

American University in Cairo

AUC Knowledge Fountain

Theses and Dissertations

Student Research

Spring 7-4-2022

Waqf in Transition: Tracing Local Institutional Change during the British Mandate in Palestine

Zachary Murray
zkmurray1994@aucegypt.edu

Follow this and additional works at: <https://fount.aucegypt.edu/etds>



Part of the [Intellectual History Commons](#), [Islamic Studies Commons](#), [Islamic World and Near East History Commons](#), [Legal Commons](#), [Politics and Social Change Commons](#), and the [Urban Studies and Planning Commons](#)

Recommended Citation

APA Citation

Murray, Z. (2022). *Waqf in Transition: Tracing Local Institutional Change during the British Mandate in Palestine* [Master's Thesis, the American University in Cairo]. AUC Knowledge Fountain.

<https://fount.aucegypt.edu/etds/1910>

MLA Citation

Murray, Zachary. *Waqf in Transition: Tracing Local Institutional Change during the British Mandate in Palestine*. 2022. American University in Cairo, Master's Thesis. *AUC Knowledge Fountain*.

<https://fount.aucegypt.edu/etds/1910>

This Master's Thesis is brought to you for free and open access by the Student Research at AUC Knowledge Fountain. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of AUC Knowledge Fountain. For more information, please contact thesisadmin@aucegypt.edu.

Waqf in Transition: Tracing Local Institutional Change during the British Mandate
in Palestine

Zachary Murray: 800180018

The American University of Cairo
Middle Eastern Studies Department

Acknowledgements

I first and foremost want to thank my beautiful wife, Kirsten Murray. Thank you for listening to me for hours about my studies, the process of writing and completing a thesis, and for being gracious to me with every road bump in the process. Thank you, Noura Wahby, I am grateful for your attentiveness to this project and me even at times where I would go off on diatribes and non-sequiturs. You helped and guided me through this project in such a way that allowed me to produce the best possible study I could have done. I could not have had a better supervisor. Thank you to Heba Taha and Amina Elbendary for being my readers. You both contributed greatly through your feedback and notes. Without you two the Thesis would have been lacking. Thank you to Radwa Wassim and Karim Haggag, and the entirety of the Middle Eastern Studies Center. My time at the department, albeit a rather unique experience, was both growing and unforgettable. Thank you to all of the professors whom I learned and grew under: Amina Elbendary, Nelly Hanna, Nadine Sika, Aly Erfan, Michael Reimer, and Adel El Adawy. These classes, even though diverse in scope, helped to frame how I approached not only my thesis but how to think about the Middle East, and the history of the region at large more clearly. Your instruction, work, and thoughts have deeply impacted me. I would be remiss if I did not thank with utmost gratitude to the AUC Writing and Communication Center and Michael Gibson for bringing me on as a fellow. The time I spent there with the diverse community of students at AUC gave me the opportunity to meet amazing students and gain great friends. Much of the time in the center will be memories I hold for a lifetime. Lastly, thank you to the American University of Cairo Admissions, and Board. Thank you for giving me the opportunity to grow and learn in a country that now has become a second home. Your steadfastness in providing high quality education and community support is bar-none.

Table of Contents

Table of Figures	5
List of Abbreviations	6
Abstract	7
1. Introduction	9
1.1 Background on Waqf	11
1.2 Literature Overview on Waqf Studies	13
1.3 Geography and Periodization of the Study	19
1.4 Historiography and Methodology	21
1.4.1. Methodology	24
1.5 Research Contribution	25
1.6 Thesis Outline	26
2. Transformation in Palestinian Political Economy 1900-1919	28
3.1 Introduction	28
3.2 The Changing Political Economy of Ottoman Palestine	28
3.3 Transitional Palestine: From the 1880s to the Eve of World War I	32
3.3.1 Education	37
3.3.2 Administration	39
3.3.3 Waqf	44
3.4 Conclusion	47
3. The British Official Mind and the Zionist-Christian ideology towards Palestine	49
3.1 Introduction	49
3.2 The Official Mind in the British Empire	50
3.2.1 Defining Christian Zionist Modernist Ideology	52
3.2.2 Christian-based Ideological Visions	54
3.2.3 Zionism	58
3.3 Conclusion	63
4. Urban Development in Palestine under the British Mandate	64
4.1 Introduction	64
4.2 Urban Development through British Planning in Palestine	65
4.2.1 The Town Planning Act of 1921	68
4.2.2 Patrick Geddes and the Ideology of Town Planning in Palestine	71
4.3 Reforming Waqf and the Supreme Muslim Council	77

4.3.1	Formation of the Supreme Muslim Council Waqf.....	77
4.3.1.1	The SMC, Waqf, and the Mandate Legal Framework	78
4.3.2	The English Civil Trust in Palestine	82
4.4	Conclusion	85
5.	The Politics of Space and Waqf in Jerusalem.....	87
5.1	Introduction.....	87
5.2	Tower of Ramla/The Minaret of the White Mosque.....	88
5.2.1	Antiquity Law and the Recasting of Palestine	91
5.3	Jerusalem: Waqf as Lived Environments.....	95
5.3.1	Mount Ophel/Asludha.....	101
5.3.2	Jerusalem	105
5.4	Conclusion	112
6.	Conclusion.....	114
	Bibliography	120
	Primary Sources	120
	<i>Government Documents</i>	120
	<i>Journal Articles</i>	121
	<i>Books</i>	121
	Secondary Sources.....	122
	<i>Books</i>	129

Table of Figures

FIGURE 1 MAP OF JERUSALEM (1894-95) BY CONRAD SCHICK	97
FIGURE 3 WAQF CATEGORIES OF CHRISTIAN, MUSLIM AND FAMILY	99
FIGURE 2 WAQF LAND VERSES PRIVATELY OWNED LAND	99
FIGURE 4 CHURCH WAQF WITHIN AL-QUDS	100
FIGURE 5 THE 1931 MAPPING OF THE JERUSALEM WALLS PROJECT	111

List of Abbreviations

Abbreviation	Definition
CEM	Cyprus Evkaf Administration (Cyprus)
CWC	Central Waqf Council (Palestine)
DOA	Department of Antiquities
DOE	Department of Education
DOH	Department of Health
DOI	Department of Information (London)
DPW	Department of Public Work (Palestine)
GIS	Geographical Information Sciences
SMC	Supreme Muslim Council

Abstract

The British Mandate's actions of state-building in Palestine were informed by a Zionist-Western modernist envisioned past of Palestine. This state-building ideology was embedded within much of the bureaucracy of the Mandate's system and infringed on numerous Palestinian institutions such as Waqf. Waqf was disenfranchised in particular through the implementation of urban development programs, like town planning and archaeological regimes, which sought to support the British-Zionist recasting of Palestine.

This thesis aims to show how the British's ideology of Palestine informed the Mandate's internal policies and actions which infringed on the rights of *waqf*. This was done through two axes of inquiry. The first axis analyses the role of British programs and institutions, and I take the example of town planning policies as a site for analysis. I demonstrate that town planning designed by appointed British town planners understood Palestine through a Zionist-Christian lens. This ideological lens was a presumption of the Mandate powers that Palestine was by definition the historical site of the Hebrew/Israeli peoples and thus the proper site of a nation-state building effort for a modern Zionist state. This state-building effort was legitimized within the British official mind in Palestine and more specifically by the Mandate's Department of Archaeology. The crafting of a historical claim of a national-mythology through collecting ancient artifacts were used by the Department of Archaeology to give credence to the political efforts of the British and Zionist state-building efforts as a means of grounding their modernization mythology of Palestine ought to be the future home of the Jews. This placed the proper procedure of nationalization of the modern state on an ancient historical foundation in which saw that only through the re-injection of that ancient historical foundation a modern state in Palestine could emerge.

The second axis of inquiry looks at the specific case study of Jerusalem and selects two episodes of contention. The two episodes show how the state formation process of the Mandate privileged the Zionist-Christian mythology of Palestine over the Palestinian political and social experience prior to the Mandate. The first site of contention is where the Department of Archaeology and the Supreme Muslim Council battled over the defining of the White Minaret in Ramla Palestine. This case shows the privileging of the Zionist-Christian envisioning of the built environment over the legal *waqf* rights of the Minaret. The second site of contention is situated in the walls of Jerusalem. This site shows how Town Planning schemes, and the Department of Archaeology worked in tandem to restore the city as a Jewish site through the removal of Palestinian built environments on and near the wall. This, again, privileged a Zionist-Christian understanding of Jerusalem over the *lived* space of Palestinians within Jerusalem.

1. Introduction

Historically, Waqf has played a central role in the society and culture of the Middle East and through the expansion of Islam. The institution can be described as a socio-political and religious network within the life of the regions which were affected by Islamic jurisprudence and rule. Over the history of the Middle East, this institution gained further strength as non-Muslim peoples were using the institution for their churches, synagogues and denominational businesses, and medical care facilities, among others. This study aims to articulate how this institution changes under the transition from the Ottoman Empire into the British Mandate Palestine. I argue that through the presence of the British Mandate system the urban waqf fabric of Palestine was transformed by new systems of hegemony. This transformation was mediated through British concepts of Holy Land and their overarching goals for the region leading up to and through World War I. Particularly for Palestine this was a re-biblicalization of the land in a duality of promise of the resettlement of Zionist Jews to a “homeland” and a long history (most of the 1800s) of casting the majority of the Middle East in a “antiquity” manner. This reconceptualization of geography paired with modes of colonial and British free markets and state oversight predisposed Britain in the Mandate to use law, through a normative guise, as a means to recast Palestine into a dreamed vision and away from a lived reality. During the British Mandate of Palestine, the institution of Waqf was infringed on by colonial urban development programs based in a Zionist-Western modernist ideology of Palestine.

Modernism within this historical analysis of change in Palestine functions a dualistic manner. If taking Peter Wanger’s definition of *modernity* as, “... the belief in the freedom of the human being... ..and in the human capacity to reason, combined with the intelligibility of the world, that is, its amenability to human reason... ..translates into the principles of individual

and collective self-determination and in the expectation of ever-increasing mastery of nature and ever more reasonable interaction between human beings.”¹ This definition being somewhat of a base line, though modernity is not a concept of single origin or understanding, human capacity to reason, have self-determinization politically and socially, and master over nature or industrialization are benchmarks of a modernizing society or state. The scale of this transformation varies from society to society, but markers of grater centralization, local political participation in the system, and industrialized education indicate a movement towards a modern state. The first modernity in the thesis is explored within Chapter 2 as historical and political context to the Mandate in Palestine under the Ottoman Empire. Modernism within Palestine under the Ottoman Empire was one of centralization, growing local political participation, and stronger educational systems for the growing industrial and bureaucratic institutions. These developments, though, were emerging within the socio-political context of Palestine. There were auxiliary effects within the modernization efforts of European market expansion, but the whole share of political and social modernization was progenitive within the Palestinian and Ottoman society.

The second modernity that is used within the thesis is a patronistic modernity. This modernity is found within a colonial and European context. Colonial and Imperial powers from Europe saw their role as the force of modernity within lands they deemed as non-modern, i.e., their past and future subjects. Within the specific context of the Mandate system, modernity is further seen within this frame of functioning. The modernity the British often implored throughout its domains was one of interjection and supplantation of existing societies and cultures. This was due to the conceptual basis within their framework of modernity that in order

¹ Peter Wagner, *Modernity: Understanding the Present*, (Polity Press: Cambridge. 2012), pp. 4.

for modernity to occur it must follow the trajectory of European modernity and thus Western/European institutions. However, when it came to the contemporary Middle East region this modernism was couched within a return to ancient foundations. Through re-earthing the cultures and societies of ancient Babylon and Palestine state build of a modern nation could be conducted. This modernization was two-fold then, the attempted reviving of an ancient traditional culture and the direct implementation of European institutions in the region for the integration in a globalized world and market. Thus, this thesis aims to examine how British urban development programs, specifically town planning and archaeological regimes, turned Waqf into a site of political and urban struggle as a bi-product of this overarching colonial/political scheme. This chapter focuses on the overall scope of the study, its historiography, methodology, and the important literature within the field of this study.

1.1 Background on Waqf

Being both a public and private institution, *waqf* (وَقْف) has been a central cornerstone to the life and society of the Islamic Civilization. In some ways, as Muhammad Zubair Abbasi argues, *waqf* is “described as the most important institution, which provided the foundation for Islamic civilization, as it was interwoven with the entire religious life and the social economy of Muslims².” Unlike the landed ecclesial institutions of Europe, *waqf* has consisted of nearly all sectors of public life.³ From coffee shops, Mosques, schools, water ways, to railroads; *waqf* endowments encompassed both private and public life in the Islamic World.⁴ *Waqf* as a key institution of the Islamic Civilization has roots to nearly the beginning of civilizations. Rather than being developed out of directly quoted texts of the Qur'an, *waqf* was developed through the

² Muhammad Zubair Abbasi, “The Classical Islamic Law of *Waqf*: A Concise Introduction,” in *Arab Law Quarterly*, Vol. 26, No. 2 (2012), pp. 121 [121-153]

³ Develop this further *breifly*.

⁴ Id., 121-122

principle of charity found within the Qu'ran.⁵ From this principle, early jurists (*qadi*) and scholars (*ummah*) developed the system of *waqf*.

The first three generations of the Umayyad dynasty (661-750 AD) and the Arab Islamic expansion developed a specialized department (*diwan*) of the government (central power), which overlooked the system of *waqf*.⁶ However, it was not until around the year 755 AD that *waqf* was more formally defined as a part of the jurisprudence system within Islamic governance and society.⁷ For this study, there will be a primary focus on the Hanafi application of the law regarding *waqf* within the timeframe of the study. From 755 AD on there are some deviations from the Hanafi madhab or school (مذهب) like the Salafi and the Maliki schools, but they play a minor role as they are not as central to the study nor within the context of the Ottoman Empire. Furthermore, these schools only have very small differences when it comes to the interpretations rendering of the law on *waqf*.

There is a clear structure and legal framework that developed within the Islamic jurisprudence of establishing *waqf*. Like other parts of *fiqh*, *waqf* delineation within the different *madhabat* (pl. of *madhab*) had only minor differences between them. They all have the same basic language around the formation of the *waqf* with only some minimal variations. First, within the *fiqh* of *waqf*, the founder of the *waqf* needed to convert private property into endowed property. This conversion is guided by the principle of perpetuity or the “prohibition of *tasarruf*” or the exchange of cash for property.⁸ Once the transformation of private property into endowed

⁵ Id., 124, fn. 11: See these verses in the Qu'ran for where early jurists derived the conceptual understanding of *waqf*: Al-An'am 27; 30; Saba: 31; Al-Sdffat: 24. Ifran Ahmed Shaikh, "The Foundations of *Waqf* Institutions: A Historical Perspective," in *Intellectual Discourse*, Special Issue (2018), pp. 1216. [1213-1228]

⁶ Abbasi, 214; and Shaikh, 1216.

⁷ Shaikh, pp. 1216.

⁸ The majority of the Hanafi school sees that once a *waqf* is endowed the former private property is prohibited from being "sold, gifted, or inherited". This stipulation could be worked around if there is clear dilapidation of the *waqf* property and cannot be used further. Then it either reverts to the administration *qadi* (local jurist) or is reverted to the family of the founder. However, for the most part once the *waqf* property is "legalized and set" the property is in

property was enacted, any surplus funds from the now endowed property must be used solely for charitable purposes (*tasaddaqa*).⁹ This action would in most cases remove the endowed property from the public market. Thus, the *waqf* deed (*waqifiyya*) must have these three aspects within the language of the deed: 1) “the endower states that he endowed”; 2) in *sabbala* (سَبَّلَة) or reserved for God’s usage; 3) and as previously mentioned, principally created for charity purposes. Additionally, within the *waqqifiyya* the stipulations of the *waqf* are laid out. These stipulations would indicate which founder’s property (*mawquf/mawqufat*) would be endowed, the beneficiary (*mawquf ‘alayhi / mustahiqq*), what would be the instrument which created the surplus profit (*manfa’a*), and who would be the manager of the *waqf* property. All these, including whatever else the founder desired to include within their stipulations, make up the legal and religious formation of *waqf*.¹⁰

1.2 Literature Overview on Waqf Studies

Waqf being studied as an Islamic Institution beyond the Shari’a Courts and Islamic Scholars started with European Orientalists. In David S. Powers’ article, “Orientalism, Colonialism, and Legal History: The Attack on Muslim Family Endowments in Algeria and India,” he argues that colonial expansion into Algeria and India required the study of *waqf* for the purposes land purchase in French Algeria and British India. The study of legal texts was used

de-facto ownership of the beneficiaries. See, M.Z. Abbasi, “The Classical Law of Waqf: A Concise Introduction,” in *Arab Law Quarterly*, Vol. 26. (2012), pp. 126-127. [121-153]

⁹ Charity is arguably one of the most central and fundamental aspects of Islam. *Waqf* being a voluntary charitable function within Islam, it falls under this impetus of Islamic life and thought. Charity, unlike European charity, within Islam is both obligation of personal piety within Islam but it also intended to be a socio-economic stabilizer and is used to protect the well-being of communal well-being in all its forms. For a more in-depth discussion of the origin and impetus of *saddaqa* see, Salwa Amirah Awang, Fidizan Muhammad, Joni Tamkin Borhan, Mohammad Taquiddin Mohamad, “The Concept of Charity in Islam: An Analysis on the Verses of the Quran and Hadith,” in *Journal of Usuluddin*, vol. 45, no. 1 (2017), pp 141-172.

¹⁰ Dina Ishak Bakhoun, “The *Waqf* System: Maintenance, Repair, and Upkeep,” in *Held in Trust: Waqf in the Islamic World*, ed. Pascale Ghazaleh. (Cairo: AUC Press, 2011), pp. 180.

to defunct the type of *waqf* (in North Africa *habs*) in which benefited family; or *ahli waqf* as it is referred to in *Bilad al-Sham*.¹¹ In the same vein orientalist production of knowledge on *waqf* also happened in regard to Palestine under the Ottomans and the British for the purpose of policy.

The production of this literature was done in both direct and indirect ways.

A key sample of this literature would include R.C. Tute's *Ottoman Land Law* (1929) and his article production in law journals, Fredric Maurice Goadby's *Introduction to the Study of Law: A Handbook for the Use of Law Students in Egypt and Palestine* (1921) and *International and Inter-religious private law in Palestine* (1926), Goadby and Moses J. Doukhan's *The Land Law of Palestine* (1935), J. B. Barron *Mohammaden Wakfs in Palestine* (1922), and Abraham Grannot's *Land Problems in Palestine* (1929) and *The Land System in Palestine: History and Structure* (1952). This literature, except for Grannot's *Land System*, was produced in the aim of helping the Mandate system to create policy for land and property. The works that are cited the most often as primary sources of this period are Tute's *Ottoman Land Laws*, and Barron's *Mohammaden Wakfs in Palestine*.¹² Other scholarly work, like that of the law student manual, were products of the British regime that do not directly focus on *waqf* but are used when discussing *waqf*. These sources highlight certain aspects of the *waqf* system but from the vantage

¹¹ Powers shows that the application is different in reference to British and French hegemonic policy ends, however the goal was the same; to exert control over and understanding of *waqf* in their colonies. David S. Powers, "Orientalism, Colonialism, and Legal History: The Attack on Muslim Family Endowments in Algeria and India," in *Comparative Studies in Society and History*, Jul. Vol. 31, No. 3 (Jul., 1989), pp. 535-571

¹² The production of knowledge on *Waqf* did not end with the British Mandate. The key authors that have produced key work on *waqf* after the British Mandate are J.N.D Anderson (1955, 1959), Aharon Layish (1997), U. Kupferschmidt (1985), Michael Dumper (1983, 1994), Yitzhak Rieter (1991, 1995), Salim Tamari (2017, 2018), and Munir Fakher Eldin and Salim Tamari (2018). J.N.D Anderson's work is centered around the legal system of Islam throughout the early 1900s and how these legal systems changed. Anderson's most cited text is his *Islamic law in the Modern World* in which he details in 1959 the way in which modern Islamic law breaks away from traditional Islam jurisprudence. This break away from the traditional law framework is generated from the implementation of modern Western laws within the traditional system. Anderson some claims these laws are the Commercial Code of 1850, the Penal Code of 1858 and so on. Thus, modern Islamic law is not born from a modernization of within but a modernization from the outside. Or, the modern Islamic law system could not have adapted without the implementation of Western modernization. See Anderson, J. N. D. Sir and American Council of Learned Societies. *Islamic Law in the Modern World*. (New York: New York University Press), 1959, pp 21.

point of the British within Palestine. They, in some part, help within contextualizing the British's motives towards *waqf* within Palestine, but often are used to essentialize *waqf* study. Rather than addressing how *waqf* function as a *living institution*, they often just describe the institution and its holdings (buildings, businesses, charities, etc.).

Scholarly works by Aharon Layish, U. Kumpferschmidt, and Yitzhak Rieter are among the grouping of essentialized studies within this literature. They give detailed descriptions of *waqf* within the British Mandate, as well as the laws and institutions that came into dialogue with the *waqf* system. Aharon Layish's "The Family Waqf and the Shar'ī Law of Succession in Modern Times" details the presence of the modified endowment called *waqf dhuri* which gave legal rights to family members beyond inheritance law. Layish indicates this modification breaks convention within Islamic law and thus was deemed illegal within Sharia, yet the presence of the modification within Palestine was high.¹³ Nada Moumtaz following this pattern has argued that *waqf* through the invention of *waqf dhuri* was intuitive to the updating legal frames, and religious sentiments within the French Mandate.¹⁴ Beshara Dounami has shown within Greater Syria (1800-1880), specifically Tripoli and Nablus, that this type of *waqf* played a central role within these cities and especially within female spaces.¹⁵

The other two essentialist works of Islam within Mandated Palestine are Yitzhak Reiter's book *Islamic Endowments in Jerusalem Under the British Mandate* and Uri Kumperschimdt's *The Supreme Muslim Council: Islam under the British mandate for Palestine*. Reiter's work details thoroughly the landscape of Islamic *waqf* within Jerusalem (1914-1918), yet its

¹³ Layish, Aharon. 1997. "The Family Waqf and the Shar'ī Law of Succession in Modern Times." in *Islamic Law and Society* 4 (3): 352-388

¹⁴ Moumtaz, Nada. "'is the Family Waqf a Religious Institution?" Charity, Religion, and Economy in French Mandate Lebanon." *Islamic Law and Society* 25, no. 1-2 (2018): 37-77.

¹⁵ Beshara Dounami, "Endowing Family: Waqf, Property Devolution, and Gender in Greater Syria, 1800 to 1860." *Comparative Studies in Society and History* 40, no. 1 (1998): 3-41

essentialist character comes out through his description of the institution within Jerusalem and not the way in which it functioned within the transforming city. When discussing waqf, Reiter never explores any cases or colonial history that could indicate why the waqf system changes during this period. However, his work is often cited as an/the authoritative study on the subject.¹⁶ Similarly, Uri Kupferschmidt's work on the Supreme Muslim Council (SMC) is additionally often cited as the authoritative historical study of the SMC. The SMC within the British Mandate was the religious-political organization that oversaw religious matters of Palestine, particularly the waqf system. An important claim within his work, is that the British authorities were 'naïve' in their creation of the SMC as an act of appeasement within Palestine; and thus, unwilling giving them political power.¹⁷ Nicholas E. Roberts' counter argument within his work: 'Islam Under the Palestinian Mandate', provides a more nuanced perspective of the SMC within a colonial system. Roberts' argument is that the SMC was created as a means to control the Islamic population within Palestine.¹⁸ This control was not generated from naivety, but from colonial experience with Islam and Muslim subjects, particularly Cyprus, India, Bosnia, and Herzegovina.

Timar Kuran's work also represents a contemporary orientalist view on waqf. Kuran has recently argued that the reason why the contemporary Middle East is authoritarian lays principally within Ottoman economic and jurisprudential legacies, the millet system, and principally waqf. In his work, "Legal Roots of Authoritarian Rule in the Middle East: Civic Legacies of the Islamic Waqf," Kuran argues that since beneficiaries of *awqaf* had no say in the

¹⁶ Salim Tamari in 2018 still cites it as such in. "Waqf Endowments in the Old City of Jerusalem: Changing Status and Archival Sources." In *Ordinary Jerusalem, 1840-1940: Opening New Archives, Revisiting a Global City*, edited by Angelos Dalachanis and Vincent Lemire, 1:490–509. Brill, 2018.

¹⁷ Nicholas E. Roberts, *Islam under the Palestine Mandate Colonialism and the Supreme Muslim Council*, (London: I.B. Tauris, 2017), pp. 7.

¹⁸ Ibid.

selection of the officers of the *awqaf*, this created a weak civil society and therefore a habit of submitting to an authoritarian rule.¹⁹ In Kuran's book *The Long Divergence: How Islamic Law Held Back the Middle East*, he additionally argues that Islamic law, with special attention to waqf, has historically been unable to provide the conditions of building strong civil societies and private capital development and states this is as a key understanding of the "backwardness" of the Middle East²⁰. For Kuran it was not colonialism or other external influences, but rather the ideological failing of the region itself. Thus, like many of the Western academics and the politicians of the turn of the 20th century, Kuran argues that failure is derived from civilization's ethos, and The Ottoman Empire, and subsequently the Modern Middle East, because the Ottomans did not develop a Western democratic/capitalist state structure. Timur Kuran's ideological positioning shows orientalism still exists but moreover serves as a contemporary example of the colonialist minds of the British Mandate in Palestine. For the Mandate officials, the political stagnancy of Bilad Ash-Sham was the lack of modernity not democracy.

On the other hand, Michael Dumper, Salim Tamari, and Munir Fakher Eldin's work represents what Nicholas Roberts and Laura Roberts calls for the movement towards a modern history of Palestine that is *sui generis*.²¹ This historiographical framework seeks to show that Palestinian had a starting point before the advent of the British Mandate or with the formation of the State of Israel. In fact, Palestine, and in particular waqf, was in the process of change long before the British's control. The development of a modern Palestine does not begin with the Mandate, but has precedent in the Late Ottoman fabric. This does not disregard the emergence of

¹⁹ Kuran, Timur. "Legal Roots of Authoritarian Rule in the Middle East: Civic Legacies of the Islamic Waqf." In *The American Journal of Comparative Law* 64, no. 2 (2016): 419-454.

²⁰ Kuran, Timur. *The Long Divergence: How Islamic Law Held Back the Middle East*. (Princeton: Princeton University Press, 2011).

²¹ Nicholas E. Roberts, *Islam under the Palestine Mandate Colonialism and the Supreme Muslim Council*, pp. 8.

the conflict between the Zionist settlers and the local Palestinians, but moves the historiographical center away from nationalist struggles to one of multilayered causal changes. Michael Dumper's *Islam and Israel: Muslim Religious Endowments and the Jewish State* is an early attempt of contextualizing waqf within this framework. His work details waqf throughout the Mandate and in the State of Israel. Within his first chapter, he attempts to give more nuance than his teacher Yitzhak Rieter on the state of waqf within the British Mandate, yet his periodization lends his historiography towards older frameworks. However, his main thrust shows a continuity between Ottoman precedence in conflict with the advent of the British in Palestine.²²

Similarly, Salim Tamari's *The Great War and the Remaking of Palestine* is one of these first historical works that attempts to bridge the Ottoman Past to the contemporary British Mandate moment. His historical study sheds light on how Palestine was changing before the British Mandate and how this change was transforming the landscape of the local population before and during the war. For instance, Tamari shows how Adele Aszar (a Rumi Orthodox Educator) was able to use Church waqf to educate women and help them find employment within a modernizing society. He thus demonstrates how waqf played a more unified and transformative societal role within Palestinian society and was not merely an Islamic institution.²³ In addition, Munir Eldin and Salim Tamari's 2018 study on waqf in "the Old City" of Jerusalem gives a more nuanced picture of the life of within the city. The major breakthrough of this is how varied the waqf system was within Jerusalem being an institution that was used by both Muslims and Christians alike.²⁴

²² Michael Dumper. *Islam and Israel: Muslim Religious Endowments and the Jewish State*. Washington, D.C: Institute for Palestine Studies, 1994.

²³ Salim Tamari, *The Great War and the Remaking of Palestine*. (Oakland, California: University of California Press, 2017) pp, 140-157.

²⁴ Munir Fakher Eldin, Slim Tamari, *Jerusalem Properties and Endowments: A Study of the Old City Estates in the Twentieth Century*, (Jerusalem: Institute for Palestinian Studies, 2018).

This brief literature overview illustrates a research gap in historical research that looks at the institution of waqf during this period of societal and political change.

1.3 Geography and Periodization of the Study

For this historical narrative the space and the periodization of the study is defined as such: rather than referring the physical space in my narrative as ‘The Middle East’, I will use the terms *Bilad al-Sham* or Palestine where the most applicable. In reference to British understanding of the region, the usage of the term Middle East will be used. However, the reference to “The Middle East” will not be used when referring to my study proper. This is due to “The Middle East” often having many definitions and that geography is constructed in terms of *realpolitik* as well. In particular, the political boundaries of the region were changing throughout the late 1800s and early 1900s.

Similarly, when referencing “Ottoman”, the definition is a delineation of state-administrative and not as a monolithic term to define Palestine or the whole of *Bilad Al-Sham*. By defining this region as Ottoman “pure”, it insinuates that the region is Ottoman “stagnant” rather than Ottoman “dynamic”.²⁵ Through the nineteenth century, cities and regions were ‘thinking for themselves’, in the sense that regionally and geographically identities of local polity were being formed.

