centre Archives (MECA) and the Durham University Library Special Collections (DULSC) – will also contribute to the literature on the legal geography of the Mandate period (see, for example, Forman and Kedar 2003; Shamir 2000; Stein 1984). While the Regulations are mentioned in several histories of the Mandate period (for example, Falah 2003; Kimmerling 1983; Shepherd 2000; Sherman 1997; Zweig 1992), they are rarely discussed at any length (though see El-Eini 2006). It is also hoped that the discursive analysis in which this paper engages can help geographers to better understand and intervene in contemporary discourses about justice and injustice in Israel–Palestine and elsewhere. In the final section of this part of the paper, I suggest one politically valuable insight that the analysis presented here permits.

I conclude the paper by drawing attention to some of the questions and issues that the foregoing case study and analysis raise for future research on popular understandings and discourses of justice.

What we talk about when we talk about justice

In 1997, Andrew Sayer and Michael Storper introduced a special issue of Environment and Planning D by calling for the continuation of a 'normative turn' in the critical social sciences, which they saw as having already begun. Such a turn, they argued, would remedy a strange lacunae. As they explained it, 'Any social science claiming to be critical must have a standpoint from which its critique is made' and yet 'critical social science largely neglects to acknowledge and justify these standpoints' (Sayer and Storper

1997, 1; see also Sayer 2000). Sayer and Storper called on scholars to engage with the normative by acknowledging and debating the normative ideas underlying their critiques, and by engaging with and helping to refine existing normative theory, which, they argued, tended to harbour erroneous sociospatial assumptions.

That same year, David M. Smith published a report in Progress in Human Geography in which he observed that greater numbers of scholars seemed to be focusing on moral or ethical questions. Buoyed by this, Smith wondered whether we might be at the start of a 'moral turn' in the discipline. After suggesting some paths that geographers interested in philosophical questions might pursue, Smith concluded by suggesting that this new literature could 'be expected to accumulate thick … and fast' in the coming years (1997, 588).

That geographers have not by and large heeded Sayer and Storper's call or made Smith's prediction a reality (though see, for example, Carmalt 2011; Lee and Smith 2004; Proctor and Smith 1999; Smith 2000a) is perhaps not better evinced than by a 2009 article – this time the introduction to a special issue of Antipode – in which Elizabeth Olson and Andrew Sayer put forth a call similar to Sayer and Storper's of a decade earlier (see also Smith 2000b on his own 1997 prediction). In this intervention, Olson and Sayer argued again that, while geographers do not hesitate to condemn certain practices or discourses as unjust, they rarely acknowledge or debate the ideas about justice that underlie these condemnations. Olson and Sayer lamented a modern academic division of labour that had allowed 'the social sciences to become deskilled in understanding normativity, and philosophy to become overly abstracted from concrete social practices' (2009, 181). They called on geographers to engage with the normative so as to improve the quality of both their own academic work and normative political theory.

Normative geographies

Rounding out these calls for a normative turn is a recent monograph by Sayer – Why things matter to people (2011) – the object of which is human 'values' or ideas of the good, which Sayer seems to suggest is the broader category within which ideas of the just reside. Here, Sayer's interest is in challenging social scientists' tendency to view human values in either emotivist or conventionalist terms, with values either a reflection of the value-holder's 'emotional state of mind' (emotivist), or the products of 'social norms' (conventionalist) (2011, 24). Sayer's argument, by contrast, is that human values are formed in relation to the world around us – that values are sedimented and more abstract versions of our ongoing 'valuations' of the events, things, persons and actions with which we are faced in our everyday lives (2011, see especially 25–6). As in previous interventions, Sayer takes issue with social scientists' neglect of the normative and challenges them to take it seriously both in their own writings and in their attempts to understand ordinary human beings.

Why have geographers been reluctant to heed these calls? Clive Barnett (2010) is one of the few scholars to have responded to any of these interventions, giving us a glimpse into what might be behind the reluctance of others. Addressing himself to Olson and Sayer's contribution, Barnett takes issue with the idea that in order to be properly critical scholars, we must admit and debate our often-unacknowledged ideas about justice. Borrowing from Amartya Sen (2009), Barnett suggests that humans do not need a fully worked-out understanding of what constitutes the just in order to act in the world because we have an intuitive understanding of what is unjust. In Barnett's approving explanation of Sen's argument, the recognition of injustice or wrongdoing 'does not require consensus around theoretical ideas, but is rooted in widely shared understandings and intuitions of injustice and indignation' (2010, 249). While such intuitions of injustice may not allow us a complete portrait of justice, they at least enable us, Barnett seems to suggest, to choose the most just actions from among our options at any given time. Arguably, some of the geographers who are unmoved by Sayer, Storper and Olson's calls

might, like Barnett, see understandings of justice as intuitive and thus not worthy of social scientific scrutiny.

Other reasons for the silence with which Sayer, Storper and Olson's calls have been met are also conceivable. In particular, I want to suggest the possibility that geographers are not convinced that the scholarly agendas being proposed offer greater political rewards than the research in which they are already engaged. Indeed, for those geographers committed to politically engaged research methods – for example, methods in which they are participants in their research subjects' justice struggles – the call for geographers to devote more attention to intra-academic discussions about justice may sound like a call for geographers to retreat from on-the-ground politics.

In light of this latter concern (I will address the former concern below), I propose that the research agenda of normative geographies be expanded so that it takes, as its object, not only our own ideas about justice, not only the ideas of political philosophers, but also popular understandings of and discourses about what is just and what is unjust. Pursuing such a research agenda would help us to fill a gap in geographical scholarship. Olson and Sayer may be correct to note that, at present, the social sciences are mandated to explain social phenomena while political philosophy is mandated to assess existing and potential states of justice, but an additional problem is that, when it comes to justice, geographers have not done very much of the explaining that it is supposedly our work as social scientists to do. Much in the way that, to the chagrin of geographers, scholars from other disciplines often take space for granted, geographers (and undoubtedly other social scientists) tend to take ideas about what is just for granted, both their own – as Sayer, Storper and Olson note – and those of their research subjects. We know that social ideas change, and yet we tend to treat ideas about justice as relatively stable parts of the stories we tell. We know that social ideas express particular social relations and tend to serve particular interests, and yet we do not often bring to our research about justice struggles the

curiosity that these insights should excite. Whether because so many of us work with groups to whose justice claims we are sympathetic, or simply because ideas about justice change slowly, we have not tended to subject social ideas about justice to scrutiny – to ask, for example, how these ideas emerge, evolve and travel, and why they sometimes persist in inauspicious contexts and wither in auspicious ones.4

In addition to filling an analytical gap in geographical scholarship, answering questions like these can help us, in Stuart Hall's words, to better 'comprehend and master the terrain of ideological struggle' (1983, 59). As Antonio Gramsci insisted long ago, radical social transformation is not something that happens automatically, the mechanistic result of an economic crisis. Social transformation requires that people be organized and united in their understanding of their predicament and the predicaments of others. For people to be so united requires that organisers and educators work to understand – so as to both refine and learn from – people's actually existing beliefs. There is a 'real need', Gramsci wrote, 'for popular feelings to be known and studied in the way in which they present themselves objectively and for them not to be considered something negligible and inert within the movement of history' (1971, 419).