The periodization of the study will primarily focus on years 1918-1929 of the British Military control and the Mandate in Palestine. The main thrust of the study will focus on the latter part of the British control, as this is where most of pertinent state-building actions are

²⁵ Two authors that have recently informed this thinking are Cem Emrence and Jacob Noris. They both argue that the land in which Ottoman controlled were transforming both in political space and geography organization throughout the 1800s.

found. However, the period leading up to the Mandate is paid attention to in Chapter two as this gives context to Palestine prior to the Mandate. This period is important in two ways. The first is that during this period new transformations within the Ottoman Empire emerged, and second, Ottoman Law continued to be used as “normative law” by British Mandate officials, and therefore is key in the discussion of the legal and state system that the British placed on Palestine.²⁶

²⁶Rappas, Alexis. "The Sultan's Domain: British Cyprus' Role in the Redefinition of Property Regimes in the Post-Ottoman Levant." *International History Review* 41, no. 3 (2019;2018;): 624-649.

1.4 Historiography and Methodology

This thesis aims to join in the effort of non-Orientalist understandings of the history of *Bilad al-Sham* and Palestine. One of the main objectives of this thesis is to show how the *waqf* system transformed socially and politically within the transition to the hegemonic power of the British Mandate. This thesis attempts to show how this transformation affected aspects of *waqf*, in addition to what this effect on the institution tells us about the changing region in the early 1900s. The implemented historiography of this thesis is referred to as *structural-contextualism*.

Structural-contextualism is the way in which an institution can be understood to act within history not as an artifact but as a participator. The function of participation here is in the result of how people used *waqf* when new contexts arise or how when new political/cultural frameworks change the way in which *waqf* can participate within the new system's end goals.²⁷ It allows for a more in-depth and granular understanding of how institutions change over time. Rather than analyzing the object or person itself/themselves, the structure and context “around, in, and by” the institution studied is applied to the action of the person or object within the historical fabric and matrix.²⁸ This framework of institutional historiography is akin Charles Tilly's understanding of change within the urban sector and migration. He states:

“Intergroup conflicts over jobs, land, or political power create new social actors: active social classes, occupational guilds, political communities, ethnic

²⁷ This is a comparable method to that of Anthony Giddens in what he calls *structuration*. His *structuration* is connected to the discipline of Urban History and that “historical formation of situations [are] delimited by time and space whose enduring social arrangements people take for granted and allow to shape their actions.” Or, how the historical moment that people participate in are affected by the special and temporal structures they exist in. Charles Tilly, “What Good is Urban History?” in *Journal of Urban History*, Vol. 22 (1996), pp. 710. (702-719).

²⁸ A good example of this would be the structural-contextual change of most American houses in the 1950-60s. Due to the influx of money in the post-WWII America and the invention of Air Conditioning housing in the US changed from having a front porch for sitting and chatting with neighbors to having a secluded area behind the house for individual privacy.

groups, parties, and so on. The presence of those organized actors then alters the character and outcome of conflict... In all these processes, time and place matter fundamentally; when and where they occur affects how they occur."²⁹

Charles Tilly's discussion on how migration movements create urban policies is in theory paralleled to that of the British and Ottoman policies in Palestine. It is not merely just policies that directly affect the *waqf* institution but also how those policies that affect *waqf* indirectly. Conditional pressures in space and time affect institutions, people groups, and the whole system; especially if the political or social structure is defining that geographical space in radically new ways.

Structure is being defined within this historiography as the inter-relation between peoples, institutions and power. Like that of post-structuralism, structure does not appeal to singular or linear developmentalism or historical determinism. Structure is both the framework of power within institutions and the political organization, and the matrix of change through new implementations of state/colonial policy on society and institutions, whether it be local, Ottoman, or British. [OBJ] Structure is the institutions, the social and political stratosphere, religion, grounded frameworks around gender, class, and others, and the change to those parts of structure form within and from without. One way to understand how *waqf* changes over time and space then is to look at the conditional changes in other parts of the structure it functions within. Here, *post-structural* critique is helpful, as the structural effects of Ottoman power and policy had different effects on separate regions like that of *Bilad al-Sham*. Change and development within a sociopolitical system is not uniform, especially within its institutions and regions. An example of

²⁹ Tilly further conditions this in the understanding of, "Those choices themselves [migration affecting urban policies like labour and housing] follow historicist logic, depending heavily on what has happened previously in particular times and polices." Ibid, 711,712, and 714.

a change in institutions having multi-variable changes is through the advent of trains and the telegraph. Benjamin Sidney and Michael Schwantes have shown through the implementation of new technology within the institutions of transportation, commerce and communication the US legal system, societal framework, and so on was drastically changed. Thus, it is not a *spirit* in the Hegelian understanding that molds state and society, but the multilayered affects from changes to institutions and the developments by the system of the “state-society” relation.³⁰ *Waqf* then within this purview structure is seen not as static but responsive to the changes around it and the changes that happen to it.

Context within the historiographical framework is defined as the variables of events. Structural changes are the modifications to the machinery of the system whereas the context is the meaning in which that machinery is formed. Quentin Skinner and J. G. A. Pocock define context as texts in “context”.³¹ The meaning of context within their understanding of text, time and space is helpful when attempting to understand historical texts via its time and space. However, context within the historiography is the analysis of change of hegemony through multiple applied variables like cultural assumptions, religious and political adherences, and Imperial goals. Within the transition from the Ottoman Empire to the British Palestinian Mandate, legal texts, culture, and so on were not viewed by the British *ex nihilo* but through their political and cultural institutions, and the aims in which British desired for Palestine. As an example, the application of the 1858 Ottoman Land Code in Palestine was used to build a Zionist state through that legal framework. Thus, contextual fabric within this study thus means the

³⁰ Benjamin Sidney and Michael Schwantes, *The Train and the Telegraph\; A Revisionist History*, (Baltimore: Johns Hopkins University Press, 2019)

³¹ For Quentin Skinner see, *Machiavelli: A Very Short Introduction*. Very Short Introductions. (London: Oxford University Press, 2000). For J. G. A. Pocock see, Mark Bevir, "The Role of Contexts in Understanding and Explanation," in *Begriffsgeschichte, Diskursgeschichte, Metapherngeschichte*, ed. Hans Erich Bödecker (Göttingen: Wallstein, 2002)

events and changes that happen at the state and local level that have direct or indirect effects on a particular part of society, culture, religion, etc. through an external lens of meaning. What a power believes to be true within their ideology places function on how they use law and policies. The application of the 1858 Ottoman Land Code was conditioned by the British Mandate's commitment to the Zionist colonial project through participating in that state-building effort. Context here then is not defined within the ontological function of understanding texts but within the teleological function of the purpose of ends. This kind of context allows for the analysis of how the institution of *waqf* changes over time via new modes of meaning being placed on the machinery of the system.

1.4.1. Methodology

The methodology of this study is grounded in the historiography laid out in this chapter, and through the transitions in hegemony between the Ottoman and British Imperial systems within Palestine. This methodology is primarily narrative and qualitative in nature. Chapters Two and Three are more narrative driven as they focus more on the emergent secondary academic works on Palestine, the British Empire and the Ottoman Empire. However, this narrative offers an understanding of the Ottoman and British Empire within *Bilad Ash-Sham* as parallel agents and how their agencies effected their view or action within the region. Chapters Four and Five are where qualitative methods are employed through the use of primary sources. These sources are British and Arab data, and are used in connection with secondary sources to show how British policies affected *waqf* within Palestine. These primary resources are documents retrieved from the Official Gazette of the Government of Palestine, the British Mandate Department of Antiquities, and Department of Health, and others have been supplemented from the *Palestinian Online Museum Archive*. The integration of primary and secondary sources function as a means

of understanding how *waqf* was molded by the transition from the Ottoman rule to the British rule.

The limitations of this study are, even though receiving a research grant from The American University of Cairo, I was not able to study archival materials in person. The original plan was to travel to the United Kingdom, but Covid 19 travel restrictions inhibited these plans. Due to lack of travel, I was not able to access these primary resources widely, and more specifically, I could not access Arabic sources that would have given this study fuller nuance. Unfortunately, many Palestinian archives are not digitized, while Open Jerusalem and British National archives were “only in person” documents and travel to them was required. Similarly, two important archives that will be important for future research are Jerusalem municipal archive and the archives of the Supreme Muslim Council. However, I was able to find primary sources from the Israeli State Archives online platform and other online archives that provided the data for the outcomes of this study.

1.5 Research Contribution

This thesis contributes to the study of *waqf*, Palestine, and the British Mandate in two ways. This research first contributes to the literature on Waqf in Palestine by highlighting the connection of how waqf was a living institution that was infringed on by the state-building regimes within Palestine. The second contribution lies in the analytical usage of Department of Archaeological (DOA) documents under the British Mandate and collating them with secondary sources. These primary sources and their dialogue with other regimes, like that of the Town Planning Commission have not been fully explored during this period. The DOA documents are often comprehensive in that they offer multiple voices within them. Within this study, the

documents had Zionist, British and Palestinian voices in collection. These voices give a fuller picture to the effects that the archaeological regimes had within Palestine. Additionally, these sources and their analysis illustrates how these auxiliary departments implemented a Zionist-Christianized view of Palestine into a hegemonic system destabilizing local institutions. This is politically important on two fronts. The first front is that through the implementation of a national-mythology within the mechanisms of the Mandate system and state building efforts. The creation a modern state in Palestine and “securing of the future home of the Jews” in the Balfour Declaration (1917) was supported by both a modernist and eugenic-religious mythology of Palestine within history. A modern state would emerge, as it were, through the reintroduction of a “native” population to Palestine supported by an ideological production of historical artifacts for the proof of that national-myth. This under discussed framework within the mechanism of the Mandate contributes to understanding how Palestine changes politically under the Mandate.

These two contributions aide in the discussion of agency on the part of the British Mandate and how they were participators of overturning Palestinian society for the benefit of the Zionist movement. Thus, this thesis contributes to the research on Waqf Studies by illustrating how the institution went beyond religious charitable properties and plays a role alongside national struggle. In particular, this study shows how this role helped activate Palestinians in a political struggle against the British and settler colonialism.

1.6 Thesis Outline

In order to show this transforming relationship between *waqf* and hegemony this study is broken down into five chapters. **Chapter 2** functions as the backdrop of Palestine leading up to the Mandate. The chapter details how the Palestinian political economy was developing under the late Ottoman rule. This developing political economy saw a greater localization of political

power as a result of the Ottoman modernization efforts. Part of the localization of political life in Palestine saw that institutions ought to be localized as well. One of these institutions was *waqf*. **Chapter 3** details the development of an ideological position towards Palestine that was Zionist-Christian and modernist. This ideology was found within the ‘official mind’ of the Imperial officers and goals. Within this ‘official mind’ Palestine was seen as the past and future home of Zionist Jews. This chapter gives further context to how the British enacted certain policies and regimes within Palestine to promote this goal and state-building. **Chapter 4** deals with two characters, the Supreme Muslim Council and the Biologist-Town Planner Patrick Geddes. This chapter takes macro-geopolitical movements and intellectual history and grounds them into how the “urban” was being defined and sustained at the local level. **Chapter 5** details how the commitment to the Zionist movement and state-build goals were supported by the Mandate’s Town Planning Commission and the Department of Archaeology. The chapter shows through two case studies, “The Tower of Ramla” and Jerusalem, how these departments and the town planning and archaeological regimes supported the state-building and infringed on the rights of *waqf* in the process. This shows that the Mandate power needed to control the physical space and to create a narrative of that space for the benefit of recasting that space into a Zionist meaning. **Chapter 6** concludes this study by synthesizing the role of *waqf* under the Mandate through a reflection on the workings of power and control within urban landscape under the British in Palestine.

2. Transformation in Palestinian Political Economy 1900-1919

3.1 Introduction

At the turn of the 19th century Palestine was, like much the rest of the world, shifting drastically within its social and political zeitgeist. This chapter functions as the historical context of Palestinian political economy transformations leading up to the Mandate. The chapter will be broken up into two sections in order to show the changing political economy within Palestine from the 1880s through the 1910s. The first section deals with a brief and general description of the changes within the political economy within the Ottoman Empire. The second section details how Palestinian institutions were reacting to structural changes that occurred within that socio-political context. The second section is divided further into three sections. The first section details the Palestinian education and how this supports modernization efforts within Palestine. The second section shows how local government administration was changing due to a growing civil-society. Finally, in the third section *waqf* is discussed within these developments as the institution was viewed within the development of the political economy of Palestine. The discussion of the political economy of Palestine leading up to the Mandate era is important as the Mandate defuncted this political economy and serves as a contrast to the political economy implemented by the Mandate officials.

3.2 The Changing Political Economy of Ottoman Palestine

Historians within the late 1800s and throughout the 1900s have often defined the later part of the Ottoman Empire as ‘in decline’. This fatalistic historiography is one that has Orientalized the later part of the Ottoman Imperial history as non-inventive, and non-developing.³² The

³² The historiography presented through this section is the position that Ottoman lands went through modernization program, but it is not in defense of Neo-Ottomanism. This program was laid on existing Ottoman institutions,

Ottoman Empire throughout the 1800s saw the rapid growth of a new bureaucracy. This new bureaucracy was supported by the growing Ottoman Military, changes within the Ottoman education systems, and new infrastructure projects namely transportation. Through the modernization efforts, the relationship of 'subject to empire' changed as new ways of upward movement within the political hierarchy changed through the very same modernization efforts. Amit Bein has shown that the change of education particularly in the Hamaidian period (1876-1909) was the "implementation of a systemic program of education with a view to molding the population into disciplined citizens."³³ These 'disciplined citizens' would then in turn become employed within the new bureaucracy closing the loop. Michael Provence has also shown that the interconnection of military, education, and modernization also helped to produce this bureaucracy.³⁴ Education within the Ottoman Military was supported by conscription and being subsidized by the Ottoman government. Even though civil and Qur'anic schools were prominent within late Ottoman society military schools were free. This allowed for more people within the Ottoman Empire to become educated and in turn supported the Ottoman modernization efforts on the whole.³⁵

This dual process of education and modernization within the emergence of the growing Ottoman bureaucracy changed the political economy throughout the Empire. Through the 1800s civil servants saw a strong increase in numbers. There were 2,000 scribal servants in 1770, and

therefore, the modernization that took place in Ottoman lands will have different trajectories than that of Europe. Even though there may be some overlap. For a brief introduction of Neo-Ottomanism see "Introduction" in M. Hakan Yavuz, *Nostalgia for the Empire: The Politics of Neo-Ottomanism*, (Oxford University Press, London: 2020), pp. 1-17.

³³ Amit Bein. "Politics, Military Conscription, and Religious Education in the Late Ottoman Empire." in *International Journal of Middle East Studies* vol. 38, no. 2 (2006): pp. 298. [283-301].

³⁴ Michael Provence, *The Last Ottoman Generation and the Making of the Modern Middle East*. (London: Cambridge University Press, 2017), pp. 15, 16, and 19.

³⁵ Erik Jan Zürcher. "The Ottoman Conscription System, 1844–1914." In *International Review of Social History* vol. 43, no. 3 (1998): 437-449.

the bureaucratic service grew to between 35,000-70,000 persons by the Young Turk regime.³⁶ The bureaucratic personnel served in positions of, “the ministers of finance, charitable foundations (*evkaf*), education, trade and agriculture, customs, and land registry.”³⁷ The development of this bureaucracy was also supported by the development of new technologies and practices within the Ottoman Empire. Railroads, telegraphs, newspapers, the economy, and public spaces where all parts of the new Ottoman infrastructure developed from the new bureaucracy and education. Railroads during this time period were some of the most sought after in terms of development in Ottoman lands.³⁸ The ease of access to resources throughout the Ottoman lands and access to their subjects grew.³⁹ The Porte could move resources and capital with more ease for internal and external trade and throughout the later 1800s into the 1910s show a positive growth of development.⁴⁰ The Ottoman Empire brought the governed peripherals closer to the center due to railroads provide easier access to them creating new commercialized regions, but also formed new relationships to the Ottoman central bureaucracy.⁴¹

This development helped undergird much of the other policies that the Ottoman Empire was enacting and allowed for capital expansion at the Imperial level, but also at the regional

³⁶ Carter V. Findley, *Ottoman Civil Officialdom: A Social History*, (Princeton University Press, New Jersey: 1989), pp. 22-3, 212-18.

³⁷ Carter V. Findley, “The Tanzimat,” in *The Cambridge History of Turkey, Vol. 4*, Resat Kasaba (ed.), (Cambridge University Press, London: 2008), pp. 23.

³⁸ The Ottomans sought economic and diplomatic ties with German through railroad construction. See, Volkan S. Ediger & John V. Bowlus, “Greasing the wheels: the Berlin-Baghdad railway and Ottoman oil, 1888-1907,” in *Middle Eastern Studies*, Vol. 56, No. 6 (2020), pp. 193-206.

³⁹ Sevtap Demirci & Nevin Cosar, “Modernization through Railways: Economic and Social Change in the Ottoman Empire in the Nineteenth Century,” in *Journal of Balkan and Near Eastern Studies*, Vol. 1, (2021), pp. 1-11.

⁴⁰ *Id.*, 3.

⁴¹ From 1840 to 1900 the Ottoman Empire’s trade volumes of exports went from 1,250 sterling to 4,000 sterling, and imports went from 800 sterling to 2,700 sterling. This indicates that the Ottoman Empire having access to more resources allowed them to grow its external commercial efforts throughout the 19th century. *Id.*, 6. Also see Philippe Petriat’s article on the confluence of new modes of transportation with traditional caravan and how they supported each other. Philippe Petriat, “The Uneven Age of Speed: Caravans, Technology, and Mobility in the Late Ottoman and Post-Ottoman Middle East,” in *International Journal of Middle East Studies*, vol 53, No. 2 (2021), pp. 273-290.

level.⁴² Cities during the latter half of the 1800s until the fall of the Empire in 1918 were growing at an exceptional rate. This is partly due to rural migration to the cities, international trade and investment,⁴³ but in part it was due to the Ottoman investment of railroads, education and capital throughout its domain.⁴⁴ Bernard Hourcade has shown the considerable growth of Ottoman cities during the late Ottoman period. For instance, Damascus in 1800 had an estimated population size of 90,000 in 1800 and by 1930, the population grew to 216,000 or a 240% growth rate. In 1800, the population of Beirut was 6,000, and by 1930 it reached 150,000 people. The rate of growth was immense between 1850 and 1900 with a 300 % increase in its population⁴⁵. In the general growth of Ottoman lands the Fertile Crescent (Syria, Palestine, Iraq, Jordan) was the fastest growing region by 1950 with an annual growth of 4.9 % which was steady increasing from 1850. The sector with the greatest growth was urban.⁴⁶ The next part details how these changes applied within Palestine during this period.

⁴² Stefania Ecchia, "The economic policy of the Ottoman Empire (1876-1922)," in *Munich Personal RePEc Archive*, No. 42603 (2010), pp. 1-18.

⁴³ V. Necla Geyikdagi, "The Economic Views of a Nineteenth Century Ottoman Intellectual: The Relationship between International Trade and Foreign Direct Investment," in *Middle Eastern Studies*, vol. 47, no. 3 (2011) pp. 529-542.

⁴⁴ Farouk Hoblos, "Public Service and Tax Revenues in Ottoman Tripoli (1516-1918)," Peter Sluglett, "Municipalities in the Late Ottoman Empire," in *Syria and Biliad al-Sham under Ottoman Rule: Essays in Honour of Abdul-Karim Raqfeq*, (ed.) Peter Sluglett and Stefan Weber (Brill, Leiden: 2010), pp. 115-136, 531-542.

⁴⁵ The city of Beirut and its expansion during this time was also coupled by a growing middle class, access to new Ottoman institutions, and new internal and external commodities. Toufoul Abou-Hodeib, "Taste and class in late Ottoman Beirut," in *International Journal of Middle East Studies*, Vol. 43, No. 3 (2011), pp. 475-492.

⁴⁶ However, this does not mean the agricultural regions were disconnected from the urban world. Rather during this period, the agricultural regions were more integrated with the urban sectors due to a greater demand for food stuffs in the urban sectors but also the greater integration within the Ottoman market system and the international system at-large. Sarah D. Sheilds, "Interdependent Spaces: Relations Between the City and the Countryside in the Nineteenth Century," and, Bernarde Hourcade, "Demography of Cities and Expansion of Urban Space," in *The Urban Social History*, (ed.) Peter Sluglett, (The AUC University Press, Cairo: 2009), pp. 43-66, 160-170.

3.3 Transitional Palestine: From the 1880s to the Eve of World War I

Ottoman modernization and the growing of the bureaucracy was dispersed throughout all of the Ottoman lands. These developments helped to produce change within Palestine. One of these changes was the urban fabric and how cities fit within the late Ottoman political economy. Cities were greatly expanding as more modes of capital were being gained by the Ottoman realm.⁴⁷ Cities were also growing closer in relationship with their rural counterparts. Throughout the 19th century cities and rural centers were growing interdependent for the supply of capital and for commodities to be sold locally and externally. This growing interdependence can be seen in the interconnectedness of the supply-chain of commodities and the control cities and rural areas had over the exchange of commodities. The growing relationship of cities and rural sectors to the Ottoman government (centralization) and the penetration of European presence held great influence on this development.⁴⁸

Cem Emerence from an Imperial geographical historiography has shown through looking at the Late Ottoman period not through a monolithic geography. Instead, the approach adopts a trichotomic geography of Coast, Interior, and Frontier, which showed that Arab lands under the control of the Ottomans developed drastically throughout the 19th century. Emerence shows that Palestine contained all three of the trichotomy. For instance, Haifa was a city that developed rather late within the Ottoman Imperial and Palestinian history. Being a seaport, or Coast, Haifa became a central port for grain export and immigration. The growth of the city allowed for

⁴⁷ Bernard Hourcade, "The Demographic of Cities and the Expansion of Urban Space," in Ed. Peter Sluglett, *The Urban Social History of the Middle East 1750-1950*, (The American University in Cairo Press, Cairo: 2009), pp. 161-164.

⁴⁸ Sarah D. Sheilds, "Interdependent Spaces: Relations Between the City and the Countryside in the Nineteenth Century," in Ed. Peter Sluglett, *The Urban Social History of the Middle East 1750-1950*, (The American University in Cairo Press, Cairo: 2009), pp. 43-66.

societal and economic movement and allowed for greater capital acclamation in other geographical parts of the Palestinian region. The economic boom of the Coastal region allowed for new merchants and capital owners to reinvest into the Interior regions.⁴⁹

The Ottoman Empire saw Haifa as an important port city but also the British saw the city as a strategic port for their investments in the later part of the 19th century. By 1905, about 328,128 tons of British imports were coming into the Haifa port.⁵⁰ In competition, Jaffa was another port city that saw rapid expansion towards the end of the 19th century. Much like Haifa, the Ottoman state, local merchants and entrepreneurs, and European investors saw Jaffa as another port-city of importance. In 1892, a railway was commemorated connecting Jerusalem to Jaffa. The construction of the railroad was financed by international investors, supported by Sultan Abdulhamid II and was couched within modernist language.⁵¹ Further elucidating European economic expansion into Palestine, the investment into Jaffa indicates a more complex history of Palestine at the turn of the 19th century. However, the coast was becoming more accessible to the center, and this was an important shift in the regional socio-political organization of Palestine. It can be argued these localized developments localization was in part precursors to Arab nationalism Palestine.⁵²

Jerusalem as a part of the interior of Palestine played a greater role within the regional politics of the region throughout the latter half of the 1800s. Jerusalem was detached from the larger vilayet of Damascus in 1872 as an independent district with an Ottoman governor. The reorganization placed Jaffa, Gaza, Ramalah, Beer Sheba and Nazareth under the jurisdiction of

⁴⁹ Cem Emerce, *Remapping the Ottoman Middle East: Modernity, Imperial Bureaucracy, and the Islamic State*, (I.B. Tauris, London: 2012)

⁵⁰ Jacob Noris, *Land of Progress: Palestine in the Age of Colonial Development, 1905-1948* (Oxford University Press, London: 2013), pp. 31.

⁵¹ *Id.*, 37.

⁵² Johann Bussow, *Hamidian Palestine: Politics and Society in the District of Jerusalem 1872-1908*, (Brill, Leiden: 2011), pp. 47,48

Jerusalem.⁵³ This development in the local politics of the Ottoman Empire was seen by the Zionist Jews living in the region as a movement forward in the hopes of re-establishing the Jewish home. For the Arab population this was a continued extension of Ottoman centralization, but also greater political localization indicating a contradiction in perception of on the ground transformations between each group. Greater Arab political participation would become more prominent under the Young Turk government in the form of municipal and the reinstated parliamentary elections. In particular, petitioning had been one of the main avenues of political participation of Arabs in the Ottoman Empire.

For instance, from 1876 to 1914, petitions were taken to Istanbul regarding the nature of Jerusalem. Officials and notables from Jerusalem, Nablus, and Jaffa sought to elevate Jerusalem from a *mustarriflik* to a vilayet. Petitioning was an important political tool for Ottoman subjects and when the Young Turk system was implemented in 1908, petitioning became the mainstay of local politics for the acquisition of new legal rights and the opening of a new civitas. Petitions also allowed voices from the periphery to be active within Imperial politics as well. For example, Bedouins within Palestine were able to voice their concerns within this institution.⁵⁴ This political institution was strong as Palestinians used petitioning under the British, but the legitimacy of them were greatly diminished when it came to rights in opposition to the Mandate powers. An example of this is a petition in protest of the appointment of Herbert Samuel as The High Commissioner in June of 1920. A group of prominent Jerusalem urbanites through the pen of Aref al-Aref stated:

⁵³ Louis A. Fishman, *Jews and Palestine in the Late Ottoman Era, 1908-1914: Claiming the Home Land*, (Edinburgh University Press, Scotland: 2020), pp. 37.

⁵⁴ See, Yuval Ben-Bassat, "Bedouin Petitions from Late Ottoman Palestine: Evaluating the Effect of Sedentarization," in *Journal of Economic and Social History of the Orient*, vol. 58, (2015), 135-162, and The Ottoman institution of petitioning when the sultan no longer reigned: a view from post-1908 Ottoman Palestine," in *New Perspectives on Turkey*, vol. 56 (2017), pp. 87-103. Johann Bussow, *Hamidian Palestine*, pp. 55,56

*“The secret appointment of Herbert Samuel, the Zionist, to the position of The High Commissioner is a bad influence on the souls of the Arab Nation ... We promise that this is the first step for the goals of the Zionist. We consider it proof and the clear implementation of the unjust decisions in the plans drawn up by the San Remo Conference.”*⁵⁵

Within the Young Turk context, Louis A. Fishman, shows that Jews and Arabs within Palestine after the reinstatement of the Ottoman Parliament in 1908 vied for political prominence within the Ottoman system. He argues that nationalism or concepts of an Arab nation-state within the region of Palestine did not emerge until after WWI and during the British Mandate. This does not mean that a certain unified form of political identities was not emerging in Palestine, but it argues that within the closing years of the Ottoman Empire the population of Palestine saw themselves within a dual framework of Palestinian-Ottoman. This emerging identity did prime Arab nationalism for a desire for the creation of a nation-state, but those who had access to the Ottoman bureaucracy and state did not see Palestine as a separate part of the Empire.⁵⁶

The later part of the Ottoman Empire within the context of Palestine a sense of republican (representative) politics was being implemented within the Empire. Even though local politics in Palestine was still centered around notables, the political and social transformations created new channels of political activity. Local politics were becoming center-state politics rather than the traditional subject-ruler. The new local identity, coupled with political changes in the Ottoman system helped to create a Palestinian civitas that was growing both more centralized but also

⁵⁵ A Protestation Submitted to the State Representative Regarding the Appointment of Samuel Herbet by Aref al-Aref, 1920, 0012.01.006, Family Album, The Palestinian Museum Digital Archive, Al-Quds, Palestine.

⁵⁶ This was not only the position of the Arab-Palestinian. Jews were active within the Ottoman Parliament as the war broke out. Louis A. Fishman, *Jews and Palestine in the Late Ottoman Era, 1908-1914*, pp. 15-18, 67,68.

more localized.⁵⁷ Beyond pure politics or the growth of cities Palestine was coupled with the changing of education, administration, and thus changes within the social milieu.

Through looking at the institutions of educational and municipal development, and the responses by the *waqf* system within Palestine leading up to the Mandate period a certain manifestation of Antonio Gramsci's concept of the 'organic intellectual' comes into play. Society is partly constituted by what he calls the 'traditional' and 'organic' intellectual. The 'traditional' intellectual is supported by institutions, groups, classes that undergird the historically legitimized hegemonic power and the 'organic' intellectual which is manifested through the working class and are generally subjects to hegemonic power. This forms a dichotomy of power and a dialectic transition of the overturning of intellectuals. Simply put, the 'traditional' intellectual is the machine that develops the 'organic' intellectual through a variety of means. Within Palestine, this development of the 'organic' is part-and-parcel with new emerging manners of state-society relationships. What this analysis argues for is that with the production of the 'organic' intellectual, societal changes occur.⁵⁸ Through changes in education and the development of the municipalities, and the burgeoning print culture, and growing integration of Palestine into the global world through markets, immigration among others; helped to generate a wider and more complex civil society within Palestine leading up to World War II. Although much of this development will be reversed or stalled, however, as Palestinian society

⁵⁷ The one of the main arguments that Louis A. Fishman argues for this position in the local Palestinian context is the emergence of the Zionist-Arab conflict. Couching this conflict within a localized Ottoman identity, he however shows the political attitudes that would emerge within the Mandate context were pre-primed within this the Ottoman context, but also via the modernist programme that Ottoman state was enacting within the later part of the Empire's life. Louis A. Fishman, *Jews and Palestinians in the Late Ottoman Era, 1908-1914*, pp. 65-97

⁵⁸ See, Kevin J. Cassidy, "Organic Intellectuals and the Committed Community: Irish Republicanism and Sinn Fein in the North," in *Irish Political Studies*, vol. 20, no. 3 (2005), pp. 342-344 [341-356]; Paola Merli, "Creating the cultures of the future: cultural strategy and institutions in Gramsci," in *International Journal of Cultural Policy*, in vol. 19 (2013) pp. 399-420; and Peter Mayo, "Gramsci and the politics of education," in *Capital & Class*, vol. 38, no. 2 (2014), pp. []

modified, institutions in Palestine modified along with it. The following sections will look at education, the growing bureaucratic representative Palestinian administration, and waqf within last years of the Ottoman Palestine (1880-1918) and, show how this transformation was taking place.

3.3.1 Education

Education lay at the heart of the Ottoman modernist policies, and by the start of WWI, the district of Jerusalem was a vastly educated district. In 1869, the Ottoman government issued the Regulation on Public Education which was the blueprint of Ottoman Imperial education policies being implemented over time. Alongside the implementation of Ottoman Imperial education, Western missionary schools were gaining prominence within the region. In 1888 the local population was prohibited from sending their children to missionary schools as a preventative measure in Jerusalem. In the following year a secondary school was built on donated Greek Orthodox waqf land. Primary Ottoman and Palestinian education in the Jerusalem jurisdiction were one of the best within all of the Empire, even though Western missionary schools were gaining strength. This competition of foreign schools with local schools alongside the modernization of the Ottoman Empire helped to produce a desire for more modern schools across the Palestinian society. In 1885, the government appointed 158 teachers, and by 1901, there were 242 state appointed teachers in Palestine. In order to keep this steady flow of educators a teacher's college was opened in Jerusalem in 1905.⁵⁹

The development of education in Palestine brought, for some not all, a newfound leverage of mobility within the social world of the Palestine and Ottoman Empire. Through looking at the lives of prominent Ottoman Arabs access to a varied education led to potential

⁵⁹ Johann Bussow, *Hamidian Palestine*, pp. 458-461

new politicians to this mobility. Yusif al-Hakim (b. 1879) was educated through the Ottoman public school system and was able to climb the political and bureaucratic ladder. In 1913 he served as both the head of the “Turkish Bureau” in Mount Lebanon, and “the deputy to the Armenian Ottoman governor Ohanis Pasha Qumnian.”⁶⁰

Al-Hakim was not the only Palestinian that was rising ranks. Another one of these figures was ‘Umar al-Salih al-Barghuthi (1894-1865). Coming from the rural gentry, al-Barghuthi received traditional Islamic schooling in the *kuttab madresse*, where he was instructed in reading, writing, arithmetic, theology (tawhid), *’ibadat*, calligraphy, geography, and history. Geography, and history within his schooling were modernized indicating the Ottoman educational reforms were reaching traditional primary schools. In 1903 he attended the Jewish Alliance Institute, in order to evade proselytization, though in 1905 he studied at the francophone Freses des Ecoles Chretiennes missionary school in Beirut. He eventually ended his educational career at the Imperial University in Beirut. Beirut was the atmosphere where he was immersed fully in the emerging Muslim modernist mode and reflected on this in his memoir. The Imperial University imbued an Islamic education within a modernist military frame, but also experienced a modernist-cosmopolitan city life that he did not experience in Jerusalem. Al-Barghuthi was intending to continue in the service of the empire even though an injury left him unable to continue.⁶¹

Education within the Late Ottoman and Mandate periods was not only a male venture. Generating from the bureaucratic middle- and upper-class, women’s benevolence through the institution of waqf women and under educated people were being educated. Salim Tamari’s study on Adele Shamat Azar (1886-1968), a Rumi Orthodox women activist and educator,

⁶⁰ Salim Tamari, *The Great War and the Remaking of Palestine*, pp. 93-94.

⁶¹ Johann Bussow. *Hamidian Palestine*, pp. 347-349.

indicates a movement of women using the Rumi Orthodox waqf system in order to endow property for the purpose of providing young women and impoverished youth education. She was effective in providing modern education to women and through this was able to place women in bureaucratic employment. From her notebook between the years 1911-1948 she stated about her education efforts:

*“I spent extensive efforts in convincing [those families] that there is no shame in their women seeking gainful employment, as we can witness by them in the neighboring countries of Egypt, Syria, and Lebanon. Eventually I was able to secure employment for these graduates in the departments of Postal Services, telephone exchanges, and in government civil service. I was able also to find work in commercial establishments and in hospitals as nurses. For this work I became known as the Boss, al-Za’eema.”*⁶²

Tamari’s study is important for three reasons. The first it shows that women were entering civil life more frequently. The second was that the growing bureaucratic system was regional wide. The third is that the confluence of bureaucratic women and modernist goals were developing within and through the waqf system.⁶³ This shows as a microcosm the way in which Palestinian society was developing towards a more modernized society leading up to the Mandate system.

3.3.2 Administration

When describing the Late Ottoman State, orientalist usually have framed Ottoman Rule as hegemonic and in downturn as the “sick man of Europe”. They have claimed that it was this top down which led to a lack of modernization and economic development. However, as an

⁶² Adele Shamat Azar was a prominent Rumi Orthodox woman in Palestine as both a leader within the feminist movement and in educating women and the poor. Quoted in, Salim Tamari, *The Great War and the Remaking of Palestine*, (University of California Press, California: 2017), pp. 150

⁶³ Salim Tamari, “Adele Azar’s Notebook: Charity and Feminism,” in *The Great War and the Remaking of Palestine*, pp. 140-156.

indicator of the opposite the political population in the last fifty years of the Empire grew exponentially. Within Palestine this was evident by both municipality and parliamentary elections. These civil-society developments allowed for Palestinians to voice the desired political changes they wish to see within the Ottoman Empire and locally within Palestine. Politicians within Palestine were advocating for localizations of taxes, institutions like the *waqf* system, and ways in which the Ottoman Empire could stave off Zionist migration. The political participation at both the local and Imperial level in contrast to the Mandate system in 1921 shows a clear disjunction of political development within each control. This section details some of the ways that Palestinians were gaining more political representation within the Late Ottoman Imperial state system.

In 1867, the Municipalities Law was promulgated throughout the Empire. This law required heads of the local councils (at the town and city level) to be elected by the local population. The mayor, however, was chosen by the governor. Eligible voters were males over the age of 25, landowners who had “an annual property tax of at least 50 *qurush*, and [another] property tax of at least 100 *qurush*.”⁶⁴ The possible elected officials were chosen from the same grouping of landowners to run for office.⁶⁵ Elections were held in four-year spans at a double rate. This means that half of the elected officials would serve the first two-year session, and the second half would serve the remainder of the four years.⁶⁶ This process was a mainstay within

⁶⁴ Mahmoud Yazbak, “Elections in Late Ottoman Palestine: Early Exercises in Political Representation,” in Ed. Yuval Ben-Bassat, and Eyal Ginio, *Late Ottoman Palestine: The Period of Young Turk Rule* (I.B. Tauris, London: 2011), pp. 36.

⁶⁵ The Arabic newspaper *Al-Filistin* and *al-Kamil* both ran articles critiquing the lack of popular elections through legally barring the poor of Palestine from this process. What this shows is that prior to the Mandate period, again, the civil landscape was opening up in Palestine. Being the mouth of the everyday person, *Al-Filistin* was keen on reminding how pertinent elections were to the autonomy and common good of their fellow Palestinians. Through proper intellectual investment in those who were elected the people could have greater say in the common good for their towns and cities. Id., 40-42.

⁶⁶ Id., 37.

Palestinian politics until the Mandate era. Under the Mandate, however, from 1919 till 1931 there was only one election in the municipalities. Officials within the municipalities were not elected but appointed in the majority of the first ten years of the Mandate.⁶⁷

Parliamentary elections were an important part of the Ottoman political system. The Ottoman Parliament was founded in 1876 but in 1878 it was disbanded by Sultan Abdulhamid II (1876-1908). It was not until in the second constitutional period under the Young Turk regime (1908-1918) that the Parliament was reinstated. Within this period Parliament and Parliamentary elections became fixed within the operations of the Ottoman civil-state system. Parliamentary elections were held in 1908, 1912, 1914, and 1919. Voting rights for Parliamentary seats were similar to the municipality elections. Landowning men of 25 and older were allowed to vote and run for office. In 1912, the Nablus district had 21,372 eligible voters. 32 percent of the urban dwellers and 38 percent of the rural persons in the Nablus district voted for 33 seats in Parliament.⁶⁸ Parliamentary politics played a central role in the local politics of Palestine as well. In 1911, a group of archaeologists from the Palestinian Exploration Fund⁶⁹ decided to conduct a dig in the Al-Buraq wall on Haram al-Sharif in order to find ancient Hebrew relics. The Muslim population of Jerusalem protested this event after returning from the Nabi Musa pilgrimage.⁷⁰ During and after an Ottoman state investigation, there were two parliamentary debates on the incident showing a growing distrust of the British in general, but also a continuance of greater

⁶⁷ Issac Ben-Zwi, "Local Autonomy in Palestine," in *The Annuals of the American Academy of Political and Social Sciences*, Vol. 164 (1932), pp. 30.

⁶⁸ Mahmoud Yazbak, "Elections in Late Ottoman Palestine: Early Exercises in Political Representation," pp. 38.

⁶⁹ The Palestinian Exploration Fund and its counterpart American Exploration Society were two major orientalist archaeological institutions that were operating within Palestine. An authoritative study on the organizations and their place within the British Mandate and Palestinian history is needed. These organizations would later collaborate with the Mandate's Department of Archeology.

⁷⁰ The Nabi Musa/Rubin Festival is a pilgrimage/celebration of the life of Moses. This festival was local pilgrimage that many of the locals would travel to yearly. For a detailing development of this festival prior and through the Mandate see, Yazbak Mahmoud. "The Muslim Festival of Nabi Rubin in Palestine: From Religious Festival to Summer Resort." *Holy Land Studies* 10, no. 2 (2011): 169-198.

Zionist penetration.⁷¹ In 1914, the future Mufti of Jerusalem, Said al-Husayni was reelected to Parliament and submitted a report to parliament laying out the problems of Jewish immigration, Palestinian emigration, and the local frustrations with the central government.⁷²

In connection with education and the new administration, there are two interesting insights. First, economic mobility was more possible within this later period. Even though eligible voters were only men of 25 years old and had to be landowners, new elites were emerging indicating this mobility. Through the combination of new forms of capital, families of non-notoriety backgrounds were beginning to compete economically and politically with entrenched Palestinian families. By tracing municipality elections of Nazareth, Hafia, and Nablus, Mahmoud Yazbak has shown that, “individuals from upcoming families had made their way to top positions in administrative institutions in general and municipalities in particular. New faces worked their way to the top of local societies”.⁷³ This mobilization was supported by new educational services that could be found within Palestine.

The second notable dimension is that while municipalities were growing, the Muslim and religious-spatial frame of Palestine was integrated within this new emerging political sphere. Like most of the modern world religion and its connection to society also modernized. This was true for Islam and its connections to politics and society within the Ottoman Empire. This gives context to the changes within Palestine leading up to the Mandate. This context also serves as a contrast to how the British Mandate envisioned Palestine and through placing their Zionist-Christian ideology within the Mandate radically changed the trajectory of these political and

⁷¹ Louis A. Fishman, *Jews and Palestinians in the Late Ottoman Era, 1908-1914*, pp. 102-120.

⁷² *Id.*, pp. 86-87.

⁷³ Mahmoud Yazbak, “Comparing Ottoman Municipalities in Palestine: The Cases Nablus, Haifa, and Nazareth, 1864-1914,” [241-261] Also, see Jens Hanssen’s chapter on the development of municipalities, “Municipal Jerusalem in the Age of Urban Democracy: On the Difference between What Happened and What Is Said to Have Happened,” in in Ed. Angelos Dalachariou and Vincent Lemire, *Ordinary Jerusalem 1840-1940: Opening New Archives, Revisiting a Global City*, (Brill, Leiden: 2018), pp. pp 257. 262-286.

social developments. Palestine in the administration was changing and the institutions both cultural and political were changing with them. However, scholars like Ruth Kark would argue these developments were due to imported modernity. This imported modernity as Kark refers are, “new institutions [that] did not have its roots in the Muslim Middle East but rather by European, and particular French [Napoleon Code], concepts.”⁷⁴ Kark is stating the municipality was an institutional import from Europe and had no basis within the political history of the *Bilad Al-Sham*. This means that modernity and the municipality could not have developed within the region without the West’s institution intervention. Jens Hassen claims this orientalist language has, “inoculated urban research, especially on Palestine... [as] ... scholarship continued to deploy ‘folklorist ... religious, or patrimonial approaches,’ on outmoded and doomed-to-disappear urban heritage: guilds and suqs, timeless religious communities and their sacred places or the honeycombed features of domestic architecture and urban morphology”.⁷⁵ Hassen’s argument here is that orientalist historians have couched cities in the *Bilad Ash-Sham* and the *Maghrib* in typologist framework of Islamic stagnation. Islam did in fact play a major role in the development of Arab cities within an updating administrative structure. The contention here in the literature is that orientalist scholars have seen the *city* within the *Bilad Al-Sham* historically as under-developed to the modernized city in Europe and essentialized in an Islamic and traditionalized frame.⁷⁶ Again, this under-modernization is a subtle historiographical argument that modernism that could have only generated from the West. And thus, rather than seeing

⁷⁴ Ruth Kark, “The Jerusalem Municipality at the End of the Ottoman Rule,” *Asian and African Studies*, vol. 14, no. (1981), pp. 117.

⁷⁵ Jan Hassen, “Municipal Jerusalem in the Age of Urban Democracy,” pp. 272.

⁷⁶ This was similar to the British’s rendering of tribes in the contemporary geographical region of Iraq. Simply, British historiography of these peoples were essentialized, consistent and primordial. This distortion of these groups ignored not only the variation from group to group but also how these groups operated with and not against the Ottoman Empire. See, Samira Haj, *The Making of Iraq, 1900-1963: Capital, Power and Ideology*, (Albany: State of University Press, 1997), pp. 14-18.

developments within the socio-political sphere, the mental construction of the city in Palestine has been seen as non-innovative. This historiographical turn has been played out in contemporary academic spaces but also had hold within the Mandate system, which itself is seen through the guise of urban development and archaeology. In the next section the cross section of *waqf* and politics will be further explored as an example of the dual change of religious form and politics within the Ottoman Empire.

3.3.3 Waqf

Within much of Muslim history, and particularly within *Bilad al-Sham*, *waqf* has played a central role in the intersection of urban development, religious and social life, and providing amenities to the populations like hospitals, bath houses (*hammam*), and food charities. As the burgeoning bureaucratic system was taking hold within Palestine *waqf* became a place where new politicians advocated for new localized policies. The Palestinian Arabic newspaper *Filistin* ran a story of summarized points from Nasib Affendi al-Khatib's letter of announcing his Parliamentary run in February 1912. Al-Khatib was the head of the Customs of Jaffa and the summary of his announcement highlights some interesting Imperial policies he would propose if elected. Al-Khatib proposed to end the *musha'* land system and redistribute the land to the *fellahin*⁷⁷, while advocating for an absolution of all the debts they own. He also advocated for an update to the tax system basing it on land purchasing. Other policies he offered were based on localization of taxes and public works. He proposed taxes collected in Jerusalem should be used for local education, and public works like roads and communication. Furthermore, he argued that, like the Christians of Palestine, tithe money sent from the *waqf* system in Palestine should stay within Palestine to benefit those who live there.⁷⁸

⁷⁷ The reasoning behind this would give more men voting rights as property ownership was a pre-condition for the right to vote.

⁷⁸ Mahmoud Yazbak, "Elections in Late Ottoman Palestine: Early Exercises in Political Representation," pp. 46.

Al-Khatib was not the only Palestinian who held some of these positions. A young politician from Gaza, Sa'is Abu Khadra, also sent *Filistin* his announcement for the running of a Parliamentary seat in the same year. He also advocated for more local autonomy over the *waqf* system within Gaza. This is because the centralized government in Istanbul wanted to maintain control of the tax funds collected from the *awqaf* in which they could then redistribute to the *vilayas*. He promised that he would attempt to form a coalition to pass legislation giving local *millet* councils control of each sect's *awqaf* and can use them directly within the local council's community.⁷⁹ What these parliamentary election announcements indicate is that Al-Khatib and Abu-Khadra saw localization as a central policy that the Ottoman Empire should move forward with. In one-way *waqf* was a central policy for this localization. *Waqf* here is seen as an additional function of local development beyond the charity dimension that is often attributed to the institution. It also shows that *waqf* was seen as a beneficial institution within the larger region of Palestine rather than just Jerusalem, especially if politicians are running on a platform like this. Additionally, this indicates that *waqf* was a central socio-political institution within Ottoman Palestine beyond a single *millet*, and the desire to update and change the institution shows that the system was not stagnant but modifiable.

Localization was not the only condition that helped prompt a change within socio-cultural and political situation within Palestine during this period. Much like the Imperial Minister of Waqf, Elmalili Muhammed (elected in 1920), advocated for the cultural and civil need for the *waqf* institution, Hajji Raghīb al-Khalidi argued in an article entitled, "The Islamic Colleges," that *Jerusalem* needs an Islamic College akin to the Al-Azhar in Cairo. This desire was more than just merely education, but a piece of a larger project. Supporting this, *Al-Filistin* ran articles

⁷⁹ Id., 47

on the need for local higher Islamic education for the region in the summer of 1911. After the Haram al-Sharif Incident of 1911 local Muslims rightly feared a losing of control on their cultural and societal hold on the city and Palestine in general. The Haram al-Sharif Incident was an event in which the Zionist archaeological organizations Palestine Exploration Fund (British) and the Ecole Biblique et Archeologique attempted to conduct a dig at the Al-Buraq/Walling Wall. This created a response from Palestinians within the city in protest towards these organizations, but also from notables within Jerusalem. Both Al-Khalidi and Sa'id Al-Husayni (future head of the Supreme Muslim Council) in the same year articulated to the Ottoman Parliament that Zionist encroachments were dangerous to Palestine.⁸⁰

Al-Khalidi saw that in order to protect Palestine from external penetration was through Islamic education but also local control of *waqf*. Al-Khalidi, in order to achieve this project, argued that lands in Jerusalem and outside of the city needed to be purchased and endowed. Thus, functionally and legally would not allow Palestinian land to be bought or sold.⁸¹ Said al-Husayni advocated for the university and the growth of ulema in Palestine in the Spring of 1914 on the Parliamentary campaign trail. He stated that an Islamic university in Jerusalem could serve local Muslims in the region and thus strengthening Islam in that region. This university was eventually founded on January 28th, 1915 and was named 'Salahiyya College' (*al-Kulliyya al-Salahiyya*). It served Jerusalem and the wider region of *Bilad Ash-Sham*. In 1916 sixty-five students applied to Salahiyya from Damascus alone.⁸²

⁸⁰ Louis Fishman, "The 1911 Haram Al-Sharif Incident: Palestinian Notables Versus the Ottoman Administration." In *Journal of Palestine Studies*, vol. 34, no. 3 (2005), pp. 8. [6-22].

⁸¹ This was not only the strategy of Muslim Arabs but also Jewish Zionists with the attempted establishment the Hebrew University in Jerusalem in 1925 as the means of recasting Jerusalem within a Zionist ethos. Louis A. Fishman, *Jews and Palestinians in the Late Ottoman Era, 1908-1914*, pp. 121, 125

⁸² *Id.*, 125

Waqf was seen as important institution within Palestine by the new bureaucracy, and the ulema class. They saw the localization of Palestinian institutions and politics important to the future of Palestinians leading up to WWI. *Waqf* was a part of this localization. Through the localization of *waqf* Palestinians could address local issues more effectively. From the standpoint of the emerging Parliamentarians, they saw *waqf* as a social institution that provided service to Palestinians. *Waqf* being defined within a more social institutional way did not divorce it from its religious function. Localization provided the means of these institutions having a more direct function of benefit within the communities and urban areas they operate. The language of localization also indicates that Palestinians saw themselves as a political unit that wanted direct benefits from the institution within the supra-political structure. More study needs to be done on how effective this later goal was, but it indicates a certain shift in the political and social life of Palestinians at the time.

3.4 Conclusion

Through a changing political zeitgeist, localization was a central theme of Palestinian politics leading up to WWI. This localization was supported by the idea of localizing the *waqf* system. The transformation of the society in Palestine at the advent of WWI was one of drastic change where Palestinians were experiencing an opening of society and politics. This opening effected the relationship Palestinians had with their institutions. Through educational and administration changes allowing political participation reordered, in part, how the Palestinians saw their built political and institutional environment in new ways. This allowed them to view the institution of *waqf* within their context as an integral part of their experience and therefore, desired more local control of it. This relationship to institution and societal change would be abruptly changed as the British Mandate set in as the new hegemony was taking hold. This change will be discussed over the next two chapters grounding the discussion within urban

development and archaeology. They were key regimes in which the British and British Mandate institutions functioned within Palestine and how they changed the fabric of Palestinian society through the promotion of a Zionist zeitgeist.

3. The British Official Mind and the Zionist-Christian ideology towards Palestine

3.1 Introduction

Throughout the 19th century, major Imperial powers were improving the way in which they governed. The British Empire expanded what they were considering as their realms of governance and areas of interest. These Imperial motives supported the building of what is understood to be as an “official mind” of the Empire. The ‘official mind’ of the British Empire is the language and rationalizations that informs the actions within the Empire system. One example is what Daniel Goliard states as: “removing the blanks on the map” in Africa but more importantly within the region in what would become the “Middle East.”⁸³ In the Middle East the Empire’s goal was to render this geography known and was formed through their vantage point as an Imperial power couched in a Zionist-Christian and Modernist lens.

This chapter lays out further the Zionist-Christian modernist ideology within the British Imperial ‘official mind’ power leading up to the Mandate in Palestine. This ideological framework informed how the Mandate officials viewed Palestine and their actions as Mandate officials. Additionally, this chapter functions as a background to subsequent chapters for looking at *waqf* within Palestine under the British. This chapter is divided into three sections that describe the different facets of the British Official Mind. The first section deals with the definition of Zionist-Christian modernism. The termism functions as a framework to view the Imperial actions during the Mandate. The second section deals with Victorian and Edwardian global visions which shows how the British imbued their Christian and modernist ideology

⁸³ Daniel Foliard. *Dislocating the Orient: British Maps and the Making of the Middle East, 1854-1921*. (Chicago, IL: University of Chicago Press, 2017), pp. 6.

within Imperial action. The third and last section shows how Zionism functioned as part of this British ideology.

3.2 The Official Mind in the British Empire

The following discussion will trace the development of the “official mind” throughout the later part of 1800s to WWI. This ‘official mind’ here will primarily deal with how the British viewed Palestine and the larger region, how the Empire understood its goals in the region, and conceptions of proper societal flourishing. The appeal to the ‘official mind’ allows for the analysis of motives of the British Empire within Palestine and how these actions effected the built environment of Palestine.

In 1961 Ronald Robinson and John Callager published a book on British Imperial history in Africa. This book, as G. N. Uzoigwe has claimed, “... [the authors] enthroned the strategic factor as the overriding determinant of British advances during the year of the European conquest of Africa.”⁸⁴ The Robinson and Callager’s book is primarily centered around what they call “the official mind of imperialism,” or the “the papers left by the policies makers’ at Downing Street,” and the language that informs those papers. The language within the “official mind” is the thoughts and beliefs that color and give motive to those papers and thus the actions from which these papers generated. Uzoigwe argues that the “official mind” does not develop in a vacuum. The way British officials thought about themselves and the world around them affected how their policies were enacted and, in some cases, why they were created in the first place.⁸⁵ He claimed that the ‘official mind’, “was conditioned by the imperialism of merchants,

⁸⁴ G. N. Uzoigwe, “The Victorians and East Africa, 1882-1900: The Robinson-Gallagher Thesis Revisited,” in *Transafrican Journal of History*, Vol. 5, No. 2 (1976) pp. 32 [pp. 32-65]

⁸⁵ *Id.*, 32,39

soldiers, missionaries, travelers and administrators on the spot, and more significantly by the collapse of indigenous African institutions under the impact of these forces.”⁸⁶ When looking at Palestine the conceptualization of the ‘official mind’ takes form in a similar but also in importantly diverted ways. In Palestine local institutions were placed under control of and folded within the Mandate system. This divorced the local population, and their institutions from previous meanings of hegemonic governance. The change of the way institutions behaved were changed by the new ways the meanings of governance the Mandate brought.

When discussing Imperial policies in the Middle East and more specifically Palestine, academics tend to either divorce or incorporate the discussion of the ‘official mind’ within their work. Two clear examples of this are Martin, and Aida Asim Essaid’s *Zionism and Land Tenure in Mandate Palestine*. The first example of this is Martin Burton’s *Colonial Land Policies in Palestine 1917-1936*. He recounts a narrative of Imperial haphazardness. By centering his sources mostly on Foreign Office records and Zionist records, Martin Burton’s rendering of the ‘official mind’ was one of separated development and was “... ad hoc and makeshift, multidirectional and inconsistent, even contradictory.”⁸⁷ This places the motives of the British and the agency of their actions into the plane of the unknowable. This renders the culpability of the British’s actions null in void. The second example is Aida Asim Essaid’s *Zionism and Land Tenure in Mandate Palestine*. Essaid on the other hand argues that “...the land tenure system in Palestine, as set up by the British Government, allowed Zionism to take an active and collaborative role in every stage of the land tenure system...,” thus arguing the *ad hoc* nature of

⁸⁶ Id., 42; also see the discussion on “official mind” in Dane Kennedy, “Imperial History and Postcolonial Theory,” in *The Imperial History Wars: Debating the British Empire* (Bloomsbury Academic: London, 2018), pp. 7,29.

⁸⁷ Martin Buntun, *Colonial Land Policies in Palestine, 1917-1936* (Oxford University Press: London, 2008), pp. 27.

the colonial policies in Palestine were not haphazard. Rather, the British Imperial officials acted within a certain framework and motivation in Palestine.

3.2.1 Defining Christian Zionist Modernist Ideology

This section deals within defining the British Empire's Zionist-Christian Modernism. This Zionist-Christian modernist ideology was a framework in which saw Palestine as the seedbed of a future nation-state guided by a theological and political understanding of the Jewish right to nationhood. To begin with, the term Zionism within the study is to be understood as both a political body of European Jews and the nationalism that sought to establish a Jewish state within the world. This as Eyak Chowders sates, "it [Zionism] promised both material and spiritual transformation: a modernized economy of and for the Jews, which would eliminate their threatened, fleeting patterns of survival as well as their dependent occupational structure (which often left them socially backward), and the revival of the Hebrew language, which would launch a secular, fresh cultural experiment and introduce new substance into the Jewish collective identity."⁸⁸ In other words, Zionism at its heart is a nationalist ideology.

The Christian-Zionism line of thought is more subversive as it is a supportive-nationalist ideology of Zionism. This ideology is a particular view of its Christian theological and traditional heritage which sees Jews as a chosen people through a particular exegetical tradition developed in Scotland by John Darby (18 November 1800 – 29 April 1882). His theological position called *dispensationalism* sees the Christians as a momentary dispensing as the spiritual body of Israel. In the end days this spiritual body is to be displaced by a political body through

⁸⁸ Eyak Chowders, *The Political Philosophy of Zionism: Trading Jewish Words for a Hebraic Land*. (Cambridge: Cambridge University Press, 2012), pp. 7.

the re-instatement of a Jewish state. Within this ideology Christians are to be “theologically motivated [to] belief that the Jewish people have, by divine grant, the right to possess and inhabit the land promised to them in the Hebrew Bible and that it is therefore the duty of Christians to support this claim.”⁸⁹ These two ideologies converged within late Britain Victorian political culture as interdependent claims and support for a Jewish state.⁹⁰ Thus, when referring to Zionist-Christian ideology within the British Mandate, it is reference to this duality as this ideology was important to the British within the colonial state-building of Palestine for the Zionists.

The religious-political language of Zionist-Christian was supported by modernist understandings of the state and nation. At its base value, *modernity* is defined as the emergence of a nationhood bound within a state guided by an industrialist sense of capital. In particular, “modernity, is to describe the process of capitalist expansion, development and globalization through which the non-Western becomes Western.”⁹¹ Even though modern powers sought to create the West in Palestine, the couching of a national spirit was an additional part of this formulation. The understanding that the Zionist Jews are a people without home presented Britain an additional condition within their own modernization processes. The United Kingdom was becoming more defined within this modern nation-state framework and having another nation as they saw it within their borders detracted from their process within modernity. The British saw the Zionist/Jewish population as already in this process but could not manifest it

⁸⁹ Andrew Crome, *Christian Zionism an English National Identity, 1600-1850*, (Switzerland: Palgrave McMillian, 2018), pp. 9.