In the balance of this part of the paper, I want to suggest two premises that should undergird geographical scholarship on popular understandings and discourses of justice. The first is that these understandings and discourses are informed by more than simply people's abstract ideas or principles about what is just or unjust. They are also informed by the geographical imaginaries through which we see the world. Practically, this means that in attempting to grasp popular understandings of justice, we must examine both ideas about justice and geographical imaginaries. Despite geographers' interest in these imaginaries (see, for example, Bridge 2001; Farish 2010; Gerhardt 2008), the concept has not penetrated the literature on normative geographies very deeply (though see Harvey 2000). Barnett, for example, does not consider how the lenses through which we view particular people and places might

affect our assessments of the justness of particular policies and practices even if we did possess common intuitions about what constitutes justice or injustice *in the abstract*. Similarly, while Sayer makes a strong case for humans as naturally caring, because social, beings (see also Orzeck 2007), he spends little time discussing how something like a geographical imaginary might shape how we decide for whom to care, and under what circumstances. Although Sayer acknowledges the impact of the socio-economic system on human values (2011, 35), and although he occasionally mentions the effects that racism and sexism can have on people's understandings of the world, he tends to present these as deviations from a standard perspective that are due either to error (2011, 86, 93, 114, 118, 232, 251) or to upbringing (2011, 128–31). But as Sayer surely knows, it is not only those in error who perceive the world around them in a mediated manner;5 geographical imaginaries are lenses through which a complex and highly interconnected world, of which we only experience parts, is rendered legible and intelligible. There is no question that some imaginaries are more grounded in reality than others, but they are not shrouds that conceal only the eyes of an unenlightened few. Much like the Althusserian understanding of ideology that Frederic Jameson discusses in his essay, 'Cognitive mapping', geographical imaginaries are representations of the social world that help us to span the distance between 'phenomenological perception and a reality that transcends all individual thinking or experience' (1988, 353).

The second premise that should undergird geographical research on popular understandings and discourses of justice is that these understandings, and both the ideas and the imaginaries that inform them, are deeply social and historical. Certainly, as Barnett and Sen suggest, people have strong, often widely-shared, feelings about what constitutes injustice – and justice as well. But there is no reason to thereby conclude that people's feelings about these things are entirely natural, spontaneous or unmediated, or that they are foolproof compasses that will lead us directly to justice's zenith. We need only think about the practices that have seemed and continue to seem just to different social groups in different times and places to understand how flawed what we call 'intuition' can be as a guide to justice.

When understood as social and historical, moreover, strong feelings about justice and injustice signal not the pointlessness of further inquiry but its importance: why, we should ask, have people's feelings about justice and injustice taken on the particular shape and the intensity, here and now, that they have?

One way to acknowledge the importance and potential insights of popular understandings of justice without fetishising them or romanticising them unduly is to understand them – and the ideas and imaginaries that inform them – as part of what Gramsci called common sense – the 'generic form of thought common to a particular period and a particular popular environment' (1971, 330). For Gramsci, common sense was social and historical because the fragments of which it was composed were drawn from ideas, axioms and prejudices in circulation in a given time and place (there as a result of institutions like schools and the press, as well as religion and folklore), and because it represented an attempt at making sense of the world and one's particular location within it. As he put it, 'One's conception of the world is a response to certain specific problems posed by reality' (1971, 324). For both of these reasons, social groups tended to develop conceptions of the world with common elements. While Gramsci saw common sense as often conservative – a function of its containing many ruling class ideas – he insisted both that it contained an element of what he called 'good sense' and that it contained important insights into the conditions of people's lives.6

Having suggested an alternative research agenda for normative geography and some of the premises that should undergird this research, I use the next part of this paper to illustrate the merits of these premises. Specifically, I use the case of the 1940 Land Transfer Regulations in Palestine in order to argue that geographical imaginaries – understood, like Gramsci's common sense, as social and historical – can play an important role in popular assessments of the justness of particular policies and practices, and that assessments of what constitutes a just policy can change as a result of changing geographical imaginaries.

The 1940 Land Transfer Regulations

Background

At the end of the 19th and beginning of the 20th century, two nationalisms with designs on the historic land of Palestine emerged: the resident Palestinians began to seek self-determination – either on their own or as part of a pan-Arab entity,7 and the European Jews involved in the Zionist movement sought to establish a Jewish homeland there. Britain gave assurances to both groups. In the McMahon-Hussein correspondence of 1915 and 1916, it promised to support Arab efforts to achieve independence; and in the Balfour Declaration of 1917, it promised to support the creation of a Jewish homeland in Palestine.8

If Palestine was twice-promised by the British, as is sometimes said, it was similarly twice-promised by the League of Nations, which assumed responsibility for territories belonging to the former Ottoman Empire after World War I and which set the terms for Britain's Mandatory governance of Palestine. Article 6 (see also the Preamble) of the League of Nations' Mandate for Palestine incorporates the promises made by the British to the Jews in the Balfour Declaration:

> The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land…

As several scholars have noted, while this Article protects the political rights of non-Jewish individuals in Palestine, it denies the Palestinians the status of a people with the right of national emancipation (Khalidi 2006; Strawson 2002). Article 22 of the Covenant of the League of Nations, however, acknowledges the justice, if not the immediate necessity, of the national emancipation of the peoples formerly under Ottoman rule:

> Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally

recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.

The incompatibility of these promises became clearer to the British officials responsible for Palestine as the years of the Mandate wore on. Jewish immigration and land purchasing continued steadily,9 leading the Palestinians to fear that what awaited them was not self-determination but, at best, second-class citizenship in a country dominated by Europeans.10 Tensions between Palestinians and Jews erupted into violence on several occasions. In the late 1930s, following a particularly large wave of Jewish immigration to Palestine, Palestinian frustration led to the 1936–39 Arab uprising. The Palestinians' demands were that the British halt the immigration of Jews to Palestine; halt the transfer of land to Jews; and take substantive steps towards ceding control of the territory to the Palestinians. With a garrison of over 20 000 troops and policemen, the British put down the revolt, killing more than 5000 Palestinians and wounding and arresting many others. After these disturbances, however, Britain decided to change course in Palestine and actively restrict Jewish settlement.11

Britain's new plans for Palestine were laid out in a White Paper published in May of 1939. The Paper, which was put forward by the Colonial Office under Malcolm MacDonald's leadership, called for the creation within ten years' time of a single state to be ruled by Arabs and Jews in proportion to their numbers. In the interest of ensuring that the Palestinians remained a majority and were not dispossessed by land sales in the intervening years, the White Paper placed immediate restrictions on Jewish immigration and empowered the High Commissioner for Palestine to restrict the areas in which the Jews could purchase land. The first of these policies attracted the bulk of Jewish attention at the time, both because of the dark clouds that were gathering over Europe and because the details of the regulations that would govern land purchases would not be revealed for several more months. It is the second of these policies, however, that interests us here.