⁹⁰ Bar-Yosef, Eitan. "Christian Zionism and Victorian Culture." in *Israel Studies* (Bloomington, Ind.) 8, no. 2 (2003): 18-44.

⁹¹ Ahmet Ersoy, Maciej Górny, and Vangelis Kechriotis. 2010. *Modernism : The Creation of Nation-States. Discourses of Collective Identity in Central and Southeast Europe (1770-1945): Texts and Commentaries*. Budapest: Central European University Press 2010), pp. 9

fully. The support for a Zionist nation state would allow for this manifestation of modernity to become fully realized as obtaining a national spirit within the framework of the state was a necessary condition of modernization.

Therefore, it is not enough to principally define British ideology as only Zionist-Christian, as one of the central goals of the Mandate was to produce a nation-state. This ideology is particularly important for understanding how the British and Mandate Officials acted within Palestine. The main goal of the British Mandate at large was to set up nation-states within their protectorates. Within Palestine, this state-building mission was informed by a Zionist nation-statehood and a Christian ideology that saw Palestine as fundamentally Jewish, and the Arab and Ottoman heritage of Palestine was in the way of this perceived reality.

Within the thesis this particular ideology will be seen within the praxis of the British's Department of Archaeology as the discipline within Palestine was to support the material culture of this ideological claim. This is the process of antiquitizing Palestine. The Mandate through unearthing a material culture of ancient relics and artifacts was done to support the Jewish nationhood claim. This claim was part and parcel to the claim of a nation-state through state building. The British DOA through rediscovering the past Jewishness of Palestine could build on top of it a modernized present of national continuum; the Jewish historical past should inform the modern Jewish present under the Mandate. The following two sections will further show this ideology.

3.2.2 Christian-based Ideological Visions

The Victorian (1837-1901) and Edwardian (1901-1914) eras of foreign policies and Imperial actions were constructed through a Christian/Western vision couched in modernist

philosophy, free trade capitalism, and Imperial security. John Fisher's work on British "power projection" highlights the long tradition of Imperial desires for capital and control in the Middle East region.⁹² Within their 'power projection', the British saw its goal in this region as a revival force of the reemergence of a flourishing biblical landscape through development of agriculture and infrastructure. This was a major influence on the 'official mind' as capital acclimation was only a singular part within their reasoning for expansion within the Middle East. In Mesopotamia, the region defined by the British as the Biblical "Tigris and Euphrates," British sought capital in oil in addition to the desire to see the land revived to the glory days of the Babylonian Empire (612 B.C.E).⁹³ This regional planning scheme hinged on the antiquitizing of subjected lands and the modernization of those lands. These antiquitizing measures for the British meant the returning of a region to a state of origin and then recreating a modernism from that region's antiquity. Beginning within the Victorian era, this planning and capital acquisition scheme was central, "... to promote British commercial hegemony, and with it 'enterprise, progress, and civilization,' to regenerate the ossifying Ottoman Empire".⁹⁴ The key here is that the regeneration of the Ottoman Empire was principally the British view of the Ottoman Empire as weak and underdeveloped. This paternalism and desire to correct the wrongs of the Ottoman Empire and the lands and people they held as subjects were only going to be saved if the powers of Europe could revitalize them.

This ideology was supported by the growing cartographical industry in Britain. Daniel Foliard's *Dislocating the Orient*, on British mapmaking of the Middle East from 1854-1921 shows three concrete themes of the map making process. Power, development, and

⁹² John Fisher, *Outskirts of Empire: Studies in British Power Projection*, (Routledge: London, 2019), pp xii-xiii

⁹³ John Darwing, *The Empire Project*, pp., 29-30

⁹⁴ Id., 31,33

culturalization of the Middle East were central in the creation process of map making. Foliard argues that map making from 1854-1921 shows British imaginations were “...built on a substantial Victorian and Edwardian legacy, subsumed into modern modes of imperial governance.”⁹⁵ Maps played a crucial role within the “chimera” of British Imperialism in the Middle East. Foliard shows, even though this chimera changed over time, maps were used as “an instrument in a wider process of disciplining that space, and therefore, shaped what happened to that space.”⁹⁶ Within the Victorian era, map making of the Palestinian geography was both drawn in British atlases as both modern and ancient but, “The ancient often masked the modern.”⁹⁷ This imagination saw the Middle East as principally a biblical landscape and not a modernizing Arab and Ottoman region⁹⁸. Edwardian period was informed by, “Early traces of a modernized and secularized imagination [coexisting] with a persistent biblical perspective,” because, “British Orientalism was not one, but many. It drew on 18th-century traditions, and only reluctantly did it incorporate new data.”⁹⁹

Thus, the ‘official mind’ of the Edwardian era was conditions by the foundations of Victorian paternalism and orientalizing of the Middle East through a Christian lens. The geopolitical system was shifting into John Darwin calls a “commercial republic.” The city of London at the turn of the twentieth century was no longer merely the political center of the empire, it had also become the center of global capital and finance.¹⁰⁰ So much so, by 1913 the British economy grew “ten-fold” from 1850-1913 and “the ratio of exports to gross domestic

⁹⁵ Daniel Foliard. *Dislocating the Orient*, pp. 269.

⁹⁶ Id., 268

⁹⁷ Id., 62

⁹⁸ Using Richard Hiley’s *Progressive Geography* as an example shows this conceptualization of the Middle East was grounded within the British education system. *Progressive Geography* (1843) was used modern geography classes in the Victorian period through the 1860. The textbook defined the Turks as lazy, and apathetic, but also render the Ottoman lands within the dual meaning of ancient and modern. Id., 87.

⁹⁹ Id., 90

¹⁰⁰ ¹⁰⁰ John Darwin, *The Empire Project*, pp. 113-115

product grew by 25%.¹⁰¹ This ‘commercial republic’ grounded in free trade capitalism extended beyond the coffers of Whitehall, and by the beginning of WWI 4,000 million sterling was in foreign assets with the majority of these assets existing outside of Europe. Additionally, by 1913, 44% of the world total of foreign investment was in British hands.¹⁰² This amount of external capital made Britain rather influenced by how the global market fared, but it also conditioned the economic and political policies of Britain in and into the inter-war period (1919-1939).

These capital gains created the ability for both the Imperial state and the civilian economic sectors to take advantage of surplus of the capital gained by Britain. One of these areas was the Middle East and through the lens of “development” this region and others could be integrated into this global market.¹⁰³ In Palestine specifically this mode of what is termed “meta-economic” control. ‘Meta-economic’ control was the mode in which the British planned and controlled a region through development to fit better a “commercial future.”¹⁰⁴ Jacob Noris’s study on Palestine’s economic development during the colonial period 1905-1948 highlights the ‘meta-economic’ nature of Britain in Palestine and the greater Middle East¹⁰⁵. Noris’s argument is that “... Palestine needs to be viewed within a wider sphere of interconnected British interests in the new ‘Middle East’, but such a sphere remained a distinct sub-district within a global empire of territorially disconnected units”.¹⁰⁶ This global and ‘meta-economic’ policy on the back of Victorian visage is principally how the British enacted policy in Palestine. The British Prime Minister Lloyd George (r. 1916-1922) who held the Zionist assumption of the revival of

¹⁰¹ In 1856 the ratio was at 14.6% and in 1873 it was at 18.3%. Id., 115

¹⁰² Id., 116

¹⁰³ Id., 122

¹⁰⁴ Id., 125

¹⁰⁵ Jacob Noris, *Land of Progress: Palestine in the Age of Colonial Development, 1905-1948* (Oxford University Press, London: 2013) pp. 10-11, 17-18

¹⁰⁶ Id., 17, 31-33.

Palestine into its Hebrew and biblical past was informed by his Victorian education.¹⁰⁷ Karin Loevy has recently shown and re-assessed key documents leading up to the Mandate and shows that the framework of nationalism, developmentalism, and state-building legal framework were central to the Mandate systems. This was true, especially, for the British Mandate system in which Palestine was constructed from an Ottoman Imperial regional jurisdiction into a Weberian/Westphalian state system couched in the language of returning the land to its former biblical glory and in the promise of a national home for the Jews; the Jewish state and their patronage was central to this function.¹⁰⁸ The Christian and modernist parts of the British ideology within their ‘official mind’ supported each other. The Imperial goals for the Middle East were conditioned by their envisioning of the Middle East and in the next section the Zionist part of this ideology is discussed fuller.

3.2.3 Zionism

This section looks at the ways in which British Imperialism and Zionism towards Palestine developed and supported each other. The section focuses more on the enshrinement of the Balfour Declaration and the connection of Zionist policy to British policy in Palestine. While this thesis is not a study on Zionism proper, but it is important to point to the ways in which Zionism and its ideology played a strong role within the ‘official mind’ of the Mandate. Zionism and Zionists had direct effects on the Imperial policies of economics of “developmentalism,” and state-building within Palestine.¹⁰⁹ The argument here is that the goals of the British Empire for Palestine were in line with and directly supportive of the Zionist movement and cause.

¹⁰⁷ Daniel Foliard *Dislocating the Orient*, pp

¹⁰⁸ Karin Loevy, “Reinventing a region (1915-22): Visions of the Middle East in Legal and Diplomatic Texts Leading to the Palestine Mandate,” in *Israel Law Review*, Vol. 49, No 309, (2016), pp. 317-321, 323, 332-336. [317-337]

¹⁰⁹ John Darwin, *The Empire Project*, pp, 295, 296, 375-80

The first area of connection between Zionism and Empire is through the officials of the British Empire. The Zionist movement and its connection within the British Imperial system was not only through Arthur Balfour, but also through the future High Commissioner of the Mandate Herbert Samuel. In particular, Herbert Samuel on the eve of WWI begun to lobby the British Cabinet with great success. Prior to these efforts, the Zionist movement had lobbied many European governments to aid in their colonial project, but Samuel was the person able to secure this support. In connecting with Imperial desires and strategies, Samuel on November 9th, 1914, told Foreign Secretary Sir Edward Grey that the Ottoman Empire was soon to be broken up and Palestine would be an important geopolitical stronghold. The latter was detailing the security of the Imperial state in the region and in particular the Suez Canal¹¹⁰. Samuel carefully wrote another memorandum in March 1915 to the Cabinet in which the significance of the Arab population in Palestine was heavily underplayed. Adel Safty argues that this created became a habit of deceit and manipulation in which the British would become a “protectorate over Palestine” and support the political goals of the Zionist movement. In order for this to happen Safty states that, “the Zionists would couch their ambitions in language carefully designed to appeal to their audience’s imperialism, religious beliefs, sentimentalism and even anti-Semitism¹¹¹.”

British policy in the Middle East would become protectionist and developmentalist during and after WWI and grounded in a settler colonial project.¹¹² Even though Adel Safty’s argument of deceit and manipulation may have grounding, it is also worth noting that the Imperial

¹¹⁰ Adel Safty. *Might Over Right: How the Zionists Took Over Palestine*, (London: Garnet Publishing (UK) Ltd, 2009), pp 10.

¹¹¹ Id., 11.

¹¹² This is in part due to a weakened British Empire. In 1936 world trade income for Britain was at 40% compared to 52% in 1913. This was caused in part by the destruction of war and a dislocated world trade system in general. Id., 372, 384, 385

objectives aligned with the Zionist motives. These motives as mentioned earlier were grounded in an ideology that predisposed them to follow the Zionist movement in its mission.

Through reassessing British documents and sentiments of Zionism during WWI and into the early 1920s, William M. Mathew effectively shows that Palestine was more than just a mere second thought in the minds of the British Imperial elite.¹¹³ The Suez Canal, French activity in the region, and a Zionist Palestine as an Imperial strategic move as a duality of British security and having a Westernized vassal state in the region.¹¹⁴ The Zionist movement and the British Imperial system worked symbiotically as an Imperial unit. Sir John Shuckburgh, Sir Gilbert Clayton (chief secretary for Herbert Samuel in Palestine), Llyod George, Lord Curzon, and again Hebert Samuel commented on the significance of Palestine as the hub for the Empire and region's security. Samuel in his memoir, published in 1945, stated, "The moment Turkey entered the war the position was entirely changed. If Palestine was to be given a new destiny, Great Britain, with her important strategic interests in the Middle East, was directly concerned," connecting to his memorandum in 1915. The territory, crucially, 'bordered on the Suez Canal'.¹¹⁵ The Suez and Egypt were crucial to the British Imperial system as it was both a commercial hub and the Indian trade route. On July 1922 Winston Churchill, appointed as the head of the Colonial Office in February 1921, stated in the House of Commons in London in July 1922:

"I am bound to ask the Committee to take the vote which is about to be given as a vote of confidence, because we cannot carry out our pledges to the Zionists, with which the House is

¹¹³ William M. Mathew, "The Balfour Declaration and the Palestine Mandate, 1917-1923: British Imperialist Imperatives," in *British Journal of Middle Eastern Studies*, Vol. 40, No. 3 (2013), pp. 231-250 also see J. Renton's study on the linkages of "official mind", Imperialist motives, and Jewish nationalism in *The Zionist Masquerade: the Birth of Anglo-Zionist Alliance, 1914-1918* (Palgrave, New York: 2009), pp. 2-4, 99-103 especially chapters 4, and 6.

¹¹⁴ M. Mathew, "The Balfour Declaration and the Palestine Mandate, 1917-1923," pp. 246-249; J. Renton, *The Zionist Masquerade*, pp. 99-101.

¹¹⁵ Quoted in M. Mathew, "The Balfour Declaration and the Palestine Mandate, 1917-1923," pp. 239; see Viscount Samuel, *Memoirs* (London, Cresset Press: 1945), p. 139 for direct quote.

fully familiar, unless we are permitted to use Jews, and use Jews freely, within what limits are proper, to develop new sources of wealth in Palestine. ... I say Palestine is all the more important to us I say that Palestine is all the more important to us in view of what is happening, in view of the ever-growing significance to the British Empire of the Suez Canal; and I do not think £1,000,000 a year ... would be too much for Great Britain to pay for the control and guardianship of this great historic land, and for keeping the word she has given before all the nations of the world¹¹⁶."

Thus, when the Balfour declaration was enshrined within the Mandate's protectorate function these words became de facto *realpolitik* and *Weltpolitik*. Zionism was more than just a movement within the British Imperial system but a symbiotic tool of mutual goal seeking.

Zionist activity in Palestine prior to the Mandate was informed most by their ideological developments between the first two waves (1881-1903 and 1904-1914) of colonial migration to Palestine. These migrations movements were grounded within nationalization and state-building language and would fluctuate between a religious and nation-state ideology. This fluctuation would on one hand argue for nationhood in Palestine but on the other hand talk about economic opportunities within Palestine. By 1914, Palestine had been the single largest migration area for the Zionists; the same year Samuel advocated for British tutelage and cooperation. Alexis Ruppin was one of the main figures who helped the Zionist movement to achieve this settlement. Ruppin combined a nationalization economic structure within a capitalist production motif arguing this would bring forth economic prosperity to the Zionist movement within Palestine. This would also bring forth an answer to their question of land ownership. As capital was gained into a national sense, they could then claim more land through purchasing and then beginning the cycle over. Zionist land and capital would bring more capital.¹¹⁷ Through placing themselves under the suzerainty of the British Empire this cycle could be made indefinite.

¹¹⁶ *Parliamentary Debates, House of Commons, 4th July 1922.*

¹¹⁷ Walter Laqueur, *A History of Zionism*, (New York: Schocken Books, 1972), pp. 151-4.

Zionists also saw themselves as agents of progress within Palestine. This progress for many of the Zionist fold was one of production and the eventual modernization of Palestine away from its Arab past. Zionists leading up to the Mandate in Palestine saw their role in this budding progressive ideology primarily in agriculture. Dana von Suffrin states that , “As a proponent of Practical Zionism which strove to attain Zionist goals through practical means such as colonialization and working the land, [Otto] Warburg made it clear that improving the productivity of Palestinian agriculture was just as important as his *mission civilizatrice* (civilizing mission)...¹¹⁸” This civilizing mission exemplified in Warburg was a part of the greater Zionist motive to economically develop Palestine through, “modern technology and science¹¹⁹.” This language applies back into the European mode of “improvement colonialism” in that, “people, objects, and the natural world were to meant to be administered by those who were in a position to read the laws of nature¹²⁰.” Thus, the Zionist ideological position was as much colonial and European as its suzerain. The Zionist movement saw itself as a part of the society which brings about the modernization of those who are not yet modernized. Only through a continued Zionist settlement would bring further progress to this goal in Palestine. The national-myth that was developing and becoming more concretely engrained within the movement was aided by an orientalism that ultimately saw the Arab population as underdeveloped and not native to the landscape.

¹¹⁸ Dana Von Suffrin, “The Possibility of a Productive Palestine: Otto Warburg and Botanical Zionism,” in *Israel Studies*, vol. 16, no. 2 (2021), pp. 175. [173-197]

¹¹⁹ Ibid.

¹²⁰ Id., 176.

3.3 Conclusion

The discussion above describes the British's Christian-Zionist modernist ideology of the 'official mind' of the Mandate era. British Imperial motives were guided by a Zionist-Christian ideology which saw Palestine as fundamentally the home of the Jewish people. Through state-building, the British Empire could revive a Jewish homeland as a modern nation-state. The commitment to a Christian-modernist ideology in the Imperial 'official mind,' and the support of Zionist action within the region indicates guided Imperial actions and not haphazardness, as the literature has previously pointed to. Thus, the British Empire acted within Palestine in what John Darwin calls an "Octopus of Power" and as Uzoigwe describes as non-vacuous. The Mandate in the beginning years of the Mandate took hold of this non-vacuous ideology and enshrined it as the mechanism of state-building for the Zionist project in Palestine. This framework then will be important for evaluating Mandate actions within Palestine as it provides an analytical lens to see these actions with purpose and ideological motivation. The Zionist and British Imperial ideology were not simply individual actors but rather partners in the same state-building project of Palestine as the next chapter will demonstrate concretely using urban development regimes as a case study.

4. Urban Development in Palestine under the British Mandate

4.1 Introduction

Urban development plays an important role in the physical, social and political organization of cities. The planning and development of cities within imperial or colonial contexts are oftentimes conditioned to be beneficial to those who are in power. The envisioning of cities and urban areas played crucial roles in this relationship. This chapter seeks to show how the development of urban policy of the British Mandate supported nascent and growing Zionist and British colonial urban development. I show how Arab populations used institutions they have utilized historically, whereas Zionist settlers and the British Mandate utilized European and English forms of urban development and planning. This chapter articulates how *waqf* was placed under the changing modes of what constituted as urban and how the urban development ideology of the Mandate officials was a site of contention. Urban development within the understanding of the Mandate officials was a regime of control and reconstitution. *Waqf* was one urban institution that was placed between these two modes of urban development. In one sense the British Mandate urban development structure conditioned *waqf* to adapt from a socio-religious institution into an institution of *realpolitik*. This is not to say that *waqf* historically did not have political function, but within the context of the British Mandate *waqf* evolved within the context and opposition to the Mandate's politics and objectives.

This chapter will compare the urban development policies and intellectual concepts of the *city* of 'the interior space and exterior space' of Mandate Palestine. The chapter is divided into two sections. The first section details the urban planning regimes of the Mandate. This section shows how cities were view and shaped by the British and Mandate officials. This section details first, the passing of the Town Planning Act of 1921 and how this act modified how cities

functioned within the Mandate. The second sub-section deals with the figure Patrick Geddes, who was hired by both the Mandate and Zionist organizations to propose and impose Town Planning schemes all over Palestine. The second section deals with the creation of the Supreme Muslim Council and the reforming of *waqf* through the centralized *waqf* system under the Mandate.

4.2 Urban Development through British Planning in Palestine

Urban development was one of the ways in which the British through the Mandate enacted their state-building efforts. The Mandate powers through instituting local governments and designing the apparatus of control to benefit certain designated groups, urban landscapes were envisioned and developed conditioned by how the landscapes were governed and managed.¹²¹ The three main ways the Mandate used and refined the urban fabric of Palestine was through essentialization, their commitment to Zionism, and the localization of these town planning schemes. This section then explores these aims in connection with the town planning schemes in Palestine.

One of the first aims of the town planning scheme was looking at the city within Palestine through an *essentialized* lens. *Essentialism* within this context is the way in which something is viewed within a concrete and understood form. Meaning, anything in which can be studied or known in an *essentialized* way must be that way because that thing has an objective essence. This essence of something can be understood within any context, and it still function and be understood within the same way in another context. The *city* within the Mandate was one of these *essentialized* things. The Mandate saw the *city* in a dual sense of Arab and Jewish. The

¹²¹ Id., 25-38.

Arab *city* had certain characteristics which was predefined by a historical and Orientalized knowledge of the *city*. This caused the *city* within the Arab context to become a type among other kinds of *city*. This contrast of a *western* and *modern city* the *traditional* and *Arab city* was derived from the British and Mandated ideology. The British and Mandate officials articulated also that places like Jerusalem and other important Jewish sites of antiquity were also *essentially* Jewish lending to their ideological commitments. The Jewish *essentialized* nature of the *city* was privileged, as will be shown in much fuller detail in the next chapter, over any other conceptualizations of the *city*.

Vincent Lemire's recent work, *Jerusalem 1900: The Holy City in the Age of Possibilities*, connects this concept of *essentialization* of Jerusalem to the historiography of Jerusalem from the Western perspective. Lemire states, in connection to the British 'official mind', that the *essentialism* within the mind of the orientalist of the city of Jerusalem was, "... [an] image of an immovable city, frozen in its traditions and fragmented by irreconcilable religious conflicts."¹²² Jerusalem at the turn of the 20th century in the minds of many British and Europeans lay between an envisioned past of a real biblical city that was hindered by the subjection of the current "Islamic city."¹²³ When in reality the city, the relation of people to the city, and society within the city was in great flux. Lemire articulates these two different realities of how the city was lived in at the turn of the 20th century verses a Zionist and Christian conceptualization of the city by Westerners. Through sourcing Ottoman and Arab archives, and travel guides Lemire has shown that the city in 1900 was heterogenous in makeup and not broken down by confessional identities as the early British travelers and cartographers imagined.¹²⁴ The make-up of the city

¹²² Vincent Lemire, *Jerusalem 1900: The Holy City in the Age of Possibilities*, (The University of Chicago Press, Chicago: 2017), pp. 8.

¹²³ Id., 8, 26-27.

¹²⁴ Id., 28, 29, 32-37.

did not break down, as Lemire argues, until the 1930s. Christians, Jews, and the Muslim population shared the city and where British cartography deemed “Muslim”, “Jew”, “Christian”, or “Armenian” was in reality a construction of the orientalist imagining of despair and shock of an imaged Zionist-Christian city that was not there. This despair was canonized in the ‘official mind’ through typology, cartography, and archaeology.¹²⁵ This canonization was applied into the urban developmental framework of emerging Garden Cities and important historical Jewish cities within Palestine through both the Mandate officials and Zionist colonial-settlers. Concepts of stagnation of “Islamic cities” and underdevelopment conditions were justifications for Mandate’s machinery to marry a framework of development to the “cementification” of cities. From a supra-structural ideology, the space and built environment within the cities became a place of contestation in the of *civitas* and meaning.

Land purchasing, private ownership, and Zionist ideological urban development were ideologically tied into one conceptualization of the Mandate and Zionist capital ownership within Palestine. This ideology was juxtaposed to the conventionalization of the Arab “renterism” and “primitive” urban development within the official mind of the Mandate personnel.¹²⁶ The “Garden City” stood in contrast to the stagnant and claustrophobic “Arab City”. This ideological bifurcation in effect created what Trounstine calls the “geography of inequality”.¹²⁷ Trounstine articulates that inequality arises within the geography of cities are often derived from how urban development is enacted. Through the privileging of the Zionist archetype within this dichotomy the Mandate officials operated out of a predisposed position in favor of the Zionist

¹²⁵ Id., 39-50.

¹²⁶ Mark Levine, *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine, 1880-1948*, (University of California Press, London: 2005), pp. 16

¹²⁷ Jessica Trounstine *Segregation by Design: Local Politics and Inequality in American Cities*. (Cambridge: Cambridge University Press, 2018), pp. 38-41.

project aiding in state-building practices. Mark Levine, in the context of Jaffa and Tel Aviv, states that “[the] fundamental feature of the discourses of urban modernism and modernization, constitute[ed] an ‘aesthetic of erasure and reinscription’ that is at the heart of modern ideologies of planning and development”.¹²⁸ As will be shown within the Town Planning schemes of Geddes in Jerusalem this ‘aesthetic of erasure and reinscription’ was applied also within archaeological regimes in Palestine aiding in the reacting of Palestine as a Zionist landscape. Inequality within the archaeological regimes were produced by the Mandate’s aims if crafting Palestine within their Zionist-Christian ideology. Thus, the British’s rule of Palestine and the reconstruction necessitated some form of control within the urban space as a means for the state-building objectives. These objectives were conditioned by the political motives of the Zionist settlers and the Mandate officials which in turn also the subjugated Palestinians and Palestinian cities within the Mandate.¹²⁹

4.2.1 The Town Planning Act of 1921

The Town Planning Act of 1921 defined town planning and urban development within the early part of the British Mandate and helped to facilitate localized development motifs. These motifs were enshrined within the mechanism of the Mandate, as the goal of establishing a Jewish national home was central the policies of the British Mandate. Localized urbanism thus helped

¹²⁸ These conceptualizations of modern and primitive are arguably based on the emergence of the “official mind” discussed in chapter 2. The “official mind” of Christian and Jewish essentialism primed the British colonial mind of the Mandate to see anything Muslim/Arab as primitive and backward. Ideological pre-dispositions conditioned the urbanism of the Mandate and how the Mandate would attempt to re-create the landscape of the Mandate in its own ideological image . Mark LeVine, *Overthrowing Geography*, pp. 16

¹²⁹ Barbara J. Smith has shown how economic policies within the British Mandate facilitated segregation of the Arab and Jewish populations from the beginning of the Mandate. Thus, on two fronts helped to construct the partitioning of Palestine under the British through a developmentalism in preference of the Zionists. Barbara J. Smith, *Separation in Palestine: British Economic Policy, 1920-1929* (Syracuse University Press, Syracuse: 1993).

Zionist migration into Palestine took footing, but also helped Zionist urban planners to create spaces of “Zion” in the guise of European modernity. Zionism within the context of urban development was a force of “re-creation” and not only “settlerism”. Rather than merely resettling within the confines of Palestine, Jewish settlers and Mandate officials helped to officiate a recreation of Palestinian geography and urban landscape into modern Jewish-European ethos.

The Town Planning Ordinance of 1921 helped to facilitate this even though the Mandate powers opted for a de-centralized local urban development rather than more centralized urban development. However, the Ordinance gave the High Commissioner (at the time Herbert Samuel) considerable oversight as the Commissioner was the person who appointed the Town-Planning Commission. The Central Commission had the power to reorder and create building by-laws, essentially controlling the manner and quality of the construction of new buildings and roads. Another tool the Commission had was expropriation. Expropriation of lands had a very wide range of applications from the construction of approved private construction projects to state building projects the British Mandate officials would seize land if they deemed it as an infringement on the new buildings or for preservation of perceived archaeological importance.

For instance, the Mandate officials used eminent domain in multiple cases to seize *waqf* land for their projects. In Jerusalem previously demarcated Greek Orthodox *waqf* land was made “available to commercial businesses and Jewish land-purchasing agencies”.¹³⁰ These actions in particular will be further articulated and shown in Chapter 5 as they were not isolated events but were a pattern of actions the Mandate Department of Archaeology enacted. Nichols E. Roberts remarks that after World War I and the Russian Revolution, the British Mandate expropriated the Greek Orthodox *waqf* land for new developments outside of Jerusalem. Even though the British

¹³⁰ Nicholas E. Roberts, “Dividing Jerusalem,” pp. 17

promised to protect the inalienability status of *waqf*, this is one indicator of the preferences of the Mandate. This preference and decision, Roberts explains, was guided by the 1921 Town Planning Ordinance and that “... the sale went forward because it made sense for the dual-city plan [of Jerusalem] and for granting Zionist immigrants, who were demanding land in the city, [and] a space to construct new neighborhoods”.¹³¹

Within this context, Robert Home articulates that the administration of High Commissioner Herbert Samuel and Attorney-General Norman Bentwich found that the 1921 Town Planning Ordinance generated too much central control.¹³² The administration moved quickly towards a process of de-centralization the urban planning commission and gave partial control by local town planners throughout Palestine. This move was strategic as it gave other local bodies autonomy within Palestine and allowed the central administration to have a cursory oversight of them. The Town Planning Act of 1921 and this localization produced and encouraged pro-Zionist urban development in Tel Aviv, Jaffa, and Haifa, and the gradual loss of Arab control and participation in the building up of these cities. As an example, in 1910 Tel Aviv had a population of 300 and grew to a population of 150,000 by 1937.¹³³ This growth, as the town planners of Tel Aviv utilized localization policies of the Mandate, effectually snuffed out Jaffa’s ability to grow.¹³⁴ This is juxtaposed to the desire to “historicize” or keep Jerusalem within the historical mind of preserving the Holy City’s “unique” status. Thus, according to Home, urban planning of Jerusalem was conditioned in evolution and control. The first British urban planner of Jerusalem, William McLean, divided Jerusalem into four separate zones in

¹³¹ Ibid., 17

¹³² Robert Home, *Of Planting and Planning: The Making of British Colonial Cities*, (Routledge, New York: 2013), pp. 3-4

¹³³ Id., 160, 182

¹³⁴ Tamir Goren. "Tel Aviv and the Question of Separation from Jaffa 1921-1936." *Middle Eastern Studies* 52, no. 3 (2016): 473-487; and "The Development Gap between the Cities of Jaffa and Tel Aviv and its Effect on the Weakening of Jaffa in the Time of the Mandate." *Middle Eastern Studies* 56, no. 6 (2020): 900-913.

which “Zone 1”, or *Jerusalem*, would be preserved as “medieval” and new construction would be prohibited. The other three zones were to provide space for construction of a modern style as “new” Jerusalem.¹³⁵

The 1921 Town Planning Ordinance gave the town planners of the Mandate system and Zionist settlers who worked with the Mandate considerable power and discretion with the built environment. This, further highlighted in Chapter 5, helped to facilitate a growing infringement on *waqf* properties and the way in which the British Mandate sought to re-cast the urban and Palestinian geography within the building of a Zionist nation-state. The following discussion of the biologist-town planner Patrick Geddes’ (1854-1932) ideology and the creation of The Supreme Muslim Council (c. 1921) and will elucidate this changing fabric within Palestine further.

4.2.2 Patrick Geddes and the Ideology of Town Planning in Palestine

Patrick Geddes was a British Imperial town planner in Palestine between 1918 and 1925. He built on the policies William McLean, the first British town planner for Jerusalem. Geddes worked on many of the major Palestinian cities: Haifa, Jerusalem, and Tel Aviv. As Noah Hysler Rubin describes, Geddes, “[was] a planner who strove to reflect the needs and aspirations of the local Jewish community, which, together with his employment by the Zionist movement, made him a full associate of the Jewish homecoming”.¹³⁶ Geddes’s policy was conditioned by the “official mind” of the British Empire as described in chapter two. For Geddes, Palestine was the seedbed for the revival of the ancient Israeli civilization in which he deemed as the originator of Western civilization. Jerusalem was seen as an urban development experiment which sought to

¹³⁵ Id., 160-162, and Nicholas E. Roberts, “Dividing Jerusalem: British Urban Planning in the Holy City,” in *Journal of Palestine Studies*, Vol. 42, No. 4 (2013), pp. 10 [7-26]

¹³⁶ Noah Hysler Rubin, “Geography, colonialism, and town planning: Patrick Geddes’ plan for mandatory Jerusalem,” in *Cultural Geography*, vol. 18, no 2. (2011), pp. 232 [231-248]

return the city to a biblical and Jewish glory as a center of “regional and cultural order” as Zionist nation-state. The following section shows how the British ‘official mind’ informed the way Geddes’ and in effect the British Mandate envisioned the urban fabric of Palestine. This envisioning of Palestine within the Mandate hegemony either willingly in some cases or not in others rendered *waqf* as secondary within Town Planning Schemes and within the Zionist ideology of the Mandate itself.

The connection of evolution, biology, and social development were a central ideology within Geddes’ conceptualization of progress. This concept of progress within society and civil institutions are foundational to the ideas that he laid out in his most important work, *City in Evolution*.¹³⁷ Civics, planning, and education were all centered around his understanding of the urban planner as the manifold of evolution within a given society. Building on a matrix of biological and social evolution within a structure of archetypes, these ideas coalesced within the conception of traditionalized culture and socialized evolution. For Geddes, this meant assessing the *city*, or the center of society, through surveys. Through these assessments, people could be guided towards a future which originates from a determined history, culture, and tradition.¹³⁸ The survey for Geddes was an outworking of his concept of the City Planner being a ‘gardener’. Ameeth Vijay has remarked that garden language like cultivation was a central typology in Geddes’ planning theory. Vijay states the language of garden for Geddes meant that, “the planner as a gardener is responsible for tending to this [or any] garden for educating the people on their now forgotten evolution. the local ought not to be erased but instead must be cultivated, tended to, and integrated as a site of action within universal, global conceptions of planning and

¹³⁷ Patrick Geddes, *Cities in Evolution*, (Williams & Norgate, London: 1915)

¹³⁸ Hyster-Rubin, *Patrick Geddes*, pp. 52; Geddes, *Cities in Evolution*, pp 255.

evolution.”¹³⁹ And thus, “... the planner carefully sees to the growth, flowering, and eventual flowering of fruit of culture, spaces, and citizens”.¹⁴⁰ These subjects, for Geddes, were not the Arab but the Zionist settler coming into Palestine.¹⁴¹

Geddes saw Palestine as a Hebrew site covered in an Arab, Turkish, and European “weed”. Hysler-Rubin comments on how Geddes viewed Jerusalem as being hindered by “the many monumental institutes built by foreign empires, demand[ed] to pull down the Turkish clock tower erected adjacent to the city walls or foreign European buildings to which he pointed as vulgar modern decoration”.¹⁴² Thus, when surveying the Palestinian city Geddes saw the city as underdeveloped and ‘traditional’. Where there were buildings of primarily Islamic origin (and some European) Geddes described them as “foreign,” “ugly”, or “Turkish”. One area in particular Geddes wished to remove in his planning of Jerusalem was the Maghrib Quarter of the city. Geddes saw it as an obstruction to the ‘Wailing Wall’. In its place, “there would be room for some decent cottages (I hoped Jewish) or perhaps better for some neutral building – or policemen’s cottages.”¹⁴³ What this indicates within Geddes planning ideology was the proper way for Palestine to evolve was to cultivate the newly revived Zionist culture and state, but also cast it as a regional center for the continued cultivation of a Zionist culture and prominence. As Geddes himself states, “Clearly realiz[ing] this, is not once more the high function of a renewing Zionism, to repeat the ancient message upon our modern spiral ... and to recall the ancient

¹³⁹ Ameeth Vijay, “Cultivating Colonial Subjects: The Planner as Gardener in the Work of Patrick Geddes,” in *The Global South*, vol. 14, no. 2. (2020), pp. 15. [10-30]

¹⁴⁰ Id., 21

¹⁴¹ Hysler-Rubin, *Patrick Geddes*, pp. 86-87, and 98.

¹⁴² Id., 78, “the vulgar and modern” could be referring to a myriad of things. Most likely any building built by Ottoman modernization efforts or the German construction efforts prior to and during WWI.

¹⁴³ Quoted in Hysler-Rubin, *Patrick Geddes*, pp. 79. In a letter to Geddes, Arthur Ruppin remarks that “Unhappily however it must be recorded that under present circumstances it is impossible to get the consent of Moslem Supreme Council to get a road constructed which will pass through their land to the Wailing Wall...” in A. Ruppin to P. Geddes, 3 December 1930, NLS MS10502/15b.

conception of Unity throughout the whole Universe,” Zionist state-building was at the center of his Town Planning.¹⁴⁴

Within the context of Jerusalem, Geddes constructed a museum, planned The Hebrew University, and was a forerunner of a traveling Cities and Town Planning Exhibition. The museum in Jerusalem retold the history of Palestine leading to the eventual manifestation of the Zionist state. Christian and Muslim Arab history would not be neglected. However, the foretelling of the future Zionist State within the Museum indicated a certain historical preference of an envisioned past towards a projected future Zionist nation-state.¹⁴⁵ This historicized mythology was to be supported by the construction of the Hebrew University in Jerusalem. Geddes saw this university’s goal as a Westernization and Modernization project that Zionists, who “distinctively combined Oriental and Occidental ideals”, would be the principal agent of the project. Through the University fledgling Zionist scholars would add into the language of the nation-state myth through studies in archaeology, history, and civics.

This understanding goes hand in hand in of how he saw urban planning. The *city* as the major organ of a region or of a civilization held the “national, racial, religious, human...” spirit of that region and civilization. Geddes understood that when “cities evolve and we must ensure that they evolve in sustainable ways”.¹⁴⁶ This evolution through the guidance of the planner ought to preserve the connection to the antiquitized past as in that past lays the origin of that past. Zionist state-building within the Mandate for Geddes meant that a Zionist past could factually and objectively realized. Thus, with Jerusalem he saw that through urban planning and education Jerusalem could be refashioned into a Zionist stronghold. Geddes planned to construct “new

¹⁴⁴ From Patrick Geddes, *Jaffa and Tel-Aviv*, pp. 58, quoted in Hysler-Rubin, *Patrick Geddes*, pp. 86.

¹⁴⁵ *Id.*, 246,237.

¹⁴⁶ Murdo Macdonal, *Patrick Geddes’s Intellectual Origins*, (Edinburgh University Press, Edinburgh: 2020), pp. 113

cities” around the old medinas where the Zionist settlers would find residency. The old city, or Jerusalem, was to be antiquitized and preserved by “its historical and religious sites, it was seen as the paradigmatic holy city, the very object for which the colonial disciplines of archaeology and historical preservation had been developed”.¹⁴⁷ This duality of ‘new’ and ‘old’ plays a particularly important function within Jerusalem in connection to the presence of *waqf*. This relation will be further detailed in the next chapter, however, the conceptualization of ‘old’ was a central way to historize and antiquitize Jerusalem in such a manner to allow the antiquities regime to encroach on the rights of *waqf*.

To further elucidate the ‘new’ in Geddes’ planning is in his template for Tel Aviv. Being able to start from ground zero, Geddes was able to implement his vision of a modern-Jewish vision of *the city* for the new Jewish state. Even though only parts of Geddes’ plans were carried out within the city planning of Tel Aviv, his planning further shows the ‘official mind’ within the British Mandate.¹⁴⁸ One of the central development tools of the British Mandate and in extension the Zionist settlers was the concept of “garden cities”. Predating the advent of the Mandate, Zionist settlers from Europe constructed low populated cities in which were guided by the urban planning philosophy of Ebenezer Howard. The author argued that with a city of around 32,000 inhabitants, and being centered on self-governance, society could be altered and changed.¹⁴⁹ M. Zaidman and R. Kark have indicated between 1905 and 1945, 127 Garden City projects were constructed within Palestine. Even though they juxtapose a ‘clusterious’ and ‘small

¹⁴⁷ Nicholas E. Roberts, “Dividing Jerusalem: British Urban Planning in the Holy City,” pp. 12.

¹⁴⁸ Patrick Geddes plans were in some ways abandoned in the 1930s due to the large fluxuation of Jewish-European immigrants. This caused higher rates of urban growth within not only Tel Aviv but else were. However, Volker M. Welter articulates Geddes’s plan and its implementation and how it conditioned the future plans of the city. Even though some of the plans of Geddes were abandoned, the heart of the plans and the impetus were not. See, Volker M. Welter, “The 1925 Master Plan for Tel-Aviv by Patrick Geddes,” in *Israel Studies*, Vol. 14, No. 2 (2009), pp. 94-119.

¹⁴⁹ Miki Zaidman and Ruth Kark, “Garden cities in the Jewish Yishuv of Palestine: Zionist ideology and practice 1905-1945,” in *Planning Perspectives*, Vol. 31, No. 1. (2016), pp. 55-56.

Arab city' to the advent of the growing city biproduct of the Zionist colonies agricultural adventures, they connect the development of Tel Aviv to the founding of the Garden City of Ahuzat Bayit.¹⁵⁰ In this they argue, "... [the colonists] were also aware of the fact that they were building an urban model for a new nation. Therefore, they deliberately planned an environment that stood out against the existing city and separated it from the city of Jaffa, by building it at some distance from the city¹⁵¹." In connecting it with British urban layouts, garden settlements were constructed as suburbs of the central city.

The British Mandate adopted the mindset of garden city planning and Geddes's motives in four important ways. Robert Home states that these four ways were: (1) road improvement, housing construction, and slum clearance through direct intervention, (2) in-direct intervention through the employment of town planners, (3) implementing a dichotomy of reluctant (hesitant) town planning on traditional urban societies and the desire to conserve historic cities through stagnant 'historization' of those cities, and (4) a cooperation of local private sectors in combining a British paternalism in the application of urban plans like Garden Cities¹⁵². This emerging framework of urban development within the context of a new hegemonic power changes the way in which the Arab/Palestinian population *lived* within their cities. As new structures were being mechanized, institutions and manners of being within the cities were rapidly changing. One of these in particular is through the creation of the Supreme Muslim Council as the following section details.

¹⁵⁰ Much of their historiography is couched in the trope of Zionist modernism versus Arab traditionalism and this juxtaposition does not move beyond this framework. Id., 56,57.

¹⁵¹ Id., 57

¹⁵² Robert Home, "Town Planning and Garden Cities in the British Colonial Empire, 1910-1940," in *Planning Perspectives*, Vol. 5, No. 1 (1990), pp. 23-8.

4.3 Reforming Waqf and the Supreme Muslim Council

This section details how the British Mandate created the Supreme Muslim Council. This organization oversaw the religious institutions of the Muslim body within Palestine. One of the duties of this pseudo-governmental body was the oversight of the institution of *waqf* within the Muslim population of Palestine. The section first aims to show how the Supreme Muslim Council (SMC) was established and how this semi-autonomous organization operated within the Mandate structure. The second aim is to show how the British Mandate was installing institutions that competed within the *waqf* system to offer both a secularized form of *waqf*, but also further means for capital gain as the section on the English Civil Trust illustrates. This section also provides further context to the *waqf* system under the British as the SMC was the principal actor when it came to *waqf* rights. This context will be important for Chapter five, as the SMC was often found at the center of legal debates around the violation of *waqf* rights.

4.3.1 Formation of the Supreme Muslim Council Waqf

In December 1917, the British Military government in Palestine formed a centralized committee called the Central Waqf Council/Committee (CWC).¹⁵³ From the 20th to the 22nd of November 1919, a group of six Muslim men who were involved within the *waqf* system met in Jerusalem with the military government on matters of *waqf* in Palestine. In particular, Muhammed Kamel Effendi El-Husseini (Grand Mufti of Jerusalem), Aref Effendi Hikmet Nashashibi (Director General of Wakfs), Tewtik Effendi Tahbub (Mamour of Hebron Wakfs), Nimir Effendi Hamad (Mamour Nablus Wakfs), Muhie el-Din Effendi Ab-del Shatia (Mamour of Gaza Wakfs), Yacoub Effendi Abu Rida (Mamour of Jaffa Wakfs) Captin H.O Bennet

¹⁵³ J.B. Barrion, *Mohammedan Wakfs in Palestine*, (Government of Palestine, Jerusalem: 1922), pp. 46.

(O.E.T.A Representative), and Mr. N. Abrarius (O.E.T.A Legal Secretary) were all present at these meetings.¹⁵⁴ Within this meeting the Arab overseers of the *waqf* system was discussed with the British military government's officials and there was an approval of funds to help repair the damage done to Mosques and the *awqaf* from the war.¹⁵⁵ J. B. Barron mentions that the decision to create this central body was to, "...in effect, gave the financial control of wakfs to a central body which prepared annual estimates for submission to the military authorities for their approval... ...A British Officer was nominated to assist Military Governors in their dealings with local wakfs, the Governors having replaced District Administrative Councils which were not convened by the Army Authorities".¹⁵⁶ However, the creation of this body also gave the early British Military government oversight of the actions of the centralized *waqf* department.

4.3.1.1 The SMC, Waqf, and the Mandate Legal Framework

Through the organization of this body, there was a dual development of control over and centralization of *waqf*. On the one hand, much like Palestinian politicians under the Young Turk regime, Arab Muslims saw this as an opportunity for the localization that they were seeking politically in the past decade. On the other hand, however, this local politicization was not autonomous. Due to the British control and oversight, the centralized *waqf* body was only ever semi-autonomous. This can be seen in how the law was applied within the Palestinian state and later on how the *waqf* administration often had to compete with other Mandate departments for viability. In October of 1920 the British Military government applied the 1858 Land Law Code

¹⁵⁴ "Finance: Central Waqf Council," in *O.E.T.A (South)*, No. 9, 16th November 1919, pp. 3,4.

¹⁵⁵ J.B. Barron remarked at the end of the war that *awqaf* in Gaza and Jaffa were either destroyed by shell fire or by military deconstruction for widening of roads. In Jerusalem houses and that were classified as *waqf* were not repaired from the same damage. J.B. Barron, *Mohammedan Wakfs in Palestine*, pp. 47.

¹⁵⁶ *Ibid.*

of the Ottoman government on to the land regime of Palestine, however, with considerable changes. The first of these is the adoption of leasing terms on *waqf* property. The Land Transfer Ordinance of 1920 regulated all immovable property by stating,

In this ordinance and in all regulations made hereunder, unless there is something repugnant in the context, the word "disposition" means a sale, mortgage, gift, dedication of wakf of every description and any other disposition of immovable property except advise by will or a lease for a term not exceeding 3 years. It includes the transfer of mortgage and a lease containing an option by virtue the term may exceed 3 years¹⁵⁷.

This ordinance placed on all of the land system oversight of property exchanges and concrete lease limits. This change was important as it is an indication of the relationship of those in power to the land. The change here is one from a relational aspect of ruler and subject within land taxation to one of management of Mandate power and subject as in addition to the application of Ottoman law the Mandate also applied a strict deed-registration regime.¹⁵⁸

Secondly, immovable property (which often constituted *waqf* property), must have dual registration and approval not of the central *waqf* administration, but the central British administration. The person who wishes to transfer land must receive approval of their local Governor of the District, register land title with the government, and not exceed certain area and monetary limits, and must immediately develop the land. This leaves little room for any discretion of circumstance for the land owner or guardian (*mutawalli*). Arguably, the language of immediate cultivation and/or usage is the application and assumption of Zionist conceptualization of production. The land which one owns, purchases, or transfers must not exceed 3000 (Egyptian Pounds) or 300 dunams in the case of agricultural land, and 30 dunams in

¹⁵⁷ "Land Transfer Ordinance", in the *Official Gazette of the Government of Palestine*, No. 28, 1st October 1920, pp. 1-3

¹⁵⁸ Alexis Reppas, "The Sultan's Domain: British Cyprus's Role in Redefining of Property Regimes in the Post-Ottoman Levant," in *The International History Review*, vol. 41, no. 2 (2019), pp. 634.

the case of urban land.¹⁵⁹ Thus, these changes effectively curtailed the endowment freedoms that were traditionally held under the Ottoman regime. Herbert Samuel (High Commissioner of the Mandate) to Lord Allenby claimed that the main reason for this ordinance was that, "... private enterprises of urgent importance cannot be started because the necessary land cannot be acquired".¹⁶⁰ Thus in some manner land structurally needed to be made alienable to the prevailing system that came prior to the World War I.

The Supreme Muslim Council (SMC) became an official body on December 19th, 1921 and was built on the policies and structure of the Central Waqf Committee. The formation of the SMC solidified the position of *waqf* within the realm of religion and demarcated the institution within that religious conceptualization as a legal framework within the Mandate itself. In an interim report on July 30th, 1921 Herbert Samuel mentioned, based on religious liberty, that the British Mandatory officials had constructed legal courts based on the three sectarian groupings within the fold of the Mandate: the Jew, Orthodox Christian, and the Supreme Muslim Council.¹⁶¹ These religious courts operated alongside Civil Courts within Palestine, but the dichotomy of religious/secular was developed through their advent. The addition of the Civil Courts offered further changes within the legal system for the Muslim population. Prior to the Mandate, even though there were functioning civil courts, most of the administration of the Ottoman Government still operated through the Shari'a court system.¹⁶² Under British governance, Shari'a courts were not autonomous. Being under the jurisdiction of the Supreme Muslim Council, the British Mandate still subjugated them under the Legal Department of the

¹⁵⁹ Ibid.

¹⁶⁰ "Mr. Samuel to Field-Marshal Viscount Allenby," E: 3594/131/44, Section 1 in *Palestine and Trans-Jordan Administration Reports, 1918-1948*, Vol 1, pp 128

¹⁶¹ Hebert Samuel, "An Interim Report on the Civil Administration of Palestine," July 30th, 1921, in *Palestine and Trans-Jordan Administration Reports: 1918-1948*, (Archive International Group, Britian: 1995),pp. 180.

¹⁶² Assaf Likhovski, *Law and Identity in Mandate Palestine*, (University of North Carolina Press, Chapel Hill: 2006), pp. 31.

British Mandate.¹⁶³ The creation of sectarian court structures allowed for both the oversight of the courts from the advantage point of Attorney General of the Mandate and to demarcate sectors of the pre-British court system as “religious” and out of the framework of the civil court. The alienation of courts was in a way to modernize the legal system of Palestine within in a secular framework. One of these courts was the Land Court. This alienation caused a plurality within the court system that brought cases under multiple bodies of law and regulation. If land and *waqf* were the center of a legal case both the Land Court and the SMC were involved within that case.

From this foundation, the Supreme Muslim Council (SMC) had control of the shari’a courts and in effect all of *al-awqaf al-muslimiyah* (Muslim *Waqf*). The functions of the council are laid out in Ordinance No. 58 in the *Official Palestinian Gazette* on January 1st, 1921. The Council had legal control and jurisdiction over *al-awqaf al-muslimiyah*. The SMC control could approve the foundation of a new *waqf*, appoint *mutawali* (managers of *waqf*), and if needed dismember a *waqf*. Just as the courts themselves were subjected to the Mandate’s oversight, the SMC was also supervised by the Mandate through the mandatory publishing of yearly reports on the status of *waqf* within Palestine¹⁶⁴. The Mandate developed pluralistic legal framework grounded in a sectarianizing of the Ottoman *millet* system, the Mandate was a social market within religious sects, until the 1930s where it was more grounded in national identity.¹⁶⁵ Laura Robson has argued that the *millet* system previous to the Mandate was molded into a legal

¹⁶³ “Report on Palestine Administration, 1922,” in *Palestine and Trans-Jordan Administration Reports: 1918-1948* (Archive International Group, Britain: 1995), pp. 351,352.

¹⁶⁴ “Supreme Muslim Council,” Ordinance No. 58, in *The Official Palestinian Gazette*, January 1st, 1922.

¹⁶⁵ Assaf Likhovski argues that the national identity framework was chosen in the 1930s over the religious sectarian one. However, it can be argued that even though the British begun to prefer nation-state identities within the 1930s these national identities were constructed on top of these religious identities. Primarily, Arab nationalist identity often meant Christian/Muslim whereas Zionist meant Jew and on occasions European. Assaf Likhovski, *Law and Identity in Mandate Palestine*, pp. 38.

framework of “imperial invention of ‘native’ tradition and the construction of ‘customary’ ethnic, cultural, and especially religious categorizations”.¹⁶⁶ This legal conceptualization allowed the Mandate system to craft a sentiment of “unreadiness” of Palestinian Arabs for the “duties and responsibilities of Western-style secular citizenship,” and are “better off under a ‘traditional’ system of communal administration and personal law governed by religious texts¹⁶⁷.” Vincent Lemire argues that because of a long tradition of British intellectually defining Palestine as a place of Zion and therefore Zionist, willingly ignored the rather heterogenous nature of Palestine and Jerusalem. The millet system (the Ottoman system of governing non-Muslim populations) in 1900 developed to be more of a categorization of taxation and demographic data collection and not hard-fast constructions of segregated space. In creating separate religious courts, the Mandate brought under control their autonomy within the system as a whole.

4.3.2 The English Civil Trust in Palestine

Another way the Mandate created a form of institutional segregation was through the implementation of the English Civil Trust. In 1925, the British Mandate made provisions for non-Muslims who endowed land within the Shari’a court a legal option of transferring their endowments into a civil charitable trust.¹⁶⁸ The British civil/private trust ran parallel to and in competition with the *waqf* system.¹⁶⁹ The British civil/private trusts function very similarly to

¹⁶⁶ Laura Roberts, *Colonialism and Christianity in Mandate Palestine*, (University of Texas Press, Austin: 2011), pp. 48.

¹⁶⁷ *Id.*, 50.

¹⁶⁸ “Report to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1925,” in *Palestine and Trans-Jordan Administration Reports: 1918-1948* (Archive Interational Group, Britian: 1995), pp. 81.

¹⁶⁹ Adam S. Hofri-Winogradow, “Zionist Settler and the English Private Trust in Mandate Palestine,” in *Law and History Review*, Vol. 30, No. 3 (2012), pp. 817 [813-864] For a comparative analysis of trusts and *waqf* see, Mohammad Abdullah, “*Waqf* and trust: The nature, structures and socio-economic impacts,” in *Journal of Islamic Accounting and Business Research*, vol. 10, no. 2 (2019), pp. 512-527. Also see Nurfadzilah Yahaya’s work on British Colonial knowledge on *waqf* and other native variations of “trusts” throughout their planes of influence and how the implementation of British Trust law competed with them, “British colonial law and the establishment of

waqf in that the trust alienates property (moveable or immovable) for the purpose of the endower of the trust. However, the British Trust has two major distinctions from *waqf*. The first is perpetuity. The Trust is not meant to last ‘till the end of time’. The second is that the Trust is secular in nature. Trusts are to function in some form of charity, but not within a religious framework. This allowed for the application of trusts to be vague unlike *waqf* law which was guided by a concrete legal framework.¹⁷⁰

The usage of this British institution allowed for international sympathizers of the Zionist cause to finance the movement within Palestine, whereas Arab’s and non-Zionist Jews continued to use *waqf* and *hekdesh* (traditional Jewish endowment system)¹⁷¹. Adam S. Hofri-Winogradow argues that ,“Jewish Palestinian [immigrant Zionists] use of trusts and trust companies was...focuses on business; investment; the purchase, sale, and development of land; and the facilitation of Jewish immigration to Palestine”.¹⁷² By the mid-1930s, Zionist organizations were using private trusts for these purposes throughout all of Palestine for the purchase and development of property¹⁷³. This helped to further develop sectarian legal structures within the Mandate as Zionist Jews, and Europeans would privilege these court systems as a means for furthering their objectives in Mandated Palestine. Civil charitable trusts and the sectarian court system helped to further developed the political, legal, and social space between Arabs, and the Mandate officials and Zionist settlers.

family *waqfs* by Arabs in the Straits Settlements, 1860-1941, in *The Worlds of the Trust*, edited by Lionel Smith, Cambridge University Press, 2013, pp. 167-202.

¹⁷⁰ Interestingly Monica M Gaudiosi has remarked that *waqf* may have been a legal basis for the English trust system, "The Influence of the Islamic Law of Waqf on the Development of the Trust in England: The Case of Merton College," in *University of Pennsylvania Law Review* 136, no. 4 (1988). pp. [1231-1261]

¹⁷¹ Id., 817.

¹⁷² Id., 834.

¹⁷³ Id., 843-859.

Prior to the development of the private English trust however, the SMC took a similar stance with *waqf* and property. Michael Dumper has argued that, “the British Mandate government’s co-optation of the *waqf* system’s leadership, and the degree of control it exercised over *waqf* system resources, reveal the nature of the *waqf* system’s relationship with the state and the extent to which it came to constitute a mediating institution”.¹⁷⁴ This mediation also had a development and land control scheme. On this Dumper claims that “during the height of its struggle [claims of rights over certain *waqf*] in the 1930s against British government policies and Zionist immigration, the Council also embarked upon extensive land reclamation schemes, draining and irrigating desert and swampland to increase their productivity¹⁷⁵.” This indicates that in the developing political sphere of the Mandate period, urban space was gradually becoming politicized and contested. Dumper states that, like the usage of English trusts in the later 1930s, the SMC was using *waqf* as a means of urban and political control against the backdrop of Zionist encroachment and Mandate objectives.

Ultimately, the SMC operated within an institutional space which sought to preserve *waqf* status within Palestine. This was due to archaeological schemes that infringed on the rights of Palestinian *waqf* as a means of building a Zionist state. However, the SMC lacked strong purchasing power. This caused a purchasing scheme of a scattered manner throughout Palestine. They would send researchers to Istanbul to retrieve information on *waqf* property when necessary and would encourage their constituents to endow their property into *waqf dhurri* (family endowments) as a means of alienating the property in order that it could not be

¹⁷⁴ Michael Dumper, *Islam and Israel: Muslim Religious Endowments and the Jewish State*, (Institute for Palestine Studies, D.C.: 1994), pp. 18.

¹⁷⁵ Id., 20.

purchased¹⁷⁶. This unfortunately was the praxis of Mandate and their policies. The Mandate used their legal and governance framework to evade legal rights of the *waqf* properties they infringed on. The result of this created a politics of space that turned some of the spaces into sites of contention as the next chapter will illustrate. Principally being a part of the urban landscape, the SMC sought to preserve a Palestinian status quo of that urban landscape and for it to be legitimized and respected within the Mandate system.

4.4 Conclusion

The legal and governance framework of the Mandate placed the *waqf* system under a state-building and urban development regime within the Mandate system. *Waqf* under the SMC was becoming a means of urban development and control against the Mandate's ideological commitments and state-building goals. *Waqf* gained political utilization against the modes of political change and deconstruction of meaning and space of the *city* in Palestine. In effect, the SMC and the Mandate powers can be seen as two offices of development. The SMC had a grounding perspective of preserving the continuance of Arab local agency in the space, whereas the Mandate office of development focused the renewal of urban space through the guise of their Zionist-Christian and modernist commitments. This was shown throughout the chapter by showing how the Town Planning regimes and the SMC were formed along the lines of these ideologies. Through these developments a contention and politics of space emerged as the meaning of Palestinian space was being redefined. The politics of these spaces will be discussed in further detail through a case study on the 'the Old City'/ Jerusalem of Jerusalem in the following chapter.

¹⁷⁶ Id., 21; Also see a case where The SMC found a land mass of 25,000 dumuns that was endowed in *waqf* near Tel Aviv in the area called Birkat Ramadan. Id., pp. 20.