Citing the Administration of Palestine's obligation under Article 6 of the League of Nations'

Mandate for Palestine to encourage 'close settlement by Jews on the land' while ensuring 'that the rights

and position of other sections of the population are not prejudiced' and noting that no restrictions had

thus far been placed on the transfer of land from Arabs to Jews, the White Paper stated that:

> owing to the natural growth of the Arab population and the steady sale in recent years
> of Arab land to Jews, there is now in certain areas no room for further transfers of Arab
> land, whilst in some other areas such transfers of land must be restricted if Arab
> cultivators are to maintain their existing standard of life and a considerable landless Arab
> population is not soon to be created.

Nine months later, the Land Transfer Regulations were published, dividing the country into three

zones: in zone A, transfer of land 'save to a Palestinian Arab' was prohibited; in zone B, transfer of land

'by a Palestinian Arab save to a Palestinian Arab' was prohibited; and in zone C, land transfers were

unrestricted (see Figure 1). From the Jews' perspective: in zone A, Jews could not purchase land; in zone

B, Jews could purchase land but not from Palestinians; and in zone C, Jewish land purchases were
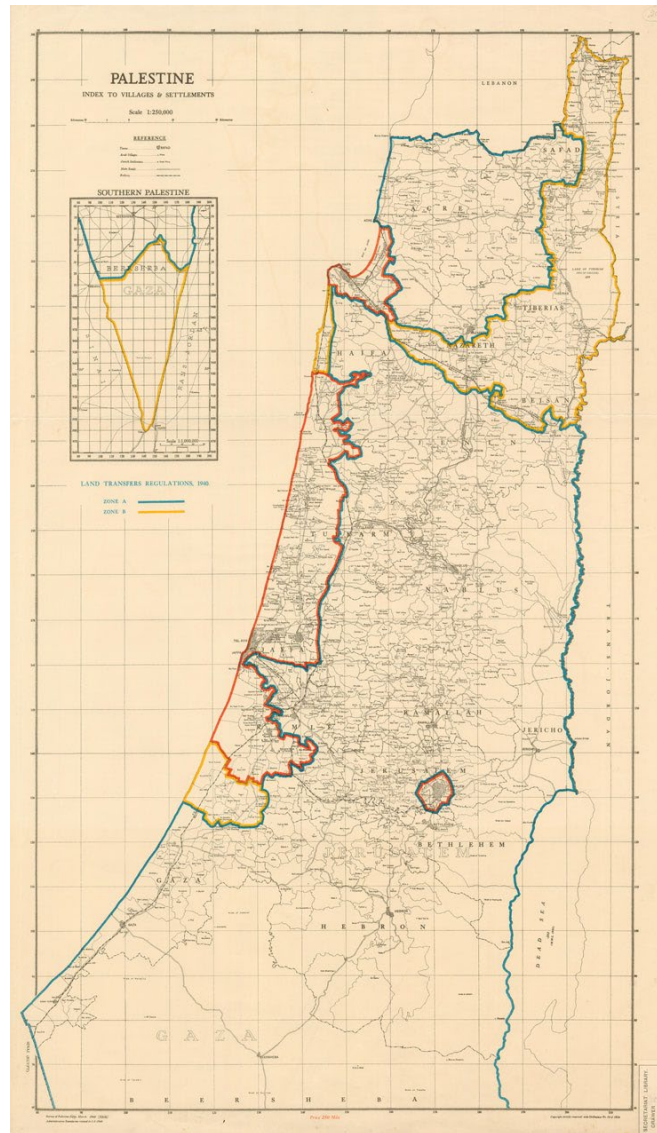
unrestricted.

Figure 1 The 1940 Land Transfer Regulations (courtesy of the Israel State Archives). Zone A is indicated in blue, zone B in yellow and zone C in red

The Jewish response

The Regulations were strongly condemned by Jews in Palestine.12 The two most common critiques of

the Regulations were that they were a betrayal of the Mandate for Palestine's promise to settle Jews in

Palestine and that they were an affront to the political equality of the Jews in Palestine.13 Both of these

critiques are on view in a memorandum that the executive of the Jewish Agency – the effective

government of the Jews in Palestine during the Mandate period – submitted to the High Commissioner immediately following the publication of the Regulations:

> The effect of these Regulations is that no Jew may acquire in Palestine a plot of land, a building, or a tree, or any right in water, except in towns and in a very small part of the country. The Regulations therefore deny to Jews equality before the law and introduce racial discrimination. They confine the Jews within a small pale of settlement similar to that which existed in Czarist Russia before the last war, and such as now exists only under Nazi rule. They not only violate the terms of the Mandate but completely nullify its primary purpose (cited in *Palestine Post* 1940).

In letters and telegrams sent to various representatives of the Government of Palestine, Jewish communities and organizations echoed these arguments. The Jewish Settlements of the Samaria District, Nethanya Area, stated that the law 'contradicts the elementary principles of justice and human equality' and 'introduces racial discrimination which … places us in our Mother Country in the same position as in the Nazi-Germany'. Members of the Emek Jezreel settlements appealed 'to the British Parliament and to the best among the British Nation to remove the disgrace which the racially discriminating Land Law have cast on the British Nation'. The law, they continued, 'annuls the international obligations to the Jewish Nation and the League of Nations and strikes at the principle devoted to the protection of the small nations in these days of war against Nazi barbarism'. Members of the Jewish Bar Association suspended work in the courts on February 29 'as a sign of protest against the publication of this law', which, they declared, 'imports into the legal system of Palestine the principle of racial discrimination which is expressly repugnant to the provisions of the Mandate and is contrary to every legal system prevailing in any cultural country'. The Tel Aviv and Jaffa Labour Council passed a resolution condemning the legislation, which, they stated, 'is based on the principle of racial discrimination'. 14

During this same period, unsigned pamphlets were circulated throughout the Jewish community of Palestine. The first excerpt reproduced here is from a pamphlet addressed to 'Jews', the second from a pamphlet addressed to 'Jewish Labourers'.

This law has its base on the racial Nazi-Fascist teachings. What is the difference between the Nuenberg [sic] laws and the laws of Macdonald [sic]. The Jewish people will never make peace with this racist decree and will never give up its fight until it is torn in pieces…

They are always talking about justice and fairness but in their deeds they show dirty racial distinction and deprivation of people's rights … In this law the equality of rights of the Jew in Palestine has been taken away. A ghetto was created for us in our country, just like ancient boundaries of the Tsarist settlement and like the present Nazi rule.15

During World War II, many of the Jews in Palestine tempered their criticisms of British policy.16

Moreover, the Regulations did not prove an insurmountable obstacle to Jewish land acquisition (see Kimmerling 1983, 119–21; Shepherd 2000, 119; El-Eini 2006, 266–9). Nonetheless, the Regulations remained in place for the balance of the Mandate, giving the Jewish Agency two opportunities to condemn them before international audiences – in 1946, before the Anglo-American Committee of Inquiry, and in 1947, before the United Nations Special Committee on Palestine. The same two arguments are emphasised in presentations before and in written material submitted to these bodies (see Jewish Agency for Palestine 1976). It is worth quoting at length some of what David Ben-Gurion, Jewish Agency executive member and future Prime Minister of the state of Israel, said before the United Nations Special Committee:

Hitler has been destroyed and the Nuremberg Laws are abolished in the whole of Europe. Palestine is now the only place where racial discrimination still exists in law. Even if there were no National Home we should not acquiesce in such discrimination. We should not acquiesce in being deprived of the elementary right of citizens, the right of free movement and settlement in the country in which we live, of being deprived of equality before the law. But this is our National Home. Eighty generations lived and died with the hope of Zion. A great people and the entire civilized world recognized our right to reconstitute our National Home here. And now the same Government that was charged with that sacred trust of promoting the Jewish National Home has put us into a territorial ghetto, condemned us to live as in Czarist Russia in a pale of settlement … Is it conceivable that the United Nations should allow these racial laws to exist in the Holy Land for a single day after the matter was referred to them?17

MacDonald's defence

MacDonald defended the Regulations before the British House of Commons on 6 March 1940 in

response to a motion condemning them.18 The arguments brought forward by supporters of the motion concerned procedural issues, questions of what was pragmatic for the British Empire at that time, questions of what fidelity to the Mandate looked like, and questions of what was just. In these last two categories, the arguments put forward by MacDonald's critics were largely the same as those put forward by Jews in Palestine: that the Regulations represented a breach of the Mandate, and that they discriminated against the Jews of Palestine. MacDonald, for his part, justified the Regulations by reference to justice, to the Mandate – he presented these as essentially the same – and to pragmatic considerations:

> I say I would justify these Land Regulations on two grounds. In the first place, by all the evidence of the series of inquiries they are essential if we are to carry out the Mandate and, therefore, they are morally right. In the second place I do not think it weakens the argument for taking this action if it is held to be expedient politically now to do it, when in a moment of supreme crisis we are engaged in a struggle for the defence of the liberties not only of ourselves but of small peoples, including the freedom of the Jews from cruel and vile oppression.19

MacDonald's suggestion that for the British to do justice in Palestine they needed only follow the dictates of the Mandate for Palestine obscures the fact that more than one interpretation of the Mandate was possible. Indeed, MacDonald critiqued the conclusions of a majority of the members of the League of Nations' Permanent Mandates Commission who had found that his White Paper was inconsistent with the Mandate by noting that these members 'laid great emphasis' on the Mandate's obligations towards the Jews, but 'never mentioned' its obligations towards the Palestinians.20 Against the members of the Permanent Mandates Commission's interpretation of the Mandate, as well as that of many of his fellow parliamentarians, MacDonald emphasised the dual nature of Britain's obligations under the Mandate – to Palestinians and to Jews – and insisted that failure to control Jewish land purchases would amount to a failure of the British Government to fulfil its obligation to the Palestinians. In his words:

[S]o far as Article 6 [of the Mandate for Palestine] deals with the land problem, it enshrines two obligations. They are complementary obligations. They are of equal importance and equal weight. One is to the Jews and the other is to the Arabs. We are to encourage close settlement of the Jews on the land right up to the point where that close settlement would prejudice the rights and position of the Arab population, and then we are to stop.21

To be sure, MacDonald made no attempt to retreat from or to critique the Mandate's promises to the Jews, and his speech contained ample praise for Zionist work in Palestine. But unlike many of his critics, he insisted on the Palestinians' rights as well. MacDonald made a similar argument in a Cabinet Report from January of 1939 in which he laid out his case for a new Palestine policy. He wrote:

Hitherto British Governments and Parliaments have tended to be carried away, not simply by the tireless and lever propaganda of the Jews in favour of their great experiment in Palestine, but also by genuine enthusiasm for the conception of a new Jewish civilization in Palestine … I share that enthusiasm and that admiration. I do not write as an opponent of Zionism, but as a friend, and I say deliberately that we have paid too little heed to the rights of the Arabs of Palestine. We have been inclined to ignore them as a poor, weak people of whom we need not take very much notice. Let us be fair to the Jews, but let us also give these Arabs fair treatment.22

His writing hits a more impassioned note elsewhere in that document when he writes:

We cannot treat a million Arabs in their own country as though they did not exist; we cannot adopt the attitude that the opinions of this particular set of human beings, unlike those of any other set, count for exactly nothing at all.23

MacDonald's position is particularly intriguing given his longstanding support for Zionism and his affection for Jewish Agency leader, Chaim Weizmann. In 1930 and 1931, MacDonald had even played a role in helping the Jewish Agency to ensure that the restrictions on Jewish immigration and land settlement proposed in the 1930 White Paper were not acted upon. Indeed, according to his biographer, Clyde Sanger, MacDonald's appointment as Colonial Secretary in 1935 was 'welcomed by the Zionists as the coming of an ally at a critical time' (1995, 96). What, then, caused MacDonald to change his mind about the wisdom of regulating Jewish land purchases in Palestine?

There are several possibilities. Between the 1930 White Paper and 1939, more Jewish settlers had arrived in Palestine and more land had been purchased by Jews (see supra note 9). Moreover, and as

MacDonald notes above, multiple studies (what he calls 'inquiries') had by 1939 attested to the negative effects of Jewish land purchasing on the Palestinians. It is thus possible that MacDonald simply looked at the facts on the ground in Palestine and concluded that a threshold that had not yet been reached in 1930 had now been reached.