5. The Politics of Space and Waqf in Jerusalem

5.1 Introduction

This chapter aims to show how the Mandate Zionist-Christian envisioning of Palestine affected how the built environment and geography of Palestine was governed and managed. One of the elements of this built environment that was on infringed by the Mandate powers was *waqf*. The case study of Jerusalem shows that *awqaf* were infringed on by the Department of Archaeology programs. The Mandate Officials within the Department of Archaeology affected how Palestinian institutions functioned the urban fabric of Jerusalem.¹⁷⁷ The redefining of the city through archaeology is what Nadia Abu El-Haj states as a “national hobby,” or as the groundwork of a, “national identity and national rights shaped the discipline and characterized its relationship to the work of nation-state building during the first decades of statehood¹⁷⁸.” The Mandate’s language of how the built environment ought to be seen and understood was not the way Palestinians within Jerusalem viewed or lived in the city. The contention arose from the Mandate officials joining in with this process of state-building for a Jewish nation. The Mandate’s commitment to their state-building effected the meaning of how institutions within the city operated. *Waqf* then was one area where these conflicting meanings met. In order to articulate this the chapter will be divided into two main sections. The first section gives legal and political context of the Department of Archaeology (DOA) and the use of the Zionist-Christian

¹⁷⁷ The usage of urban fabric is closely aligned with Géraldine Pflieger and Céline Rozenblat’s article, “Introduction. Urban Networks and Network Theory: The City as the Connector of Multiple Networks,” in *Urban Studies*, November 2010, Vol. 47, No. 13, Special Issue: Urban Networks and Network Theory (November 2010), pp. 2723-2735. They argue that cities function within a multilayered network of networks. Within a globalizing city these networks grow to encompass the local and imported, however, the hegemony power often times dictates what the ethos of the polis ought to be.

¹⁷⁸ Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society*, (Chicago: The University of Chicago Press, 2001), pp. 1,2.

ideology through the case of the Tower of Ramla/The Minaret of the White Mosque. The second section deals with the city of Jerusalem and how this duality of meaning operated within the DOA's actions. The two sub-cases are the archaeological digs at Mount of Ophel and the City Walls project of Jerusalem. This section details how the Mandate through the DOA encroached on *waqf* rights.

5.2 Tower of Ramla/The Minaret of the White Mosque

The first place of contention being discussed is at the site of the 'Tower of Ramla'. This site helps to contextualize the actions and policies of the Mandate were grounded within their Zionist-Christian ideology. The contention around how to define the 'Tower of Ramla' details one of the sites of contention between the Supreme Muslim Council and the Department of Antiquities in defining of the built environment of Palestine. The first section details how the battle of defining of the Tower/Minaret was centered around whether or not the legal *waqf* rights were to be upheld over a Christianized vision of the Tower/Minaret's past. The second section of this case study gives further context to through the discussion of Antiquity law in Palestine and how this supported the Zionist and Mandate's state-building agenda.

In Dotan Halevy's study, "Ottoman Ruins Captured: Antiquities, Preservation, and Waqf in Mandatory Palestine," details this legal battle of how Mandate sought how the tower ought to be described, understood, and preserved as a Western-Christian structure against the Supreme Muslim Council understanding.¹⁷⁹ The British Occupied Enemy Territory Administration (O.E.T.A.) (South) saw gathering and studying Palestinian's antique past as an important

¹⁷⁹ Dotan Halevy, "Ottoman Ruins Captured: Antiquities, Preservation, and Waqf in Mandatory Palestine," in *Journal of the Ottoman and Turkish Studies Association*, vol. 5, no. 1 (2018), pp 91-114.

function of their control. The O.E.T.A (South) was the governing British body prior to the official endorsement of the League of Nations in June of 1922 giving British control Mandate status. The O.E.T.A (South) legalized the control of antiquities through two ordinances and setting up the governmental body, the Department of Antiquities in 1920. On February 16th the O.E.T. issued Ordinance 86, “Conservation of Ancient Monuments,” which states, “Throughout the Occupied Enemy Territory (South) the property in all antiquities which were the property of the Ottoman Government, or which have been discovered since the occupation or shall hereafter be discovered shall be deemed to be vested in the Occupied Enemy Territory Administration (South).” This language was further defined within a secondary ordinance applying to this one in October of the same year. The updated language of Ordinance 195 on October 1st states, “All antiquities whether of a movable character or fixed in the soil which shall be hereafter discovered shall be deemed to be the property of the Government¹⁸⁰.” These ordinances gave the British power over land in which they deemed that land or things within the land were of antique manner. These ordinances additionally setup the Department of Antiquities (DOA) as a formalized department of the government.

The project around the Tower of Ramla began in October of 1920 alongside the formalization of the DOA as a government department. The Tower was being studied almost immediately by the DOA when the department came online as a government department. In October 1920 saw this site as an important and placed it under the legal control of the government. The DOA from October 1920 through June 1922 attempted to keep it within a grey zone of definitions in order to monumentalized it as a historical structure deemed as a Christian

¹⁸⁰ Ordinance 86, “Conservation of Ancient Monuments,” in *Official Gazette of Palestine*, No. 15, (16th, February 1920), pp. 1; and “Antiquities Ordinance,” in Ordinance 195 in *Official Gazette of Palestine*, No. 29, (1st, October 1920), pp. 6.

structure. The only opposition was the chief inspector Ernest J. Macky who rendered it a minaret in October of 1920¹⁸¹. Within this two-year period the DOA in the attempt to take further control of the Tower was through placing language on the structure of it being under duress and could “crumble away” at any moment. An architectural engineer was hired to evaluate the stability of the structure. They indicated that the structure was sound. The DOA working alongside the Archaeological Advisory Board ignored the conclusion of an architectural engineer that the structure. The DOA’s story of concern towards the Towers was used through May of 1922. They claimed many times in those two years that the structure was standing by miraculous circumstances.¹⁸² The use of decay here was used as a means of expectancy to render the Tower under the control of the DOA.

Alongside these actions when the British DOA was attempting to restore the Tower as a Christian instillation they attempted to co-opt the “local waqf administration of Ramla, Jaffa, and Jerusalem in 1921.¹⁸³” Their goal through this was to collaborate with the *waqf* authorities while knowing it was *waqf* property to render it strictly as a monument of history and outside of current use by keeping it within a legal grey zone. This would allow the DOA to control the narrative of the Tower even though it had historical significance without allowing it to have religious “living” status¹⁸⁴. This idea that the DOA had was interrupted when in the same year formed the Supreme Muslim Council placing local Waqf Councils under their administration.

The battle over the defining of the Tower shifted once the SMC was established in October of 1922. The preservation project the DOA was attempting to develop was brought to a

¹⁸¹ Dotan Halevy, “Ottoman Ruins Captured: Antiquities, Preservation, and Waqf in Mandatory Palestine,” pp. 97.

¹⁸² *Id.*, 98.

¹⁸³ *Id.*, 103.

¹⁸⁴ *Ibid.*

halt by the SMC. The SMC declared the tower *waqf* property in October 1922. The tower transferred from a monument of antiquity to “a ‘living’ structure of current religious use”.¹⁸⁵ This would place the legal administration of the Tower no longer under the Department of Antiquities, but under the SMC. However, the once SMC gain the legal control of the Tower their project was not autonomous. The project’s financials were still under the control of the British DOA and the Department of Public Work (DPW). This allowed the DOA and the DPW to slow down the restoration project. It took an additional two years in 1924 for the project to be finished. In 1924 the Tower became the official site as an active building where the Al-Nabi Salih celebration was held. However, even after the Tower of Ramla was deemed a minaret of the White Mosque and a living *waqf* structure; the DOA continued to call it “a ‘picturesque and historical monument,’ a ‘landmark’, an ‘interesting tower’ or plainly - 'The Tower’.” In 1927 the British government issued new money tender in Palestine. Prior to 1927 Palestinian tender was the Egyptian pound. The new Palestinian Pound notes in 1927 depicted different landscapes throughout Palestine. The Mandate depicted the “Tower of Ramla” on the Palestinian 10 Pound note as the “Crusaders Tower” indicating that even though legally the structure was *waqf* property the Mandate powers still envisioned it as a Christian monument.¹⁸⁶

5.2.1 Antiquity Law and the Recasting of Palestine

The Department of Archaeology (DOA) and The Supreme Muslim Council (SMC) battled over how the Tower of Ramla/Minaret of the White Mosque was to be legally defined. The Tower of Ramla/Minaret of the White Mosque case is useful in showing how the antiquity law and the DOA worked in tandem with the ideological positionings of the Mandate powers.

¹⁸⁵ Id., 104.

¹⁸⁶ Id., 97-98.

This section further details how antiquity law was used in connection with the Department of Archaeology. I first show how antiquity law was applied within the legal battle around the Tower/Minaret, and second, I discuss the connection of this law to the British Mandate's Zionist-Christian modernist ideological adherences.

Dotan Havley argues that the British's application of antiquity law through the DOA bolstered the orientalist conception of "Ottoman decline" and grounded the Zionist-Christian visage of Palestine within its Mandate system.¹⁸⁷ The desire to define what was antique and what was not antique added to the conception of Ottoman decay and neglect within Palestine. The Mandate officials believed that the Tower/Minaret was an item of antiquity, and they strongly argued that it was the Ottoman Empire that allowed for the Tower/Minaret to decline in integrity and stability. They articulated that they neglected any period that came before them and allowed the built environment to decay. The DOA's job was to recover and rescue structures like the Tower/Minaret as both a means for preserving antiquity and to use these rescued items as material culture to support the building of a Zionist state. In connection to their conception of decay, antiques within British Palestine were defined as anything older than 1700 C.E. Havley argues that this definition aided the DOA in, "render[ing] artifacts and structures from the last two centuries of Ottoman rule as dispensable¹⁸⁸." The DOA, Halvey states, "did not deny the existence of Ottoman engagement with architecture but required reading it only as an utter distortion to earlier periods – a persistent contamination of the land with decay".¹⁸⁹ The privileging of earlier periods gave the DOA and the Mandate considerable control over the built environment they governed.

¹⁸⁷ Id., 95, 96.

¹⁸⁸ Id., 94

¹⁸⁹ Id., 100.

The antiquity regimes within British Cyprus showed very similar patterns. Reyhan Sabri, and Alexis Reppas have both shown that the British used the Curator of Ancient Monuments, and the Central Evkaf (waqf) Administration to control the built environment of Cyprus for British aims¹⁹⁰. One of these aims were to use these departments in coordination with other government departments like the Public Works Department to remove away the built Ottoman environment¹⁹¹. Additionally, Cyprus was a learning ground for the British in their application of Ottoman land laws and that Reppas argues the British modified the language of these laws from one of “relational” status for the taxation of land to one of “management”¹⁹². When the 1858 Ottoman Land Code was applied by the British in Palestine it came with an updated legal framework based on case law from Cyprus. This understanding of British Imperial control of land was applied within Palestine through on the ground officials like that of Land Law Court judge R.C. Tute’s English translation of the 1858 Land Code.¹⁹³ Thus, when the project to restore the tower began in October 1920, the British officialdom employed an ‘antiquity regime’ language couched in Imperial heritage of antiquity control.

Thus, within the preview of the British antiquity law, the site of the Tower of Ramla could be seen through a dual set of perceptions. On one hand, the British saw the tower as an antique item of Christian and Western significance. On the other, it was a *waqf* property that had significance religious meaning for the Palestinians and could not be infringed on due to its

¹⁹⁰ Reyhan Sabri, “Transitions in the Ottoman Waqf’s Traditional building upkeep and Maintenance in Cyprus during the British colonial era (1878-1960) and the emergence of selective architectural conversation practices,” in *International Journal of Heritage Studies*, vol. 21, no. 5 (2015) pp. 512-527. Alexis Rappas, “The Sultan’s Domain: British Cyprus’ Role in the Redefinition of Property Regimes in the Post-Ottoman Levant,” in *The International History Review*, vol. 41, no. 3 (2019), pp. 624-649.

¹⁹¹ Reyhan Sabri, “Transitions in the Ottoman Waqf’s Traditional building upkeep and Maintenance in Cyprus during the British colonial era (1878-1960) and the emergence of selective architectural conversation practices,” pp. 519.

¹⁹² Alexis Rappas, “The Sultan’s Domain: British Cyprus’ Role in the Redefinition of Property Regimes in the Post-Ottoman Levant,” pp. 634.

¹⁹³ Id., pp. 639, 640.

“living status”. Thus, the legal framework of antiquity through the British officials envisioning of the landscape of Palestine within this preservation case was juxtaposed with the “*waqfi* logic of maintaining durable and practical built environments”.¹⁹⁴ The British sought to historicize space and construct the Minaret of Ramla as a Christian structure, whereas the SMC saw the built environment as *waqf*. The Minaret being *waqf* property had a “flexible nature of structural change, exemplifying a perception of history as contingent and therefore continual.”¹⁹⁵ The perpetuity awarded to the endowment of the property gives the *waqf* itself legal rights of preservation in which conditions it as “living” and not able to be defined otherwise or infringed on based on external conditions.

The antiquity laws that were applied by the British Mandate was a site of contention within the defining of the geography and meaning of the geography for Palestine. This geography included the structures on the land and in the land as the framing of what the ideology of the geography meant was crucial in how those laws were applied. The British privileged a historical/antiquitized Zionist-Christian understanding of Palestine’s geography on Palestine and their goal through this was to unearth the positivist case for this *dreamed* reality. Nadi Abu El-Haj argues that,

“Archaeological practice would henceforth involve puzzle solving, which continually extended the empirical basis of the original theory, a practice in which key background assumptions, nationalist and nationalizing, were never questioned. Simultaneously, this scholarly debate is perhaps best understood as an ongoing practice of settler nationhood, one that repeatedly reenacted and reinstated the “national collective” in empirical form, facts of positive science that emerged as an independent evidentiary basis upon which the work of archaeology itself would henceforth rely and within which the ancient Israelite nation would emerge as visible.”¹⁹⁶

¹⁹⁴ Dotan Halevy, “Ottoman Ruins Captured: Antiquities, Preservation, and Waqf in Mandatory Palestine,” pp. 106.

¹⁹⁵ Id., 109.

¹⁹⁶ Nadia Abu El-Haj, *Facts on the Ground*, pp. 100-101.

El-Haj's here is arguing within primarily the post-Mandate era, but the same framework of supporting a building of nation within the Mandate can be found as well. The British archaeological regimes sought to bring forth a Zionist past for a Zionist future nation-state as enshrined the Mandate itself. Within the case of the Minaret of Ramla, the British Department of Archaeology clearly privileged this framework and continued to privilege a past over the current realities that were there. Within this framework, *waqf* became a place of contention in two conditions. The first being that *waqf* was seen as incongruent to the projects of the DOA in recasting Palestine within their Zionist-Christian imagery. The second is in the legal conditions in which *waqf* was situated. Once a property was deemed as endowed it had legal rights and could not be under the direct control of the DOA. Within the case of the Tower of Ramla, these rights were awarded to the minaret. This was not universal as the artifact of antiquity was often privileged over the built structures the everyday Palestinian used and lived within. Archaeology, thus, became a tool of the Mandate regime to bring forth the Zionist nation-state. In the case of Jerusalem as follows, this also meant returning the city to a *dreamed* past through a positivist discovery of Zionist national ethos and away from a *lived* present of the local Palestinians.

5.3 Jerusalem: Waqf as Lived Environments

This section deals with *waqf* with Jerusalem at two sites. The first of these sites is the area called The Mount of Ophel/Asludha. The second site is the area around the north wall of Jerusalem. The analysis of these cases shows further encroachment on the rights of *waqf* and the daily life of Palestinians. Before detailing these cases, the first part of this section deals with a brief contextualization of the city of Jerusalem prior to and during the Mandate. This contextualization serves two purposes. The first is to show how ideology played into the

Westerners conception of the city, and second, is to show how prevalent *waqf* was in the built environment of Palestine.

To begin with, Jerusalem by 1910 was no longer a “city within walls”. Vincent Lemire’s recent book on Jerusalem at the turn of the 20th century argues through the deconstruction of a European view of Jerusalem to a real and grounded sense of the city prior to the British Mandate.¹⁹⁷ From the period of 1800 A.D. to the eve of World War I, the population grew seven-fold (estimated 10,000 persons to 70,000 persons).¹⁹⁸ This growth in population outgrew the space of the “old city”, which caused urban development outside of the city walls. The development was not looked on favorably by the missionary organizations of the city. Their fear that the biblical city was going to be replaced by the new modern city outside of the ‘Old City’/Jerusalem or a new city on the outside of the Walls of David. This language delineated the modern development outside of Jerusalem as ‘new’, differentiating it from the ‘old’ of Jerusalem. In both a connection to and a signifier of city expansion, *La Terre Sainte* (The Holy Land) a Franciscan missionary journal in Palestine indicated in 1889 indicated that “the holy city keeps on expanding; on the road to Jaffa, houses touch one another more than a kilometer from the walls”.¹⁹⁹ The new city had a population of 2000 (6%) of the combined population of Jerusalem in 1880. By 1914, the new city had 35,000 (50%) persons of the combined population of Jerusalem.²⁰⁰

¹⁹⁷ Vincent Lemire, *Jerusalem 1900: The Holy City in the Age of Possibilities*, (Chicago: University of Chicago Press, 2017)

¹⁹⁸ Id., 21.

¹⁹⁹ Quoted from Vincent Lemire, *Jerusalem 1900*, pp, 21; *La Terre Sainte* 33 [April 1889]: pp, 110.

²⁰⁰ Id., 25. Figure 1 comes Vincent Lemire, *Jerusalem 1900*, pp. 24.

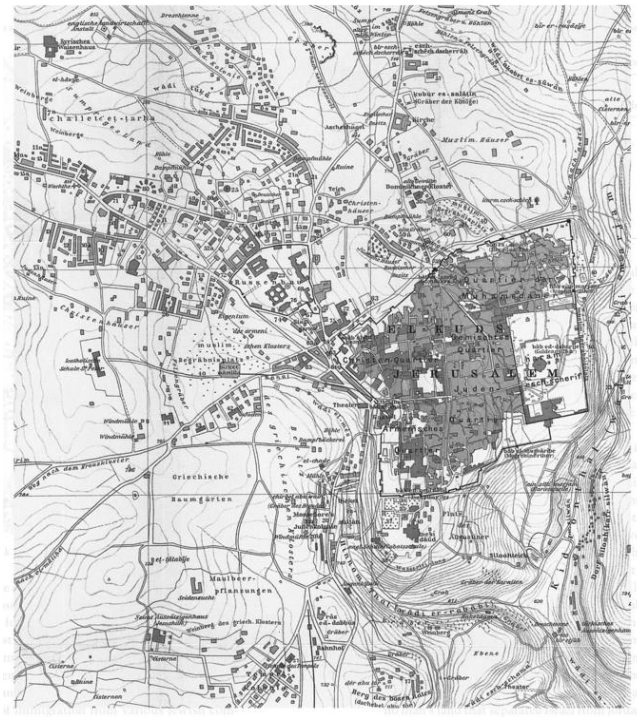


Figure 1 Map of Jerusalem (1894-95) by Conrad Schick

Franciscan missionaries in 1890 were defining the “old” city through a categorical delineation of four-quarters based on religious affiliation as the “new” city was being developed. Lemire argues this construction of Western missionary organizations informed how other Western institutions and organizations view of the city. Similarly to the Minaret of Ramla, Jerusalem was seen within a dichotomy of, “the city *lived* by its inhabitants,” and, “the city *dreamed* (and traversed) by Western visitors.”²⁰¹ The British officials within the Mandate and archaeological regimes and organizations saw the same imaging.²⁰² The perspective of those the Mandate official saw Jerusalem (“the Old City”) as a neglected Zionist urban fabric in which was need to be patrimonialized and reconstructed in to a city of Jewish and Christian sites. The Mandate’s “patrimonial construction” was a project of state-building through which archaeology regimes were used to give places within Jerusalem a new Zionist meaning²⁰³.

²⁰¹ Id., 34.

²⁰² Id., 30.

²⁰³ Id., 52-54.

The Mandate's conceptualization of antiquity within the legal system of Palestine and their state-building mission was also applied within Jerusalem/Jerusalem. Much like Cyprus and the Minaret of Ramla, Jerusalem was constructed by a Zionist and anti-Ottoman perspective from the start. The conceptualization of the Old City/Jerusalem structurally resulting in pitting a continuum of a "lived city" against a quite literal constructed *dreamed* city through archaeological regimes.²⁰⁴ *Waqf* within this contention was at the center as it often was a place in which the archaeological regimes sought to infringe in order to bring forth artifacts. These regimes were done to uncover what the city was through the context of a Zionist national history and how the urban fabric then ought to be understood. Thus, *waqf* came under attack because of competing views of what Jerusalem urban fabric was and how the future of the urban fabric ought to be.

In their recently published study, *Jerusalem Properties and Endowments*, Munir Fakher Eldin and Salim Tamari show how throughout the Mandate and until the Israeli annexation in 1967, Jerusalem's urban fabric in many ways continued practices of endowment.²⁰⁵ Their study clearly shows that *waqf* was a mainstay of the urban fabric and how the inhabitants, in part, lived. Through correlating data, and GIS (Geographical Information Sciences) mapping technology they were able to show the urban fabric of Jerusalem has had a make-up of nearly 60% *waqf* land until the 1967 annexation (Figure 1 and 2)²⁰⁶:

²⁰⁴ Urban construction often is spoken of as building *ex nilo*, or constructing place and being on a mapped surface. However, in Jerusalem and throughout Palestine construction and urban construction at the also meant constructing antiquity for the Mandatory powers, affiliates (town planners, business men, archaeologists, and etc.), and the Zionist project.

²⁰⁵ Munir Fakher Eldin, and Salim Tamari, *Jerusalem Properties and Endowments* (Jerusalem: Institute for Palestine Studies, 2018)

²⁰⁶ Figure 1 details the *waqf* property in whole juxtaposed to private property, and Figure 2 depicts the *waqf* properties within greater defined categories. Id., pp, 65, 69, 71.

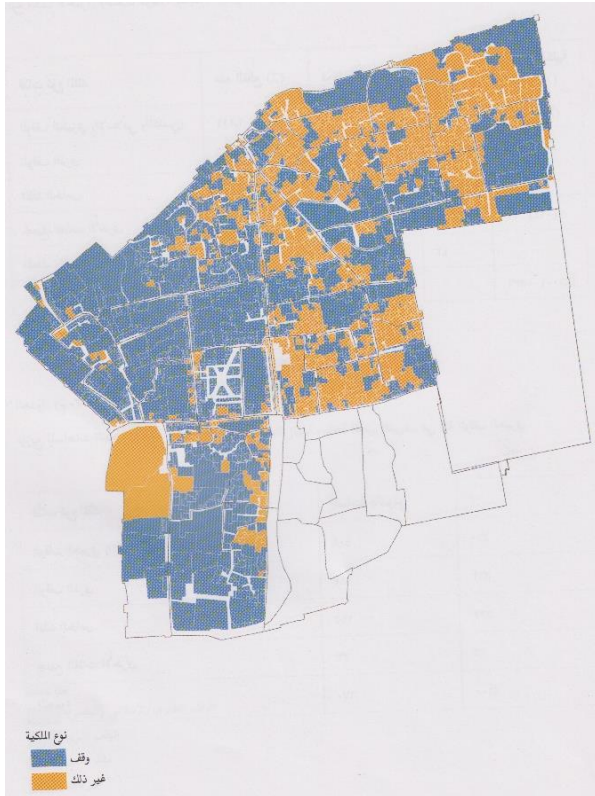


Figure 2 Waqf Land versus Privately Owned Land

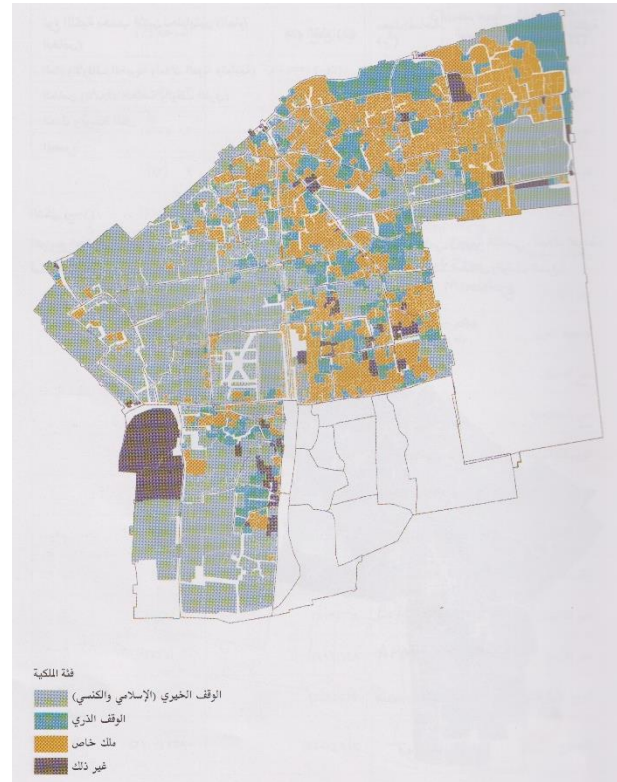


Figure 3 Waqf categories of Christian, Muslim and Family

Figures 1 and 2 show *waqf* was a widely used urban institution within the fabric of the Old City/Jerusalem. Also, *waqf* property was not denominational. Rather, *waqf* was a general institution used by a vast number of the citizens of the city. Eldin and Tamari additionally indicate that Anglican property existed within the *waqf* domain. From Figure 4, the Christian body within Jerusalem accounted for 28% of all *waqf* properties and 43% of all *waqf* property. Furthermore, the authors show that a large portion of *waqf* property was deemed *Holy Land* (*al-ard muqdis*) and correlated with it being defined within a public domain.²⁰⁷

²⁰⁷ Id., 65, and 74

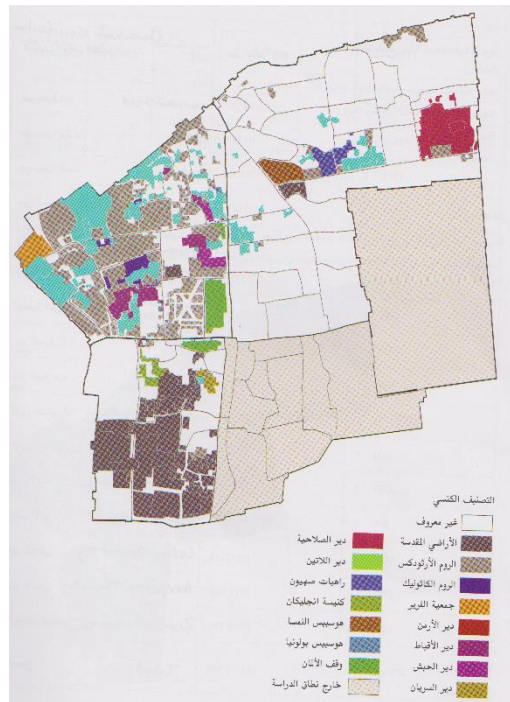


Figure 4 Church Waqf within Al-Quds

This indicates the contestation within the urban fabric was not merely a Muslim issue but rather a Jerusalemite/Palestinian issue. El-Din and Tamari’s work helps to visualize *waqf* properties as a Palestinian institution. This being the case, when the British infringe on *waqf* rights within the city there is a greater unified activation among the population as will be seen as the institution benefited the majority of the population of Jerusalem. The historical continuity of *waqf* within the city against the Mandate’s Zionist state-building through archaeology conditioned the way in which the Mandate system functioned within Jerusalem. This structure helped to produce the contested urban fabric and the anxieties of the Palestinians against the backdrop of other Zionist projects. In part, the archaeological regimes within Jerusalem and its infringement on *waqf* is another example of struggle within the Palestinians desire for nationhood. The Arab/Palestinian understanding of the urban fabric of Jerusalem is within a continued function whereas the Mandate system through the Department of Archaeology sees Jerusalem as dilapidated, in need of modernization, and a re-Urb within a Zionist nation-state building effort.

This re-folkerization and state-building can be seen within the archaeology regime of the British Mandate. The regime of antiquitizing Jerusalem had a more direct conflict with inhabitants of Jerusalem. The Minaret of Ramla became a more formalized site of important pilgrimage through the legal battle, whereas *waqf* within the city functioned within the daily life of the city's inhabitants. This direct action of the Department of Archaeology and its infringement on *waqf* rights had a more direct effect within the daily life of Palestinians. Within the case of Jerusalem, the British Department of Antiquities (DOA) privileged a Zionist antiquity over the *living-built* environment of the city. This caused political anxiety within the population of Jerusalem because *waqf* was not stagnant within a historized and sanctified past but was a part of the living urban environment of the present moment. In addition to the many other infringements of the Mandate powers and the Zionist state-building motives, the infringements on *waqf* added to the activation of the Palestinian movement against the encroachment against the British Mandate and the Zionist settler-colonialism. In order to show this, two places within the jurisdiction of Jerusalem will be further explored to show the aforementioned relationship of contention. The first of these sites is the Mount of Ophel. The second of the sites is the "Walls of the City of David" restoration project. These sites show in different ways how the DOA was able to circumnavigate *waqf* rights for their archaeological schemes within Jerusalem. These cases give and show particular details on how the DOA and archaeological projects were privileged over the built environment of the Palestinian people within Jerusalem.