A second possibility is that MacDonald's decision was a pragmatic response to tumult in the Middle East with war in Europe on the horizon (Cohen 1973).24 Mac- Donald may have surmised that restrictions on land transfers would buy peace in Palestine and secure the support of the Arab world, throughout which Britain had 'military bases, oil reserves, and communications arteries' (Sherman 1997, 123). Years later, MacDonald told an interviewer that it may have been possible that, in general, the Colonial Office was more attuned to 'the difficulties which would arise with the Jews if things went a certain way' and the Foreign Office more attuned to the 'the difficulties which could arise with the Arabs if things went a certain way'.25 Given the approach of war, and given MacDonald's personal friendship with the Secretary of State for Foreign Affairs, Lord Halifax (E.L.F. Wood), it is conceivable that the concerns and interests of the Foreign Office influenced MacDonald's thinking. This was a war, moreover, for which Jewish support could, it was thought, be taken for granted.

MacDonald mentions both of these factors in his statements before the House of Commons, and there is little reason to doubt that each played a role in shaping his new approach to Palestine. There is evidence to suggest that a third factor was also at play, however: a changing understanding of the Palestinians that allowed him to understand that the rights to which they should be entitled in the country in which they lived were not only the rights of political equality but also the rights of self-determination and national emancipation. Indeed, in his biography of MacDonald – the subtitle of which is 'bringing an end to empire' – Sanger (1995) paints a portrait of a man with an abiding interest in equality and fairness whose eyes were progressively opened to the plights and desires of colonised and otherwise unfree peoples as he came to learn more about them. This is borne out by MacDonald's later

recollections, in which he suggests that he only came to understand what he called 'the Arab case' – the case for Arab or Palestinian national emancipation – once he re-entered the Colonial Office in 1938. Responding, in the 1970s, to an interviewer's question about whether he had followed events in Palestine when he was Secretary of State for Dominion Affairs between 1935 and 1938, MacDonald said:

> I would follow it broadly, and indeed I became good friends of Weizman [sic], and his colleagues, for I had a tremendous admiration and affection for Weizman [sic] who was a man of great charm, as well as a certain genius. And I hadn't heard the Arab case, I had heard the Jewish case, and um was friendly towards the Jews. It was only when I came into office and begun to be responsible that the Arab case was put to me, and I realized one had to try and find the balance or try and keep one's balance on a tight rope walk.26

MacDonald's fellow parliamentarians ultimately accepted his arguments for the restrictions on Jewish land purchases; the motion against the Land Transfer Regulations was defeated by a vote of 292 to 129. While there are many possible reasons for the failure of the motion, we can surmise that some of the members of the House of Commons may have, like MacDonald, been coming to see the Palestinian case differently than they had in the past. This possibility is suggested by Ronald W. Zweig's (1992) argument that nationalist struggles in various parts of the Empire and reports drawing attention to how poorly the colonies were faring under British rule had, by the late 1930s, altered British attitudes towards colonialism in the Colonial Office and elsewhere, and that these changing attitudes were resulting in new colonial policies. As Zweig notes, just 'as continental plates move imperceptibly until loud and visible change occurs', so too do new colonial policies only emerge after 'a period of changing perceptions and world-views' (1992, 208). And indeed, at least one observer at the time suggested that the House of Commons' response to the Land Transfer Regulations was due to such changing perceptions. In a private letter to then High Commissioner for Palestine Sir Harold MacMichael, former High Commissioner for Palestine Sir JohnRobert Chancellor suggested that the size of the majority against the motion against the Regulations was due to the members of House of Commons 'now realizing that there is an Arab case'. He went on to describe the vote as 'the first occasion on which the House of Commons has shown some sympathy with the Arabs'.27
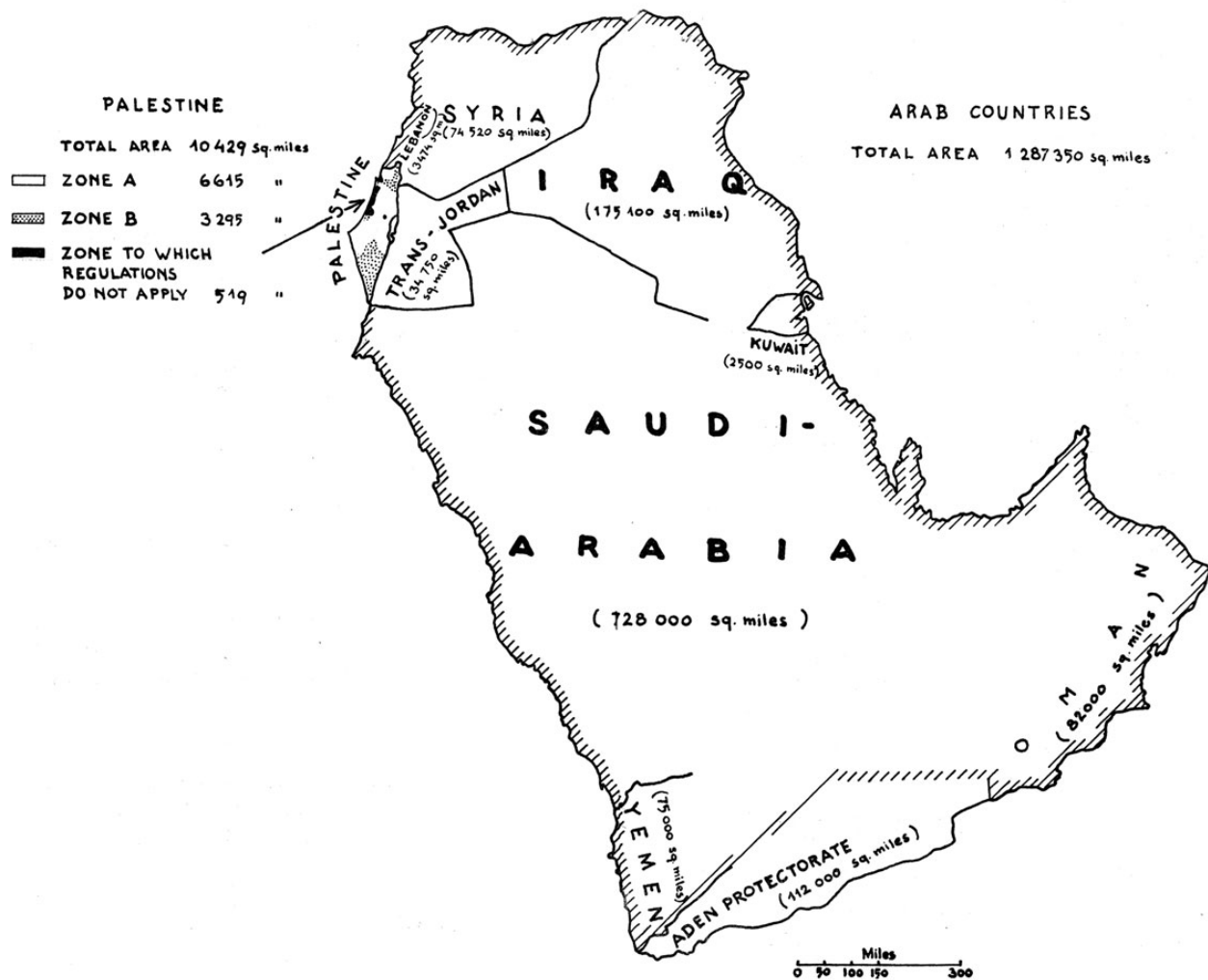
Analysis: geographical imaginaries

There is no question that MacDonald and the Jewish community of Palestine disagreed about what constituted just policy in Palestine, but they did not disagree over principles of justice in the abstract. The rhetoric of the Jews cited above suggests clearly that they believed in the principle of political emancipation; indeed, they condemned the Regulations for what they saw as its infringement upon theirs. But we know that many Jews also believed in the principle of national emancipation. While statehood was not always a collectively agreed upon end-goal of Zionism, both it and alternative forms of national emancipation had been on the table at least since Theodor Herzl's publication of Der Judenstaat in 1896 (1936). MacDonald, too, believed in both political and national forms of emancipation, as is evinced by his desire to adhere to a League of Nations Covenant and a Mandate for Palestine that enshrined both, however contradictorily.28

Where they differed was in the geographical imaginaries that dictated to whom and in what ways these principles of justice should be applied. It is difficult to speak with certainty about the Mandate Palestine Jews' geographical imaginaries, their being a community rather than a single individual, and a community riven by differences of opinion about many things. It should also be noted that whereas we have been able to consider MacDonald's later recollections of this period, in the case of the Jews, we have considered only statements from that time. That said, we can venture some hypotheses about the geographical imaginaries that undergirded these Jews' arguments about the injustice of the Land Transfer Regulations. That many commentators compared the restrictions on Jewish land purchasing to the straightforward discrimination that Jews were experiencing in Nazi Germany suggests that the Jews did not consider their colonial designs on Palestine – which is to say their desire to formally occupy a place where they had not recently lived in great numbers – to be relevant to assessments of the justness of the Regulations. This suggests an imaginary in which the Palestinians were no more entitled to Palestine than the Jews, and certainly not entitled to national emancipation in

all of Palestine. And indeed, the majority of Jews in Palestine during this period were in favour of either partition (for which Ben-Gurion and other mainstream Zionist leaders advocated after the Peel Commission recommended it), or a Jewish state or commonwealth in all of Mandate Palestine and Transjordan – the position long advanced by the rightwing Revisionist Zionists (see supra note 16).

Arguably, these Jews did not recognise the Palestinians' rights to full national emancipation because of a broadly colonialist or Eurocentric worldview within which the Palestinians were not understood as entitled to these rights, either because they were considered a primitive, "Oriental," people (Said 1978), or because they were not perceived of as a distinct people at all. The latter is implied by Figure 2, part of one of the more elaborate pamphlets circulated by critics of the Regulations. The text below the map reads: 'The short black strip of land indicated by the arrow represents the only area where Jews can still buy land in Palestine unfettered by the new Land Transfer Regulations. Compare this with the vast areas (shown in white) held by the Arabs between the Mediterranean and the Indian Ocean, in which they can settle freely.'

Map showing the Areas open to Jewish and Arab Settlement

PALESTINE

TOTAL AREA   10 429 sq. miles

☐ ZONE A   6 615   "

▨ ZONE B   3 295   "

■ ZONE TO WHICH
REGULATIONS
DO NOT APPLY   519   "

ARAB COUNTRIES

TOTAL AREA   1 287 350 sq. miles

SYRIA (74 520 sq. miles)
LEBANON (3 474 sq. miles)
PALESTINE
TRANS-JORDAN (34 750 sq. miles)
I R A Q (175 100 sq. miles)
KUWAIT (2500 sq. miles)
S A U D I-
A R A B I A
(728 000 sq. miles)
O M A N (82000 sq. miles)
YEMEN (75 000 sq. miles)
ADEN PROTECTORATE (112 000 sq. miles)

Miles
0 50 100 150   300

The short black strip of land indicated by the arrow represents the only area where Jews can still buy land in Palestine unfettered by the new
Land Transfer Regulations.

Compare this with the vast areas (shown in white) held by the Arabs between the Mediterranean and the Indian Ocean, in which they can settle freely.

Figure 2 Part of a pamphlet published by critics of the Land Transfer Regulations (courtesy of the Israel State Archives)

As we have seen, MacDonald's views about how the British should grant and guarantee the principles enshrined in the League of Nations Covenant and the Mandate for Palestine changed over time. He became increasingly concerned with safeguarding the rights of the Palestinians to some form of national emancipation. 29 This may have been due to changing perceptions of the unfree world (coming to understand the peoples therein as entitled to the right of national emancipation), and/or to changing

perceptions of the Palestinians (coming to understand them as a distinct people). In either case, what allowed MacDonald to set out a new policy in Palestine was not a change in abstract notions of justice, but the blossoming of a geographical imaginary within which the Palestinians were entitled to not only political but also national emancipation.

Coda

I want to conclude this part of the paper by mentioning one practical insight that the foregoing discussion, and in particular the distinction between geographical imaginaries and ideas about justice, permits. As we have seen, the Jews' critiques of the Land Transfer Regulations as racially discriminatory rested on an understanding of the Palestinians as not entitled to complete (or, in the case of the Revisionists, even partial) national emancipation in Palestine. But what if the charge of racial discrimination not only presupposed but also transmitted this imaginary? As noted above, restrictions on Jewish land purchasing had been proposed in 1930. In a letter written to MacDonald at that time, L.B. Namier, Political Secretary of the Jewish Agency, stated that 'The Arabs and their supporters' were keen to 'create a fundamental presumption against Jewish immigration and Jewish land purchases'. 'A position is being created', he went on, within which 'Jewish immigration and Jewish land purchases are not a normal thing of which every limitation has to be justified, but are a concession to us which will, or will not, be accorded to us again.'30 Reversing this, we could say that the Jews were fighting for Jewish immigration and Jewish land purchases to be considered a normal thing, of which every limitation had to be justified, and indeed of which every limitation could be considered an infringement on their political equality. The discourse of the Jews in the wake of the 1940 Regulations can be seen as reproducing this way of seeing. Whether intentionally or not, the Jews' discourse telegraphed the unconfessed imaginary that it contained – an imaginary within which the Palestinians were no more entitled to the land of Palestine than the Jews.