5.3.1 Mount Ophel/Asludha

Billie Meriman has shown in the case of Mount Ophel within the jurisdiction of Jerusalem there were very similar battles around how the British antiquitized and as sites

resurrecting a Zionist national-myth²⁰⁸. In 1920 the Supreme Muslim Council (SMC) was aware of Mount Ophel/Asludha already being deemed as a site of antiquity by the British and other archaeological organizations like the British Palestinian Exploration Fund (PEF). This was because it was assumed to be “real Zion” or the actual site of the City of David. Due to this assumption the British Department of Archaeology (DOA) in 1922 officially saw Mount Ophel as an important site for excavation.²⁰⁹ Once the DOA decided to conduct a dig at the site the SMC moved forward with confronting the Mandate as the site contained *waqf* land. On the 12th of August 1923 the SMC sent a petition to the Mandate officials indicating that the land the DOA wished to use as a dig site was *waqf* land. Within this petition they argued the DOA should not conduct the dig because the digging would infringe on the rights of the *waqf*.²¹⁰ In response to this petition, on the 16th of August the Director of Antiquities stated,

“The plot of ground locally known as “Asludha” formerly belonged to the Ma’aref but since before the war it has been registered as Government property in the Turkish land registers. In addition to this, it has been registered since the 15th July 1922 as an antiquity site without any comment on the part of the Waqf. The Waqf claim cannot therefore be entertained and I shall be grateful if you will inform the Ma’mour of this fact. I refer you to Section 18 of the Antiquities Ordinance²¹¹.”

Unlike the Tower of Ramla, the DOA was more aggressive with defining the site as a site of antiquity. The DOA effectively stated that the petition was null-in-void because it did not fit the criteria of other legal measures within the Mandate system and could circumnavigate any possible *waqf* rights. In addition, the above quote clearly demonstrates how the Mandate’s archaeology regimes were able to redefine property. Since the site was deemed a site of antiquity it

²⁰⁸ Billie Melman. *Empires of Antiquities: Modernity and the Rediscovery of the Ancient Near East, 1914-1950*. (Oxford: OUP Oxford, 2020), pp. 118-124

²⁰⁹ Billie Melman, *Empires of Antiquities*, pp. 114.

²¹⁰ Ma’mour of Waqfs, Jerusalem: Ophel - Inspectors Office, 12th August 1923, IAA, ATQ_1789(41 / 40)

²¹¹ Director of Antiquities, Jerusalem: Ophel - Inspectors Office, 16th August 1923, IAA, ATQ_1789(41 / 40)

became property of the Mandate and no longer *waqf*. In addition to this the Mandate in the early years placed property of the Turkish or Ottoman Government gave the Mandate an additional legal claim on the land. This was laid out in Ordinance No. 145 giving the O.E.T.A (South) legal jurisdiction and managerial powers over the Turkish/Ottoman enemy territory.²¹²

On August 28, 1923, the Ma'mur of Waqfs Jerusalem sent a letter to the DOA in disagreement with the statement issued by the Chief Inspector of Antiquities, Philip Langstaffe Ord Guy (1885-1952), regarding the legal claim of the Mandate on the land. The SMC through the Ma'mur argued that the land called Asludha by the local Arab population was *waqf*. They argued that categorizing of Plots 5 and 7, as "historical" or "antique" was *illegal* because of it being *waqf* property. The Ma'mur highlighting the rights of the *waqf* property stated, "Your Excellency knows the illegality of the expropriation of Waqf Lands, without having any connection in a legal matter. I beg that an amendment of this registration be made, requesting the Department of Antiquities not to interfere in the question of this land."²¹³ Not much was made of this petition to the Mandate officials as the project on Mount Ophel/Asludha continued. A year later, on the 13th of July 1924 Al-Huseni sent the Director of the DOA a letter entailing that the land in which they were excavating was indeed *waqf* land. Al-Huseni states, "We agree with what is stated in your letter [from 7/29/1923] provided that the Department of Antiquities rents the *waqf* land from the Department of Jerusalem Endowments where the Department [of Antiquities] wants to process the settlement, and please accept this graciously."²¹⁴ The SMC was attempting to make the DOA respect the rights of the *waqf* land through the renting of the land as this would allow for the SMC to have greater oversight of excavations in the area of Mount

²¹² No. 145, "Proclamation" in *The Official Gazette of the Palestine*, No. 15, 16th February 1920, pp. 2.

²¹³ Billie Melman. *Empires of Antiquities.*, pp. 120; Ma'mur of Waqfs, Jerusalem, to District Commissioner of Jerusalem, 28 August 1923, IAA, ATQ_39/40.

²¹⁴ Ophel land ownership in David city, 13 July 1924, IAA, Ophel excavations by P. E.F.1922/24

Ophel/Asludha. However, the desire of the Al-Huseni did not matriculate. On May 19th, 1926 the Philip Guy sent a letter to the Director of the Department of Lands in Jerusalem indicating that because there is no material claim (registration of deed) of ownership any claim is null-in-void.²¹⁵ Plot 5 was specifically mentioned because, “The matter [being] hanging for a long period and now has become pressing: the owners of Plot 5 and the Waqf are making repeated requests for a settlement.”²¹⁶ The project on the site continued throughout the rest of the 1920s and rights that Palestinian tenants and *waqf* that should have awarded for this particular plot were stalled until 1930.²¹⁷

Unlike the Ramla case, even though *waqf* cannot be considered an artifact of antiquity, this case shows how the DOA and the Mandate was able to use other means to allow for the continued digs in the Mount Ophel/Asludha site. The Minaret of Ramla was arguably not a “hill to die on”, for the Mandate’s state-building projects in comparison to the possible unearthing of the historical site of the City of David. However, the actions within this case match both the desires of the British DOA and the broader administration’s mission to historicize “the City of David” in order to unearth the Zionist national-myth. This is important in a two-fold manner. The first being that if a historical and artifactual City of David was to be found it would give greater credence to the nation building. The myth would move into the realm of historical fact in the positive and scientific sense of discovery national origin. The second falls into the other scheme within the archaeology regimes of tourism and the information industry in general. The

²¹⁵ According to both the “Land Transfer Ordinance,” and “Land Register: Public Notice,” in order to prove lefal rights the property needed to be connected to a legal document as proof of ownership. This allowed for an additional condition within the case as the SMC had to prove it was not only *waqf* but also not Ottoman property. In *The Official Gazette of the Palestine*, No. 28, 1st October 1920.

²¹⁶ Ophel: Jebusite Wall Land Acquisition Report (Slodaha &Asludha Plots), 19 May 1926, IAA, Jerusalem: Ophel-Inspectors Office

²¹⁷ Billie Melman. *Empires of Antiquities*, pp., 121.

incoming Zionist settlers were supported by these new revisions of the geography to the land through the symbiotic relationship of archaeology, Mandate control, and tourism.²¹⁸ In the commitment to building the national-myth of Palestine Mount Ophel was further couch within a Zionist/Jewish naming framework. In the 1930s it was referenced as Mount Zion rather than Ophel. In response to the designation by the Mandate powers of Plots 5 and 7 as ‘historical’ or ‘antique’ the SMC attempted to render as many rights to the *waqf* land and to the Palestinians who utilized the land prior to the archaeological excavations as they did in the Tower of Ramla case. The Mount Ophel/Asludha site subtly became a site of contention as the Mandate officials curtailed any legal rights the *waqf* property had through the delegitimizing of those legal rights through their proclivity towards their archaeological and registration regimes.

5.3.2 Jerusalem

The previous cases give context to talk about how archeology was used in Jerusalem and how these how modes of governance affect the status of *waqf* within the city. As mentioned previously, archaeology in Palestine was a dual process of discovery and preservation in order to aid in the Zionist state-building of Palestine. The “Walls of the City of David” project gives further context of how the Mandate system used these archaeological regimes.

The walls of Jerusalem were under a continuous construction project from 1925 to 1948 as the Department of Archaeology and the Department of Publics Works (DOW) saw the walls as dilapidated and neglected. Between 1925 and 1927, the DOA and DOW laid out the archeological zoning of the city and determined what projects they could begin within that

²¹⁸ Michael Berkowitz (2012) The Origins of Zionist Tourism in Mandate Palestine: Impressions (and Pointed Advice) from the West, *Public Archaeology*, 11:4, (2012), pp. 217-234

zoning.²¹⁹ These actions parallel the Town Planning Schemes that Robert Home and Patrick Geddes developed for Jerusalem, as mentioned in Chapter 4, the city was seen primarily as the historical site of the City of David. It was conventional understanding that Jerusalem was the ancient city of the Hebrews by the DOA and archaeological organizations in Palestine even though there were debates about this as previously mentioned in the Mount Ophel/Asluadha case. There were many archaeological projects within Jerusalem but the preservation project of the walls of Jerusalem is particularly helpful for understanding further infringements *waqf* property. The goals for the archaeological project “Walls of the City of David” were to bring life back to the walls as an ancient Hebrew structure. These goals, again, placed further contention between Palestinians and the Mandate and Zionist bodies as the DOA privileged the Zionist state-building project over *waqf* rights.

One of the first places that this contention arises is in the “North Wall” portion of the project that began on the 15th of June 1925, when The District Governor of the Jerusalem-Jaffa District in Jerusalem L.A. Mayer approved the Jewish Palestine Exploration Society excavation rights near the wall.²²⁰ As this project came online, Palestinians who were living in the area were attempting to build housing. Abdal Salam Nashashibi’s housing project was one of these that was halted. On two separate instances John Garstang the Director of Antiquities appealed to departments of the Mandate to halt the building of Nashashibi’s house. The first of these instances was an appeal to the Jerusalem Town Planning Commission of Jerusalem on the 9th of July, 1925.²²¹ Garstang argued this building would block the ancient wall implying a language of

²¹⁹ No. 1913/9 - 2 Government of Palestine, Department of Archeology/Public Works, *Archeological Zone-Jerusalem*, 1925-1927

²²⁰ Excavation Permit No.25L North Wall of Jerusalem, 15th June 1925, IAA, Jerusalem. North Wall, ATQ_42 (200/200)

²²¹ Ancient North Wall of Jerusalem: Preservation. 1/2 (Pre-Byzantine Foundations), 9th July, 1925, IAA, Jerusalem. North Wall, ATQ_42 (200/200)

“clutter” against the preferred antiquity of the wall for urban planning. The second of these instances was an appeal to the Attorney General and was also on the 9th of July.²²² This appeal was to the same Antiquity Ordinance (No. 145) that was being applied to the case on Mount Ophel/Asluadha. In response, Norman Bentwich the Attorney General stated that the area ought to be defined within antiquity as it was private property. By the 27th of July 1925 Nashashibi was required to stop building within the area as it was now legal defined as a site of antiquity.²²³

At the same time, as Nashashibi’s building project was being halted, other properties within the area were experiencing friction with the DOA. The mutawalli Mohammed Osman Ressay (guardian) of Sheikh Saad Isiid’s *Waqf* on October 30th, 1925, sent a letter to John Garstang and stated that the entire period of excavation has infringed on the life of *waqf* in the North Wall area. Osman Ressay claimed that the DOA and the Jewish Palestine Exploration Society were digging up *waqf* lands. He indicated that the lands the “Wakf belong to a great number of blinded [blind], poor, and weak people,” and they could not be used as farming land as the digging rendered the area as unusable. The archaeological dig not only disturbed the charity for which the *waqf* was providing but it also placed a burden on the Mutawalli for repair and maintaining of the *waqf*. Osman Ressay stated, “... therefore I aware you and give you a word till fortnight either you will cover and return said Wakf Lands as they have been before or you will be responsible for all the damages and loss and pay the rent of the lands and the price of the

²²² Jerusalem North Wall: Declared Historical Monument, 9th July, 1925, IAA, Jerusalem. North Wall, ATQ_42 (200/ 200)

²²³ Compensation Claim for Building Disruption (Interview with the Attorney General) 27th July, 1925, IAA, Jerusalem. North Wall, ATQ_42 (200/ 200)

water runs into the cisterns...” replacing the burden of upkeep back on the DOA for their damages.²²⁴

The response to this petition by Osman Ressas was not taken with full writ as both the Director of Antiquities and the Director of Lands both signed off on the land had not been in use since before the occupation, and that only momentary compensation will be given in return. This answer to Osman Ressas’ original petitioning was not satisfying for the Mutawalli. As excavation in the area continued, he again submitted a petition regarding the land on June 8th, 1926. Within the petition he stated,

“As I am the [Mutawalli] of the abovementioned lands and am supposed to safeguard the crops thereof, lest the poor persons might be grieved and --- the winter season for the gathering of the water and the ploughing of the lands was approaching I have submitted a petition to the Director of Antiquities in the form of a notification so that he might return the land to its previous condition so that I might be enabled to plough and months have passed and the lands of the wakf are still in the hands of the Department of Antiquities which we have under gone considerable losses. I beg to submit herewith a copy of the [first] petition I have already submitted to the Director of Antiquities and beg that a committee be assigned for estimating the rents of the lands and the cost of the water which I have already lost so that our rights might be granted to us.”²²⁵

This second petition gives further detail than just the fact the archaeological continued and that the *waqf* land was not properly recompensed. One of the most striking details is that even though the Mutawalli could indicate and show the land was indeed *waqf* the DOA was able to usurp its rights for the purpose of archaeology.

As the “Walls of the City of David” restoration project continued more sites of contention arose. On August 9th, 1927, the Mandate seized all construction of properties on or near the

²²⁴ North Wall Excavation Petition: Compensation Mutawalli (Guardian) of Wakf Sheikh Saad Isiid, 30th October, 1925, IAA, Jerusalem. North Wall, ATQ_42 (200/ 200)

²²⁵ North Wall Excavation Petition: Compensation Mutawalli (Guardian) of (To District Officer, Jerusalem). Wakf Mohammad Osman Ressas, 8th June, 1926, IAA, Jerusalem. North Wall, ATQ_42 (200/ 200)

walls, repairs and even removal of rubbish unless one was given the approval by the Department of Antiquities signed by Norman Bentwich (Appendix 3).²²⁶ In a progressive and aggressive move property was made static under the discretion of the DOA, whereas before it was site by site which the DOA was given approval of antiquity. This for a coalition of Jerusalemites in protest through petitioning advocated that this measure was going to adversely affect the position and livelihood of the *waqf* property existing along the walls.²²⁷ The members of the coalition included prominent Muslims, leaders of the Latin Church, Syrian Catholic, and the Orthodox Church.²²⁸ Arguably drawing from direct personal experience, denominational experience, or through the word of infringed of the *waqf* managed by Osman Ressay they saw this act as another condition that would lay the groundwork for further infringement.

They indicated that most of the property along the walls were endowed properties and this action was an aggression against both the *awqaf* and Palestinian property along the wall. They argued that the Ordinance published on August 9th would lead to, “a simple aggression on our property rights which must involve the spoilation [excavation] of these properties which are protested in all the laws of the Earth.”²²⁹ They collectively saw this petition as protest against the Mandate officials acts within their Town Planning/archaeological schemes within Jerusalem. Being aware of what the Town Planning and archaeological schemes where they gave additional considerations to why this Ordinance should not be enshrined within the Planning Commission of Jerusalem:

“1. A great part of the land property under consideration [Town Planning Commission] lies in the best places of the city and the values thereof are consequently very high; and

²²⁶ No. 1913/9 - ʔ Government of Palestine, Department of Archeology/Public Works, *Archeaological Zone-Jerusalem*, ISA 1925-1927. pp76.

²²⁷ Id., pp. 65,66.

²²⁸ Id., 65.

²²⁹ Id., 69.

owing to the fact that these lands are situated just near public roads, their owners hope to reap out of them great rewards ...

2. To the fact that the proposed law authorises the department of Antiquities to be body which will have exclusive rights to repair any of the existing buildings in the area under consideration, when such reparation is required, clearly means that it is the wish that these buildings should be removed by degrees. Whereas these building properties are either the sole sources of livelihood for the maintenance of churches and chapels or for distribution among the poor of the interested communities...

3. A great part of the properties are Wakfs and the application of the proposed law conflicts with the conditions laid down by the endowers of these Wakfs and thus it is illegal, and should not be applied.²³⁰

Like other petitions the Palestinians in Jerusalem sent to the Mandate officials this petition fell on deaf ears. The above petition against the formalization of the archaeology regimes within the Town Planning Commission shows two important things. The first is that infringement on property and particularly *waqf* rights were consistent with the Town Planning and archaeology regimes within the Mandate. The second is that the local population was aware of effect the objectives of these regimes would have on their everyday life. The petition was not drawn from a hypothetical rendering of possible outcomes of the objectives but through experiences that Palestinians were already experiencing. Archaeology was affecting some of the best Palestinian property, the distribution of charity to the needy, and the *awqaf* which often laid at the intersection of the other two. Churches, mosques, and the livelihoods of people were also being infringed on as the archaeological regimes seized land and property for their state-building objectives. Yet, the objectives of the archaeological and town planning regimes continued after 1927. Figure 5 below shows the map for the Town Planning Commission wall project in 1931. Two of these properties are of specific note. Properties JJ and OO in the Northern part of the city

²³⁰ See Appendix 4. Ibid.

were familial domical and the DOA and the Public Works Department was effective in removing these families from the property and exerting eminent domain.²³¹

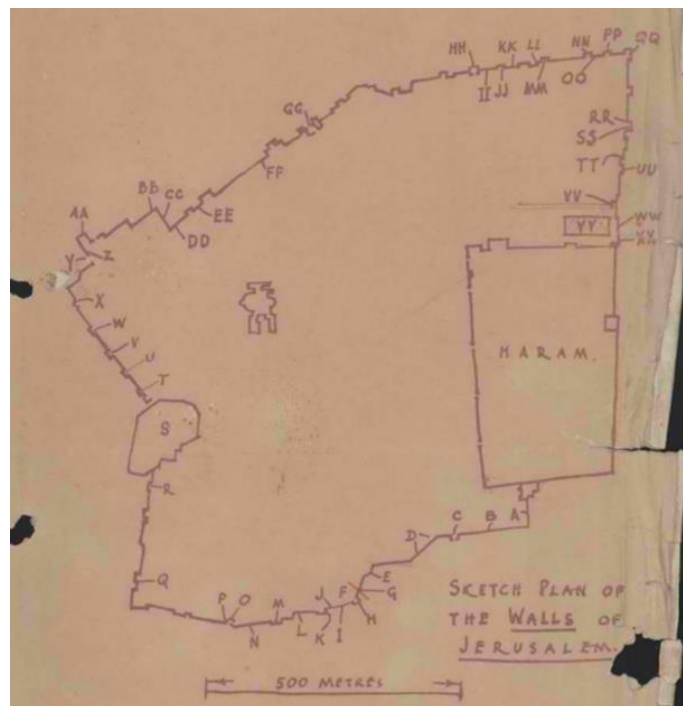


Figure 5 The 1931 Mapping of the Jerusalem Walls Project

The actions of the Mandate officials were guided by their Zionist-Christian ideology to see Palestine as the future home of the Jews. This ideology lead departments of the Mandate government like the DOA and the Town Planning Commission to support this claim through unearthing and preserving a material culture in the support of the Zionist state-building project. The city of Jerusalem for the Mandate was a particularly important cite for this state-building as it was perceived to be the “City of David”. In order to reconstitute this past the Mandate enacted a framework of power through expropriation, and negligence to the voices of everyday Palestinians in Jerusalem to obtain this goal. This framework of power was principally the

²³¹ No. 4145/9 - 2 Government of Palestine, Department of Archeology/Public Works Department, *Jerusalem City Walls, Vol. 1*, 1925-1936, pp 229-235.

control of space. Control within emergence of the politics of space in Jerusalem was a necessity for the Zionist projects of persevering, monumentalizing, and further grounding the Zionist nation-state mythology.

5.4 Conclusion

The cases of the Minaret of Ramla, Mount Ophel/Asludha, and the Walls of Jerusalem show additional conditions in which Palestinians were politically activated within their national struggle. The British Mandate power privileged a Zionist-Christian historized ideology within Palestine for the benefit of establishing a Zionist nation-state. This necessitated a framework of power and control that used laws and government departments to seize Palestinian land for the production of a material culture for the support of the Zionist national-myth. Their commitment to this ideological state-building effort overlooked and purposely neglected the lived experience of Palestinians.

Waqf was one institution that was directly infringed on in this process. The institution's legal rights over time were becoming more devalued under the Mandate's control. The Minaret of Ramla case shows how the Mandate Department of Archaeology fought over the defining of the site in Ramla. Even though the SMC won the legal battle, the Mandate officials continued to see the Minaret otherwise when they enshrined it as a Crusader structure on the 10 Pound bill. The two cases in Jerusalem provide further detail of how legal rights of the Palestinians were neglected for the Mandate's state-building goals. Within the case of the Mount of Ophel/Asludha, the DOA used eminent domain through the usage of archaeological digging to gain control of the land in the site. This case was rather important to the DOA as it was perceived to be the actual site of the City of David. This understanding made the desire for land control and archaeological regimes stronger as if the DOA could discover the historicity of the City of David

it would give greater credence to the national-myth of the Zionists. Here the infringement on *waqf* rights were more pronounced as the DOA used a variation of legalese to deny the rights of the *waqf* to the land.

Additionally, these cases show that the infringement on *waqf* rights by the Mandate was an additional condition of the political activation of the Palestinians against the Mandate system and the Zionist colonial project. Property rights, control of geographical space and its meaning, and *waqf* infringement were at the center of a growing political contention against that ideological hegemony.

6. Conclusion

The aim of this study was to show the relationship between Palestinian institutions and the Mandate's ideological commitment to the building of a Zionist state. The thesis analyzed this ideology through town planning and archaeological regimes in connection to local Palestinian institutions. The study used a *structural* and *contextual* framework that traced how local Palestinian institution of *waqf* was infringed on by the Mandate powers. This infringement was informed by the British's Zionist goals within Palestine by undermining the rights of waqf institutions and privileging archaeological regimes promoted by officials and institutions within urban development programs. The privileging of archaeological schemes within Palestine sought to unearth a past of 'antiquity' for the production of a Zionist future. Within this development of a material culture, the geography of Palestine quite literally was being terraformed to fit that ideology. *Waqf* was a part of this dynamic change of geography as the British's desires for Palestine and the rights of *waqf* came in conflict with each other.

This study thesis was divided into four main chapters focusing on the different aspects of this transformation. Chapter Two detailed Palestine's political economy that was undergoing great changes. One of these changes was the growing localization of their relationship to the Ottoman Empire and the political system. Through local municipality and parliamentary elections, Palestinians sought to further localize institutions within Palestine, and this included the institution of *waqf*. During this period, election campaigns in particular showed that politicians were advocating for stronger local application and control of the institution. Following on, Chapter Three detailed the British envisioning of Palestine through a Zionist-Christian and modernist lens. This ideology was principally the framework that informed the Mandate officials' policies and actions during this period. This ideology and their commitment to

reshaping Palestine into a Jewish nation-state were intertwined into what is called their ‘official mind’.

In Chapter Four, I illustrated the ways in which this Zionist-Christian ideology operated through urban development programs during this period. In particular, this chapter sought to contrast the actions of the Supreme Muslim Council and the biologist-town planner Patrick Geddes. I demonstrated that while the Palestinian population saw *the city* as part of a continuum of a *living* environment in which they were a part of, instead, Patrick Geddes, representing the Mandate’s official mind, saw *the city* as dilapidated and overgrown with weeds. These weeds were the built environment of the Turk, and other non-“native” buildings and planning the cities had. This “nativeness” was understood to be Zionist-Christian in nature and through planning this “native” being of *city* and *society* could be resurrected. In Chapter Five, the politics of space and *waqf* was further demonstrated in a case study of Jerusalem, which grounds the previous chapters in the actions of British state-building through the Department of Archaeology. In order to recreate Palestine into a Zionist visage, the British needed to fully control the built environment even if that meant infringing on the rights of native institutions. The Mandate encroached on the rights of *waqf* within the city through the production of an artifactual past for a Zionist state future.

This analysis helps us to understand how power, contention, and urban governance operated during this transitional period in Palestine. One of the ways to look at Mandate power, in particular, is through its subtle subversion to the societal status quo that it governed. Palestinian society and *waqf* were historically interconnected and interdependent on one another. *Waqf* provided a means for updating the urban geography through the foundation of coffee houses, bath houses, hospitals, shops and so on. Through this built environment the local

disadvantaged population within these cities had options for care through the charity that *waqf* provided. More importantly, *waqf* built environment was a nexus point between a public and private sector embedded within the Palestinian religious-political structure. This structure was understood and lived as the built environment of daily life. When the British took control over Palestine, they perceived this built environment on the one hand as ‘traditional,’ ‘cluttered,’ and ‘underdeveloped’ in the modern/industrial sense. On the other, they saw Palestine as radically Zionist and operated to enhance this ideological stance through public governance programs like archaeology and town planning. By tapping into these practices, the Mandate could produce a Zionist material culture that would support their state-building efforts.

Ultimately, the British Mandate embraced Zionism in Palestine due to a historical, social and religious tradition within the geopolitical aims of the British Empire. Beginning most concretely in the 1850s The British Empire saw Palestine as the religious and political home of the Jews. This conditioned the way in which the British managed and controlled Palestine. This also led to the ways in which contention was in part activated within the Palestinian society within that first decade of the Mandate’s life. This contention mainly manifested to counter the Mandate’s attempts at redefining the built environment of Palestine through colonial development and archaeology regimes.

One main domain in which Zionist-Christian ideology was being privileged was through archeological regimes. Through unearthing the past, as Nadia Abu El-Haj articulates, was the process of proofing the state-building process of Zionism.²³² The archaeological past was the means for the Zionist future, and this state-building process was guided and supported by the

²³² Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society*, (Chicago: The University of Chicago Press, 2001), pp. 1,2.

British. Palestinian property and institutions quite literally lay in the way of unearthing this national state, and had to be pushed aside.

These measures of control were applied into the actions and policies of the Mandate system at large as part of their state-building goals. The Mandate's reshaping of the meaning of the built environment of Palestine provided another condition for the national struggle of Palestine. *Waqf* in many ways lost its agency against the background of the Mandate's ideological restructuring of Palestine. This infringement on *waqf* indicates the British Mandate was that it was not a passive agent within Palestine but provided a call to action. The seed bed of infringement on Palestinians rights and agency within their land was made within the first years of the Mandate. This means that whether or not later officials within the Mandate Administration seemingly became more aware of the Palestinians' voices; the outcomes of the Zionist state-building efforts were embedded in the Mandate system and had become habitual.²³³ Power was thus defined through ideological frameworks of an imagined state-myth promoted by both the Mandate and its allies in the Zionist movement.

This thesis locates its contribution in *waqf* studies that focus on the transitional period from the Ottoman Empire to the British Mandate. The study aimed to center *waqf* as a lived institution with political and spatial dimensions, in contrast to the 'essentialized' strand of literature that dominates the field. Similarly, while this thesis focused on Muslim *Waqf* regimes, there are several avenues in which this further research can contribute to an expanded definition of the role of *waqf* in this transitional period. For instance, future research could focus on One the usage of *waqf* within the Christian body of Palestine. It was noted and shown that *waqf* was

²³³ Some have claimed documents like the Passfield White Paper of 1931 was a turning point of the British in that they became more sympathetic towards the Palestinian cause. However, the White Paper was turned over three months after it was issued to Parliament. See, Carly Beckerman-Boys, "The Reversal of the Passfield White Paper, 1930-1: A Reassessment." *Journal of Contemporary History* 51, no. 2 (2016): 213-233.

not an institution that only the Muslim population used, but was used among all Palestinians. Thus, further exploration between the institution and other parts of the built environment of Palestine will be important for further research on the subject. Another potential research focus would be a macro-comparative study on *the city* within Palestine during the first 30 years of the 1900s. In order to draw stronger connections between the Mandate's ideological leanings and state-building, it would be interesting to explore a comparative study of town planning schemes of different cities within Palestine. Three cities that should be studied are Tel-Aviv/Jaffa, Gaza, and Haifa. These cities could offer the field further grounds to show how the transition from Ottoman to British forms of governance affected these cities and the institutions of the cities. The suspicion here is that the cities' *awqaf* were also infringed on as new forms of town planning and understandings of how the city ought to be were being placed on the cities. This research will need to be further supported by a deeper understanding of Imperial learning when it comes to the British Imperial "mind" around legal practice and governance of *waqf*. This research also has implications for a wider regional focus, for instance developing a deeper understanding of the impact of *waqf* on Iraq and Jordan under the Mandate system. This field in general is under-researched during this period as Palestine is often a central focus within the academy during the Mandate period. Through doing more research of British Mandate outside of Palestine will give a further understanding of how the British perceived the lands it governed, but also to help construct how *waqf* may have functioned within these lands prior and during the Mandate.

This thesis dealt with Palestine's transition from the Ottoman Empire into the Mandate. It sought to show how local institutions change under new forms of power and meaning. The British Mandate powers brought in pre-disposed assumptions, desires, and goals for the region. Within Palestine, the British saw the geographical lands as fundamentally the birthplace of

Judaism. This conditioned British Mandate officials to build a state through controlling the built environment and recasting it within their ideological envisioning of Palestine, such as through archaeological and town planning regimes. These regimes and programs were privileged and supported over the local institutions of the Palestinians like *waqf*, which were mainstays of Palestinian society prior to the Mandate. The infringement on *waqf* rights was part of the British pursuit to control physical space and the urban imaginary in support of the ideological building of a Zionist nation-state.

Bibliography

Primary Sources

Government Documents

United Kingdom - Parliamentary Debates, House of Commons, 4th July 1922

A Protestation Submitted to the State Representative Regarding the Appointment of Samuel Herbet, by Aref al-Aref, 1920, 0012.01.006, Family Album, The Palestinian Museum Digital Archive, Jerusalem, Palestine.

“Mr. Samuel to Field-Marshal Viscount Allenby,” E: 3594/131/44, Section 1 in *Palestine and Trans-Jordan Administration Reports, 1918-1948*, Vol 1. (Archive International Group, Britain: 1995)

Hebert Samuel, “An Interim Report on the Civil Administration of Palestine,” July 30th, 1921, in *Palestine and Trans-Jordan Administration Reports: 1918-1948*, Vol. 1 (Archive International Group, Britain: 1995)

“Report on Palestine Administration, 1922,” in *Palestine and Trans-Jordan Administration Reports: 1918-1948* (Archive International Group, Britain: 1995)

“Report to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1925,” in *Palestine and Trans-Jordan Administration Reports: 1918-1948* (Archive International Group, Britain: 1995)

Waqf Deed, WAL-07 – 20th of Shuabn 1349/ 15th of January 1932, *The Online Palestinian Museum Archive*

Official Gazette of the O.E.T.A (South) and the Government of Palestine

“Finance: Central Waqf Council,” in *Official Gazette of the O.E.T.A (South)*, No. 9, 16th November 1919

“Land Transfer Ordinance”, in the *Official Gazette of the Government of Palestine*, No. 28, 1st October 1920

Government Documents of the British Mandate in Palestine

No. 6583/1- ۛ Government of Palestine, Department of Health, *Sheikha Khadiya Halawa – Bob Hutta*, Jerusalem, 3/1927-4/1943

No. 1913/9 - ۛ Government of Palestine, Department of Archeology/Public Works, *Archaeological Zone-Jerusalem*

No. 4145/9 - 2 Government of Palestine, Department of Archeology/Public Works Department,
Jerusalem City Walls, Vol. 1, 1925-1936

Journal Articles

Issac Ben-Zwi, "Local Autonomy in Palestine," in *The Annals of the American Academy of Political and Social Sciences*, Vol. 164 (1932), pp. 27-33.

Books

Barrion, J.B. *Mohammedan Wakfs in Palestine*, (Government of Palestine, Jerusalem: 1922)

Bentwich, Norman *Palestine of the Jews: Past, Present, and Future*, (Kegan Paul, Trench, Trubner & Co. Ltd., London: 1919).

----- *Israel and Her Neighbors: A Short Historical Geography*, (Rider and Company, London: 1955).

Geddes, Patrick. *Cities in Evolution*, (Williams & Norgate, Lodon: 1915)

Secondary Sources

Abbasi, Muhammad Zubaur. "The Classical Islamic Law of *Waqf*: A Concise Introduction," in *Arab Law Quarterly*, Vol. 26, No. 2 (2012), pp. 121-153

Abou-Hodeib, Toufoul. "Taste and class in late Ottoman Beirut," in *International Journal of Middle East Studies*, Vol. 43, No. 3 (2011), pp. 475-492.

Abdullah, Mohammad,. "Waqf and trust: The nature, structures and socio-economic impacts," in *Journal of Islamic Accounting and Business Research*, vol. 10, no. 2 (2019), pp. 512-527

Abusaada, Nadi. "Urban Encounters: Imaging the City in Mandate Palestine." In *Open Jerusalem* Vol. 3, ed. Karene Sanchez Summerer, and Sary Zananiri, (Brill: Leiden, 2021), pp. 386.

Akgunduz, Ahmed. "The Ottoman Waqf Administration in the 19th and Early-20th Century Continuities and Discontinuities," in *Acta Orientalia Academiae Scientiarum Hungaricae*, Vol. 64, no. 1 (2011), pp. 71-87.

Attard, Bernard & Andrew Dilly, "Finance, Empire and the British World," in *The Journal of Imperial and Commonwealth History*, Vol. 41, No. 1 (2013), pp. 1-10

Awang, Salwa Amirah, Fidizan Muhammad, Joni Tamkin Borhan, Mohammad Taquiddin Mohamad. "The Concept of Charity in Islam: An Analysis on the Verses of the Quran and Hadith," in *Journal of Usuluddin*, vol. 45, no. 1 (2017), pp 141-172.

Bakhoun, Dina Ishak. "The Waqf System: Maintenance, Repair, and Upkeep," in *Held in Trust: Waqf in the Islamic World*, ed. Pascale Ghazaleh. (Cairo: AUC Press, 2011).

Ben-Bassat, Yuval. "Bedouin Petitions from Late Ottoman Palestine: Evaluating the Effect of Sedentarization," in *Journal of Economic and Social History of the Orient*, vol. 58, (2015), 135-162.

----- "The Ottoman institution of petitioning when the sultan no longer reigned: a view from post-1908 Ottoman Palestine," in *New Perspectives on Turkey*, vol. 56 (2017), pp. 87-103.

Bein, Amit. "Politics, Military Conscription, and Religious Education in the Late Ottoman Empire." in *International Journal of Middle East Studies* vol. 38, no. 2 (2006): pp. 283-301

Bektas, Yakup, "The Sultan's Messenger: Cultural Constructions of Ottoman Telegraphy, 1847-1880," in *Technology and Culture*, vol. 41, No. 4 (2000) pp. 669-696.

Eric Lewis Beverley, Eric Lewis. "Property, Authority, and Personal Law: In Colonial South Asia," in *South Asia Research*, vol.31, no 2. (2011), pp 155–182.

Bevir, Mark. "The Role of Contexts in Understanding and Explanation," in *Begriffsgeschichte, Diskursgeschichte, Metapherngeschichte*, ed. Hans Erich Bödecker (Göttingen: Wallstein, 2002)

Burcak, Berrak. "Modernization, Science and Engineering in the Early Nineteenth Century Ottoman Empire," in *Middle Eastern Studies*, Vol, 44, No. 1 (2008), pp. 69-83.

Cakmak, Aydin and Suleyman Beyoglu, "The Institution of Naval Attache as an Application of Modernization in the Ottoman Empire," in *Turkish Journal of History*, Vol. 66, (2017), pp. 77.

Calhoun. Craig "poststructuralism." In *Dictionary of the Social Sciences*. : Oxford University Press, 2002. <https://www-oxfordreference-com.libproxy.aucegypt.edu/view/10.1093/acref/9780195123715.001.0001/acref-9780195123715-e-1307>

----- "structuralism." In *Oxford Reference*. 2002; Accessed 20 Apr. 2021.
<https://www-oxfordreference-com.libproxy.aucegypt.edu/view/10.1093/acref/9780195123715.001.0001/acref-9780195123715-e-1609>

Cassidy, Kevin J. "Organic Intellectuals and the Committed Community: Irish Republicanism and Sinn Fein in the North," in *Irish Political Studies*, vol. 20, no. 3 (2005), pp. 341-356.

Ciligir, Hamdi "Elamlili Muhammed Hamdi Yazir On Waqf Issues in the Last Period of Ottoman Empire," in *Insan ve Toplum*, vol. 5, no 9, (2015), pp 49. [33-54]

Conte, Giampaolo, "Defining financial reforms in the 19th-Century capitalist world-economy: The Ottoman case (1838-1914), in *Capital Class*, vol. 1, (2021), pp. 1-26.

Demirci, Sevtap, & Nevin Cosar, "Modernization through Railways: Economic and Social Change in the Ottoman Empire in the Nineteenth Century," in *Journal of Balkan and Near Eastern Studies*, Vol. 1, (2021), pp. 1-11.

Dounami, Beshara. "Endowing Family: Waqf, Property Devolution, and Gender in Greater Syria, 1800 to 1860." *Comparative Studies in Society and History* 40, no. 1 (1998): 3-41

Ecchia, Stefania "The economic policy of the Ottoman Empire (1876-1922)," in *Munich Personal RePEc Archive*, No. 42603 (2010), pp. 1-18.

Ediger, Volkan S. & John V. Bowlus, "Greasing the wheels: the Berlin-Baghdad railway and Ottoman oil, 1888-1907," in *Middle Eastern Studies*, Vol. 56, No. 6 (2020), pp. 193-206.

Frantzman, Seth J., Benjamin W. Glueckstadt & Ruth Kark, "The Anglican Church in Palestine and Israel: Colonialism, Arabization and Land Ownership," in *Middle Eastern Studies*, Vol, 47, No. 1, (2011) pp. 101-126.

Findley, Carter V. "The Tanzimat," in *The Cambridge History of Turkey, Vol. 4*, Resat Kasaba (ed.), (Cambridge University Press, London: 2008)

Gaudiosi, Monica M. "The Influence of the Islamic Law of Waqf on the Development of the Trust in England: The Case of Merton College," in *University of Pennsylvania Law Review* 136, no. 4 (1988). pp. 1231-1261.

Geyikdagi, V. Necla. "The Economic Views of a Nineteenth Century Ottoman Intellectual: The Relationship between International Trade and Foreign Direct Investment," in *Middle Eastern Studies*, vol. 47, no. 3 (2011) pp. 529-542.

Goren, Tamir. "Tel Aviv and the Question of Separation from Jaffa 1921-1936." *Middle Eastern Studies* 52, no. 3 (2016): 473-487

----- "The Development Gap between the Cities of Jaffa and Tel Aviv and its Effect on the Weakening of Jaffa in the Time of the Mandate." *Middle Eastern Studies* 56, no. 6 (2020): 900-913.

Greenbury, Ela. "Educating Muslim Girls in Mandatory Jerusalem," in *International Journal of Middle East Studies*, Vol. 36, No. 1 (2004), pp. 3 [1-19].

Gunasti, Susan. "The Late Ottoman Ulema's Constitutionalism." *Islamic Law and Society* 23, no. 1-2 (2016): 89-119.

Halvey, Dotan. "Ottoman Ruins Captured: Antiquities, Preservation, and Waqf in Mandatory Palestine," in *Journal of the Ottoman and Turkish Studies Association*, vol. 5, no. 1 (2018), pp 91-114.

Hanssen, Jens. "Municipal Jerusalem in the Age of Urban Democracy: On the Difference between What Happened and What Is Said to Have Happened," in Ed. Angelos Dalacharius and Vincent Lemire, *Ordinary Jerusalem 1840-1940: Opening New Archives, Revisiting a Global City*, (Brill, Leiden: 2018), pp 262-286.

Home, Robert. "Town Planning and Garden Cities in the British Colonial Empire, 1910-1940," in *Planning Perspectives*, Vol. 5, No. 1 (1990),

Heyd, Uriel. "The Ottoman 'Ulema and Westernization in the Time of Selim III and Mahmud II," in *The Modern Middle East*, 2nd ed. (ed.) Albert Hourani, Philip Khoury & Mary C. Wilson, (I.B. Tarius, London: 2005), pp. 29-60

Hoblos, Farouk. "Public Service and Tax Revenues in Ottoman Tripoli (1516-1918)", in *Syria and Biliad al-Sham under Ottoman Rule: Essays in Honour of Abdul-Karim Raqfeq*, (ed.) Peter Sluglett and Stefan Weber (Brill, Leiden: 2010), pp. 115-136

Hofri-Winogradow, Adam S. "Zionist Settler and the English Private Trust in Mandate Palestine," in *Law and History Review*, Vol. 30, No. 3 (2012), pp. 817 [813-864]

Hourcade, Bernarde. "Demography of Cities and Expansion of Urban Space," in *The Urban Social History*, (ed.) Peter Sluglett, (The AUC University Press, Cairo: 2009), pp. 43-66, 160-170.

Inal, Vedit, "Evolution of economic thought in the Ottoman Empire and early Republican Turkey," in *Middle Eastern Studies*, vol. 57, no. 1 (2020), pp. 14-36.

Jay, Martin. "Historical Explanation and the Event: Reflections on the Limits of Contextualization." *New Literary History* 42, no. 4 (2011): 557-571

Kark, Ruth. "The Jerusalem Municipality at the End of the Ottoman Rule," *Asian and African Studies*, vol. 14, no. (1981), pp.

Korkmaz, Mehmet, "Modernization Efforts in Ottoman Military Education: Kasimpasa Naval Secondary School," in *Turkish Journal of History*, Vol. 72. (2020), pp. 115-137

Kuran, Timur. "Explaining the Economic trajectories of civilizations: The systematic approach," in *Journal of Economic Behavior & Organization*, Vol. 71, No. 3 (2009), pp 593-605

----- "Legal Roots of Authoritarian Rule in the Middle East: Civil Legacies of the Islamic Waqf," in *The American Journal of Comparative Law*, Vol. 64, No. 2. (2016), pp. 419-454.

Layish, Aharon. 1997. "The Family Waqf and the Shar‘ī Law of Succession in Modern Times." in *Islamic Law and Society* Vol. 4, No. 3. (1997) 352-388

Leuenberger, Christine, "Maps as Politics: Mapping the West Bank Barrier," in *Journal of Borderlands Studies*, Vol. 31, No. 3 (2016), pp 339-364

Loevy, Karin "Reinventing a region (1915-22): Visions of the Middle East in Legal and Diplomatic Texts Leading to the Palestine Mandate," in *Israel Law Review*, Vol. 49, No 309, (2016), pp. 317-337

Mahmoud, Yazbak. "The Muslim Festival of Nabi Rubin in Palestine: From Religious Festival to Summer Resort." *Holy Land Studies* 10, no. 2 (2011): 169-198.

----- “Comparing Ottoman Municipalities in Palestine: The Cases Nablus, Haifa, and Nazareth, 1864-1914,” in Ed. Angelos Dalacharius and Vincent Lemire, *Ordinary Jerusalem 1840-1940: Opening New Archives, Revisiting a Global City*, (Brill, Leiden: 2018), pp. 241-261.

Mandaville, Jon E. "Usurious Piety: The Cash Waqf Controversy in the Ottoman Empire." *International Journal of Middle East Studies* 10, no. 3 (1979): 289-308.

Marten, Michael. “Imperialism and Evangelization: Scottish Missionary Methods in Late 19th and Early 20th Century Palestine.” in *Holy Land Studies: A multidisciplinary Journal*, Vol. 5, No. 2 (2006), pp. 155-186.

Mathew, William M. “The Balfour Declaration and the Palestine Mandate, 1917-1923: British Imperialist Imperatives,” in *British Journal of Middle Eastern Studies*, Vol. 40, No. 3 (2013), pp. 231-250.

Mayo, Peter. “Gramsci and the politics of education,” in *Capital & Class*, vol. 38, no. 2 (2014), pp. 385-398.

Memis, Serfie Eroglu. “Between Ottomanization and Local Networks: Appointment Registers as Archival Sources for Waqf Studies. The Case of Jerusalem’s Maghariba Neighborhood,” in *Ordinary Jerusalem, 1840-1940: Opening New Archives, Revisiting a Global City*, ed. Angelos Dalachanis and Vincent Lemire, Vol. 1, (2018) pp, 75-99.

Merli, Paola, “Creating the cultures of the future: cultural strategy and institutions in Gramsci,” in *International Journal of Cultural Policy*, in vol. 19 (2013) pp. 399-420

Minawi, Mostafa “Beyond Rhetoric: Reassessing Bedouin-Ottoman Relations along the Route of the Hijaz Telegraph Line at the End of the Nineteenth Century,” in *Journal of the Economic and Social History of the Orient*, vol. 58, no. ½ (2015), pp. 75-104

Miran, Jonathan and Aharon Layish. "The Testamentary Waqf as an Instrument of Elite Consolidation in Early Twentieth-Century Massawa (Eritrea)." *Islamic Law and Society* 25, no. 1-2 (2018): 78-120.

Moumtaz, Nada. ""Is the Family Waqf a Religious Institution?" Charity, Religion, and Economy in French Mandate Lebanon." *Islamic Law and Society* 25, no. 1-2 (2018): 37-77

Orbay, Kayhan. “Account Books of the Imperial Waqfs in the Eastern Mediterranean (15th to 19th Centuries),” in *The Accounting Historians Journal*, (2013), pp, 31-50.

----- “Imperial Waqfs within the Ottoman Waqf System,” in *Endowment Studies*, vol. 1 (2017), pp. 135-153

Petriat, Philippe, “The Uneven Age of Speed: Caravans, Technology, and Mobility in the Late Ottoman and Post-Ottoman Middle East,” in *International Journal of Middle East Studies*, vol 53, No. 2 (2021), pp. 273-290.

Pflieger, Geraldine, and Céline Rozenblat's article, "Introduction. Urban Networks and Network Theory: The City as the Connector of Multiple Networks," in *Urban Studies*, November 2010, Vol. 47, No. 13, Special Issue: Urban Networks and Network Theory (November 2010), pp. 2723-2735

Powers, David S. "Orientalism, Colonialism, and Legal History: The Attack on Muslim Family Endowments in Algeria and India," in *Comparative Studies in Society and History*, Jul. Vol. 31, No. 3 (Jul., 1989), pp. 535-571

Rappas, Alexis. "The Sultan's Domain: British Cyprus' Role in the Redefinition of Property Regimes in the Post-Ottoman Levant." *International History Review* 41, no. 3 (2019;2018); 624-649.

Roberts, Nicholas E. "Dividing Jerusalem: British Urban Planning in the Holy City," in *Journal of Palestine Studies*, Vol. 42, No. 4 (2013), pp. 7-26.

Roberston, Laura. "Church, State, and the Holy Land: British Protestant Approaches to Imperial Policy in Palestine, 1917-1948," in *The Journal of Imperial and Commonwealth History*, Vol. 39, No. 3. (2011), pp 457-477.

Rosen-Ayalon, Myriam. "The First Century of Ramla." in *Arabica* 43, no. 1 (1996): 250–63

Rubin, Noah Hysler. "Geography, colonialism, and town planning: Patrick Geddes' plan for mandatory Jerusalem," in *Cultural Geography*, vol. 18, no 2. (2011), pp. 231-248.

Sabri, Reyhan, "Transitions in the Ottoman Waqf's Traditional building upkeep and Maintenance in Cyprus during the British colonial era (1878-1960) and the emergence of selective architectural conversation practices," in *International Journal of Heritage Studies*, vol. 21, no. 5 (2015) pp. 512-527.

Schumacher, Leslie Rogne. "The Eastern Question as a Europe Question: Viewing the Ascent of 'Europe' Through the lens of Ottoman decline," in *Journal of European Studies*, Vol. 44, No. 1 (2014), pp. 64-80.

Schnieder, Suzanne. "The Other Partition: Religious and Secular Education in British Palestine," Vol. 55, No. 1 (2014) pp. 32-43.

Sarah D. Sheilds, "Interdependent Spaces: Relations Between the City and the Countryside in the Nineteenth Century," a in *The Urban Social History*, (ed.) Peter Sluglett, (The AUC University Press, Cairo: 2009), pp. 43-66.

Shaikh, Ifran Ahmed, "The Foundations of *Waqf* Institutions: A Historical Perspective," in *Intellectual Discourse*, Special Issue (2018), pp. 1213-1228

Sluglett, Peter. "Municipalities in the Late Ottoman Empire," in *Syria and Biliad al-Sham under Ottoman Rule: Essays in Honour of Abdul-Karim Raqfeq*, (ed.) Peter Sluglett and Stefan Weber (Brill, Leiden: 2010), 531-542.

Steele, David. "Three British Prime Ministers and the Survival of the Ottoman Empire, 1855-1902," in *Middle Eastern Studies*, Vol. 50, No. 1 (2014), pp. 43-60

Stephens, Carlene "'The Most Reliable Time': William Bond, the New England Railroads, and Time Awareness in 19th century America," in *Technology and Culture*, Vol. 30, No. 1 (1989), pp. 1-24.

Sylvest, Casper. "Continuity and Change in British Liberal Internationalism. c. 1900-1930," in *Review of International Studies*, Vol. 31, No. 2 (2005) pp. 263-283

Tamari, Salim. "Waqf Endowments in the Old City of Jerusalem: Changing Status and Archival Sources." In *Ordinary Jerusalem, 1840-1940: Opening New Archives, Revisiting a Global City*, edited by Angelos Dalachanis and Vincent Lemire Vol: 1. (London: Brill 2018), pp. 490–509.

----- "The Great War and the Erasure of Palestine's Ottoman Past," in *Transformed Landscapes: Essays on Palestine and the Middle East in Honor of Walid Khalidi*, (The American University Press, Cairo: 2009), pp. 105-136.

Tilly, Charles. "What Good is Urban History?" in *Journal or Urban History*, Vol. 22 (1996), pp. 702-719.

Ucan, Ceren "Endeavoring to establish an imperial new agency: the Ottoman Telegraph Agency," in *Turkish Studies*, vol. 21, no. 5 (2020) pp. 750-771.

Uzoigwe, G. N. "The Victorians and East Africa, 1882-1900: The Robinson-Gallagher Thesis Revisited," in *Transafrican Journal of History*, Vol. 5, No. 2 (1976) pp. 32-65

Vijay, Ameeth. "Cultivating Colonial Subjects: The Planner as Gardener in the Work of Patrick Geddes," in *The Global South*, vol. 14, no. 2. (2020), pp. 10-30.

Welter, Volker M. "The 1925 Master Plan for Tel-Aviv by Patrick Geddes," in *Israel Studies*, Vol. 14, No. 2 (2009), pp. 94-119.

Winder, Alex. "The 'Western Wall' Riots of 1929: Religious Boundaries and Communal Violence Alex Winder", in *Journal of Palestine Studies*, Vol. 42, No. 1 (Autumn 2012), pp. 6-23.

Wood, Denis "The Fine Line Between Mapping and Mapmaking," in *Cartogaphica*, Vol. 30, No. 4 (1993) pp. 50-60

Yahaya, Nurfadzilah “British colonial law and the establishment of family *waqfs* by Arabs in the Straits Settlements, 1860-1941,” in *The Worlds of the Trust*, edited by Lionel Smith, Cambridge University Press, 2013, pp. 167-202

Yazbak, Mahmoud. “Elections in Late Ottoman Palestine: Early Exercises in Political Representation,” in Ed. Yuval Ben-Bassat, and Eyal Ginio, *Late Ottoman Palestine: The Period of Young Turk Rule* (I.B. Tauris, London: 2011).

Zaidman, Miki and Ruth Kark, “Garden cities in the Jewish Yishuv of Palestine: Zionist ideology and practice 1905-1945,” in *Planning Perspectives*, Vol. 31, No. 1. (2016), pp. 55-82.

Zilli. Ishtiyah Ahmad. “Waqf ’Ala Al-’Awlād A Case of Colonial Intervention in India.” *Intellectual Discourse* 26 (July 2, 2018): 989–1005.

Books

Anderson, J. N. D. Sir and American Council of Learned Societies. *Islamic Law in the Modern World*. (New York: New York University Press, 1959)

Atteek, Fr. Naeem. *Justice, and Only Justice: A Palestinian Theology of Liberation*. Maryknoll, N.Y: Orbis Books, 1989.

Bein, Amit. *Ottoman ulema, Turkish Republic: Agents of change and guardians of Tradition*, (Stanford University Press, Stanford: 2011).

Bell, Duncan. *The Idea of Greater Britain* (Princeton University Press, New Jersey: 2007

Bunton, Martin *Colonial Land Policies in Palestine, 1917-1936* (Oxford, London: 2008).

Bussow, Johann. *Hamidan Palestine: Politics and Society in the District of Jerusalem 1872-1908* (Brill, Liden: 2011)

Debs, Richard A. *Islamic Law and Civil Code: The Law of Property in Egypt*. (New York: Columbia University Press, 2010 (originally published in 1958)).

Dumper, Michael. *Islam and Israel: Muslim Religious Endowments and the Jewish State*. Washington, D.C: Institute for Palestine Studies, 1994.

Eldin, Munir Fakher, Slim Tamari, *Jerusalem Properties and Endowments: A Study of the Old City Estates in the Twentieth Century*, (Jerusalem: Institute for Palestinian Studies, 2018)

El-Eini, Roza I.M. *Mandated Landscape: British Imperial Rule in Palestine, 1929-1948* (Routledge: London, 2006).

Emerence, Cem. *Remapping the Ottoman East: Modernity, Imperial Bureaucracy, and the Islamic State* (London: I.B. Tauris, 2012)

Findley, Carter Vaughn. *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte 1789-1922*, (Princeton University Press, New Jersey: 1980)

----- *Ottoman Civil Officialdom: A Social History*, (Princeton University Press, New Jersey: 1989).

Fisher, John. *Outskirts of Empire: Studies in British Power Projection*, (Routledge: London, 2019).

Fishman, Louis A. *Jews and Palestinians in the Late Ottoman Era, 1908-1914: Claiming the Homeland*. (Edinburgh: Edinburgh University Press, 2020).

Foliard, Daniel. *Dislocating the Orient: British Maps and the Making of the Middle East, 1854-1921*. (Chicago, IL: University of Chicago Press, 2017)

Fortna, Benjamin C. *Imperial Classroom: Islam, The State, and Education in the Late Ottoman Empire*, (Oxford University Press, London: 2002).

Gunasti, Susan. *The Qur'an Between the Ottoman Empire and the Turkish Republic: An Exegetical Tradition*, (Routledge, London: 2019)

Haniglu, M. Sukru, *Ataturk: An Intellectual Biography*, (Princeton University Press, New Jersey: 2011).

Home, Robert. *Of Planting and Planning: The Making of British Colonial Cities*, (Routledge, New York: 2013)

Kennedy, Dane. *The Imperial History Wars: Debating the British Empire* (Bloomsbury Academic: London, 2018).

Kilincoglu, Deniz T. "Islamic Economics in the Late Ottoman Empire: Menapirzade Nri Bey's Mebahis-i Ilm-i Servet," in *European Journal of History of Economic Thought*, Vol. 24, No. 3, (2017) pp. 528-554.

Koziowski, Gregory C. *Muslim Endowments and Society in British India*. Cambridge South Asian Studies. (Cambridge: Cambridge University Press, 1985).

Kuran, Timur. *The Long Divergence: How Islamic Law Held Back the Middle East*, (Princeton University Press, New Jersey: 2010).

----- *Islam and Mammon: The Economic Predicaments of Islamism*, (Princeton University Press, New Jersey: 2004).

Lemire, Vincent. *Jerusalem 1900: The Holy City in the Age of Possibilities*, (Chicago: The University of Chicago Press, 2017)

Leunberger, Christine and Izhak Schnell, *The Politics of Maps: The Cartographic Constructions of Israel Palestine* (Oxford, London: 2020).

Levine, Mark. *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine, 1880-1948*, (University of California Press, London: 2005).

Likhovski, Assaf. *Law and Identity in Mandate Palestine*, (University of North Carolina Press, Chapel Hill: 2006),

McMeekin, Sean. *The Berlin-Baghdad Express: The Ottoman Empire and Germany's Bid for World Power*, (Harvard University Press, Massachusetts: 2010)

Melman, Billie. *Empires of Antiquities: Modernity and the Rediscovery of the Ancient Near East, 1914-1950*. (Oxford: OUP Oxford, 2020)

Novak Jr., Frank G., ed. *Lewis Mumford and Patrick Geddes: The Correspondence*. (Florence: Taylor & Francis Group, 1995)

Noris, Jacob. *Land of Progress: Palestine in the Age of Colonial Development, 1905-1948*, (London: Oxford University Press, 2013).

Nicholas E. Roberts, *Islam under the Palestine Mandate Colonialism and the Supreme Muslim Council*, (London: I.B. Tauris, 2017).

Provence, Michael. *The Last Ottoman Generation and the Making of the Modern Middle East*. (Cambridge: Cambridge University Press, 2017).

Renton, J. *Zionist Masquerade: The Birth of Anglo-Zionist Alliance, 1914-1918* (Palgrave, New York: 2009)

Robets, Laura. *Colonialism and Christianity in Mandate Palestine*, (University of Texas Press, Austin: 2011)

Schwantes, Benjamin Sidney Michael. *The Train and the Telegraph: A Revisionist History*. Hagley Library Studies in Business, Technology, and Politics. (Baltimore: Johns Hopkins University Press 2019).

Skinner, Quentin. *Machiavelli: A Very Short Introduction*. Very Short Introductions. (London: Oxford University Press, 2000)

Smith, Barbara J. *Separation in Palestine: British Economic Policy, 1920-1929* (Syracuse University Press, Syracuse: 1993)

Sturrock, John. *Structuralism: With an Introduction by Jean-Michel Rabate*. (Hoboken: John Wiley & Sons, Incorporated, 2003)

Tamari, Salim. *The Great War and the Remaking of Palestine*. (Oakland, California: University of California Press, 2017)

Trounstine, Jessica *Segregation by Design: Local Politics and Inequality in American Cities*, (Cambridge University Press, London: 2018),

Turnaoglu, Banu, *The Formation of Turkish Republicanism*, (Princeton University Press, New Jersey: 2017)

Uyar, Mesut and Edward J. Erickson. *A Military History of the Ottomans: From Osman to Atatürk*. Santa Barbara, (Calif: Praeger Security International/ABC-CLIO, 2009).

White, Sam. *The Climate of Rebellion in the Early Modern Ottoman Empire*, (Cambridge University Press, London: 2013)

Yorulmaz, Naci. *Arming the Sultan: German Arms Trade and Personal Diplomacy in the Ottoman Empire Before World War I*, (I.B. Tauris, London: 2014)