A quick scan of the discourse through which justice and injustice in Israel–Palestine are discussed today reveals that the telegraphing of geographical imaginaries is not uncommon. Consider, for example, Benjamin Netanyahu's response to the US State Department's request that the Shepherd's Hotel in the Sheikh Jarrah neighbourhood of East Jerusalem not be developed into apartments for Jewish tenants. Netanyahu stated that there would be 'a major international outcry' if 'someone would propose that Jews could not live in certain neighbourhoods in New York, London, Paris or Rome'. 'Accordingly,' he went on, 'we cannot agree to such a decree in Jerusalem' (cited in Forward 2009). By likening the call to halt this project to the discrimination that a Jew might face in a different city, Netanyahu telegraphs an imaginary in which East Jerusalem is no different from London or Rome. Unlike London or Rome, however, East Jerusalem is occupied territory under international law, the expected capital of a future Palestinian state, and the target of an active Judaisation campaign by the Israeli right.31

Similarly, in both the recent attacks on Gaza – Operation Cast Lead and Operation Pillar of Defense – defenders of Israel's actions asked, on American news programmes and undoubtedly elsewhere, what the USA would do if rockets were being launched onto its territory from Canada (or some variation of this question). While this question is framed as an attempt to appeal to viewers' acceptance of the principle of self defence, its more important work is arguably in communicating an imaginary in which the relationship between Gaza and Israel is no different than that between Canada and the USA. Unlike Canada, however, Gaza is not a sovereign state with no serious grievance against its neighbour. It is a territory over which Israel has exercised control since 1967. Although Israel withdrew settlers and permanent ground troops in 2005, it did not relinquish its authority over the area. According to the Gisha – Legal Center for Freedom of Movement, moreover, Israeli actions since 2005, 'including severe restrictions on the movement of people and goods in and out of Gaza and an economic stronghold on the funding of civil services – have contributed to an economic and humanitarian crisis in

Gaza not seen in the 38 years of Israeli control that preceded the withdrawal of permanent ground troops'.32

Awareness of this surreptitious telegraphing of imaginaries can allow us to craft more effective responses to the discourses that shape popular understandings of these and other debates about just policies and practices. In the cases above, the speakers appear to be making their arguments within the realm of widely-shared principles of justice, but these arguments are only coherent insofar as they reference erroneous but undeclared imaginaries. A central effect if not purpose of these arguments is the dissemination of these imaginaries in a below-the-radar fashion. Communicated in this way, these imaginaries are difficult to critique because they are difficult to see. With this insight in hand, we know to respond to these arguments by addressing not only ideas about justice in the abstract, but the unconfessed imaginaries upon which seductive but flawed arguments about justice rest.

Conclusion

This paper has endorsed Sayer, Storper and Olson's calls for a normative turn in the discipline of Geography, but it has argued for a different research agenda – the exploration of popular understandings and discourses of justice. This type of research has the potential to rectify a lacuna in geographical scholarship while also improving this scholarship's potential to produce politically useful knowledge. In addition to suggesting this research agenda, this paper has also suggested two premises that should inform this research: first, the recognition that popular understandings and discourses of justice are informed not only by abstract principles but also by the geographical imaginaries through which we see the potential beneficiaries of those principles; and second, the recognition that these understandings and discourses (and the ideas and imaginaries that inform them) are deeply social and historical. In the second part of this paper, I sought to illustrate the importance of social and historical geographical

imaginaries to assessments of the justness of particular policies through a close analysis of the disagreement over the 1940 Land Transfer Regulations in Palestine.

In the space that remains, I want to highlight some of the questions and avenues for future research and debate that the foregoing case study raises for the field of normative geographies. First, future research might prise apart and examine the relationship between what I have referred to in this paper as 'discourses and understandings of justice'. I have not attempted to distinguish between these, except in the most tentative way (by using both terms rather than collapsing them). And indeed, we often cannot get at historical understandings of justice except through the discourses – preserved in the archives – through which people represented these understandings. But questions about the relationship between the two, and how they might be studied separately and in relation to one another, remain and are worth addressing.

Second, and relatedly, future research should consider the relationship between the mass and elite understandings and discourses of justice that make up what I have called here simply 'popular' understandings and discourses. As we have seen, the discourse through which the Jews of Palestine condemned the Land Transfer Regulations exhibited a striking internal consistency. Unexamined in this paper is how this came to be. The Jewish Agency's early and publicised response to the Regulations suggests that, in this case, elite discourses may have set the tone for non-elite discourses. In this and other cases, however, more research is needed in order to understand how elite and mass discourses influence one another.

Third, geographers would benefit from examining the factors that influence why and how understandings of justice – and, again, the ideas and imaginaries that inform them – evolve as they do. While hindsight allows us to see that MacDonald's eventual imaginary was emergent at this time – to borrow Raymond Williams' term (1977) – we ought not conclude that the development of this imaginary

was inevitable or that it was unrelated to material events. As both Sanger and Zweig suggest, changes in British worldview and in British colonial policy were in part the result of expressions of discontent with colonial rule. The story told here has left many undoubtedly important personages and events beyond the frame, but more geographically and historically robust accounts of changing ideas and imaginaries might attempt to trace these linkages and influences across space and time (see, e.g. Buck-Morss 2009).

Finally, I have suggested in this paper that better knowledge of popular understandings and discourses of justice can help us to master 'the terrain of ideological struggle' (Hall 1983, 59), but despite geographers' frequent references to the policy or activist implications of their work, the material linkages through which academic knowledge gets transmitted to policymakers or political or activist organisations tend not to be especially well-developed (for a related argument, see Heyman 2010), a fact not unrelated to the fracturing of the left into discrete academic and political realms in recent decades. Academic intellectuals are well-placed to be part of the learning and knowledge production done in the service of efforts to create communities with common, critical, understandings of the world. But this will require, in addition to serious and critical engagement with people's actually-existing understandings and beliefs, more concerted efforts to reach out to and work with organisers and educators beyond the academy.

Acknowledgements

Notes

1 Hereafter, I refer to these using the phrase 'understandings and discourses of justice'.

2 While I refer to the Palestinians as such throughout this paper, the reader should note that in the quotations from this period they are often referred to as Arabs.

3 While the Palestinians' voices would undoubtedly enrich this story, I limit myself here to the voices of those who brought the Regulations into being and those who criticised them most vociferously. The Palestinian leadership did not formally accept the 1940 Land Transfer Regulations, but many Palestinians recognised them as an improvement on previous British policies in Palestine.

4 Of course, theorists of ideology and of discourse have considered these kinds of questions, as have legal theorists and historians (Anghie 2007; Moyn 2010), linguists (Lakoff 2008) and political writers (Frank 2004).

5 In The moral significance of class, for example, Sayer (2005) engages in a nuanced discussion of how class affects (while not determining) what social goods we desire and our evaluations of our selves and others, among other things.

6 For in-depth discussions of Gramsci's understandings of common sense, see, among others, Bruff (2008), Crehan (2002), Hall (1986) and Rupert (2003).

7 For discussions of the competing fortunes of Arab nationalism and local Middle Eastern nationalisms during the early 20th century Middle East see, among others, Dawisha (2003) and Khalidi et al. (1991). On the evolution of Palestinian nationalism see, for example, Khalidi (1997) and Porath (1997).

8 For some studies of changing British policies in the Middle East and Palestine during the first half of the 20th century, see, for example, Cohen (1973), Kent (1993), Kolinsky (1999), Schneer (2010), Shepherd (2000), Sherman (1997) and Zweig (1992).

9 In 1914, there were approximately 56,000 Jews in Palestine, representing 9.2% of the population; in 1936, the Jews numbered 355,157 or 29.5% of the population (Kimmerling 1983, 93; Schölch 1985, 503 puts the percentage of Jews in Palestine during the 1850s and 1860s at roughly 4%). In 1882, Jews owned 22,000 dunams of land in the area that would become Mandate Palestine; by 1914, they owned 418,000 dunams; and by 1935, they owned 1,232,000 dunams (Kimmerling 1983, 43). There are approximately 4.5 dunams in one acre. Importantly, while the total area of land purchased by Jews even by 1948 did not amount to a great percentage of the land of Mandate Palestine, it was concentrated in fertile and coastal part of the country.

10 Only a small number of non-European Jews migrated to Palestine before 1948.

11 This had been proposed twice before: in the 1930 White Paper and in the 1936–37 Peel Commission Report.

12 For the sake of simplicity, I refer to the discourse that follows as the 'Jewish' response to the Regulations, but the reader should bear in mind that there were some dissenting views. We know of at least one group of Jews that was not opposed to the Regulations – the members of the very small Palestine Communist Party (see Budeiri 2010; on the relationship between Jewish and Arab workers more generally, see Lockman 1996). Other, individual, Jews may have felt similarly. The reader should therefore also bear in mind the inherently incomplete and partial nature of archival materials and academic work based on these materials.

13 Occasionally, the latter accusation was also decried as a transgression against the Mandate, which contained a proscription against discriminating between the inhabitants of Palestine on the basis of race, religion or language (Article 15).

14 The quotes in this paragraph are representative excerpts from some of the letters, telegrams and memos contained in ISA, 305/4 – מ.

15 The quotes in this paragraph are from pamphlets contained in ISA, 305/6 – נ. A note in this file, dated 9 March 1940, indicates that the pamphlets are translations of 'some examples' of the 'great number of Hebrew pamphlets circulated throughout the country'.

16 Most of the restraint was exercised with respect to violence against the British, however, not criticisms of British policy. One group that continued its physical attacks against the British was the right-wing paramilitary organisation, Lohamei Herut Israel (also referred to by its acronym, Lehi, or as the Stern Gang). Lehi was founded by members of Ha-Irgun Ha-Tzvai Ha-Leumi be-Eretz Yisrael (the Irgun) – another right-wing paramilitary organisation – when the latter adopted a wartime policy of restraint towards the British. Both groups were associated with Revisionist Zionism, which came to be embodied in Israel's Herut party, the forerunner of today's Likud party.

17 UNA, S-0611-0002-12, pp. 33–35. Also available here: http://unispal.un.org/UNISPAL.NSF/0/7735B7DC144807 B985256E8B006F4A71. For those working to reverse the discrimination that the Israeli state practices towards non-Jews in Israel, East Jerusalem and the Palestinian territories, this statement is surely breathtaking. Today it is the Palestinians and their advocates who appeal to the United Nations to put a halt to racially discriminatory practices ranging from house demolitions in Palestinian neighbourhoods of Israel to Jewish-only roads and settlements in the West Bank. For information on discrimination against non-Jews within Israel, see the Discriminatory Laws Database maintained by Adalah – The Legal Center for Arab Minority Rights in Israel (http://adalah.org/eng/Israeli-Discriminatory-Law-Database Accessed August 19 2013). For information on discrimination against non-Jews in the Palestinian territories, see the report, 'Occupation, colonialism, apartheid?' published by the Human Sciences Research Council of South Africa (2009).

18 Malcolm MacDonald had been a member of the British Labour Party but in 1931 he joined the National Government that his father, Ramsay MacDonald, formed and that was subsequently led by Stanley Baldwin and Neville Chamberlain.

19 Hansard Parliamentary Debates (Commons) Vol. 358 (1940), c. 445–6.

20 Hansard Parliamentary Debates (Commons) Vol. 358 (1940), c. 446. MacDonald defended the White Paper before Parliament in May 1939, and before the League of Nations' Permanent Mandates Commission in June 1939.

21 Hansard Parliamentary Debates (Commons) Vol. 358 (1940), c. 433.

22 CAB 24/282, CP4(39), 'Palestine', Secretary of State for the Colonies, 18 January 1939, p. 12.

23 CAB 24/282, CP4(39), 'Palestine', Secretary of State for the Colonies, 18 January 1939, pp. 11–12.

24 The White Paper was published several months prior to Britain declaring war on Germany; the Regulations were published several months after.

25 DULSC, Malcolm MacDonald papers, file 9/10/14.

26 DULSC, Malcolm MacDonald papers, file 9/10/12.

27 MECA, Sir Harold MacMichael Collection, GB165-0196, Box 1, File 4, emphasis in original.

28 It should be noted that despite the promise of eventual self-determination, the British Mandate Government was not democratically accountable to the population of Palestine. This was much to the frustration of the Palestinians, who were the majority of the population throughout the Mandate period.

29 Once the partition proposal of the Peel Commission was deemed unworkable, binationalism with an Arab majority – as proposed in the 1939 White Paper – was the only way to ensure some form of Palestinian self-determination without deporting Jews.

30 DULSC, Malcolm MacDonald Papers, files 9/1/46–49, my emphasis.

31 Netanyahu also insisted that Palestinians can buy land in the Western parts of the city. As Nir Hasson (2009) has explained, however, most Palestinian residents of East Jerusalem are not legally eligible to buy land in West Jerusalem because as residents rather than citizens of the state they are unable to access the land – 93 per cent of the country of Israel – that is administered by the Israel Land Administration (see Holzman-Gazit 2007 on the history of and reasons behind public land ownership in Israel). See also the Ir Amim and Bimkom report, 'Jerusalem: an open city?' (http://eng.ir-amim.org.il/ _Uploads/dbsAttachedFiles/openCity.pdf Accessed 19 August 2013).

32 This quote is from the 2007 report, 'Disengaged occupiers: the legal status of Gaza' (http://www.gisha.org/UserFiles/File/publications_english/Publications_and_Reports_ English/Disengaged_Occupiers_en.pdf Accessed 4 June 2013). Although the closure policy was eased in 2010, 'significant elements of it remain unchanged,' according to a 2012 Gisha report (http://www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf Accessed 4 June 2013). More recent reports are available at www.Gisha.org.

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