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Crime in the Mandate:  
British and Zionist criminological discourse  
and Arab nationalist agitation in Palestine,  
1936–39

A thesis submitted in partial satisfaction of the requirements  
for the degree Doctor of Philosophy in History

by

Matthew Kraig Kelly

2013



ABSTRACT OF THE DISSERTATION

Crime in the Mandate:

British and Zionist criminological discourse

and Arab nationalist agitation in Palestine,

1936–39

by

Matthew Kraig Kelly

Doctor of Philosophy in History

University of California, Los Angeles, 2013

Professor James L. Gelvin, Chair

This study examines British strategies for social control during the Arab revolt in Palestine in 1936–39. It focuses specifically on the British discourse of criminality vis-à-vis the Arabs, and the ways in which this discourse related to British and Zionist representations of Arab Palestinian nationalism. Its primary finding is that British imperial discourse in the 1930s necessitated that nationalist movements such as that for Arab Palestinian independence be criminalized in a particular manner. London tended in the nineteenth century to regard the nationalist movements within its colonial domains as essentially criminal enterprises. Given the terms of the post-WWI mandates system, however, the British were poorly positioned to suggest that Palestinian nationalists in general were criminally inclined. After all, the entire justification for the British



presence in the Middle East was the shepherding of its peoples across the threshold of national autonomy. Thus, while the British undoubtedly practiced a form of colonialism in Iraq and Palestine/Transjordan, they did so on an anti-colonial pretext. When the movement for Palestinian national independence threatened their traditional colonial prerogatives in 1936–39, the British could neither plausibly deny the existence of Palestinian nationalism nor suggest that it amounted to mere criminality. In consequence, while privately acknowledging that they faced a nationalist uprising in the mandate, British officials publicly presented the rebellion as the work of a criminal minority masquerading as a national army. In this, they had the full support of mainstream Zionist opinion, both official and popular. By presenting the rebellion as a crime wave, both parties attempted to marginalize what the revolt sought to foreground: the Arab majority's case for national autonomy in Palestine. In neglecting to narrate the events of 1936–39 within this political context, previous histories of the Palestinian Great Revolt have often reproduced uncritically aspects of the British and Zionist criminological framing of the rebellion.

The dissertation of Matthew Kraig Kelly is approved.

Gabriel Piterberg

Michael Mann

David N. Myers

James L. Gelvin, Committee Chair

University of California, Los Angeles

2013

*For Tammie*

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## VITA

### *Education*

1997 Bachelor of Arts in Philosophy, University of California, Los Angeles

2007 Master of Arts in History, University of California, Los Angeles

### *Professional Societies*

Middle East Studies Association (MESA)

Association of Israel Studies (AIS)

American Historical Association (AHA)

### *Publications*

2008 “The Fall of Decline: The Decline Paradigm and its Lessons,” *Revue de l'Institut des belles-lettres arabes (IBLA)* No. 201

2012 “An Ambivalent Nation: Australian Nationalism and Historical Memory,” *UCLA Historical Journal*, Vol. 23, Issue 1

### *Presentations*

2009 “A Light Unto the Nations: Developments in Israeli Sociology and Their Lessons for the Lobby Controversy,” Conference: “Cross Disciplinary Perspectives in Middle Eastern Studies,” University of Arizona, Tucson

2011 “U.S. Intervention in the Middle East: An Abbreviated Survey,” Conference: “History+ (Plus),” UCLA

2013 “The Arab Revolt of 1936: The British, Zionist, and Arab Struggle for Discursive Ascendancy,” Conference: Association of Israel Studies (AIS), UCLA

2013 “Participant observers: the role of the mandatory in the Palestinian Great Revolt,” Conference: Middle East Studies Association (MESA), New Orleans

## INTRODUCTION

Given the number of excellent histories of the Palestinian Great Revolt, it is natural to wonder as to the occasion for another scholarly treatment of the topic. Addressing this concern requires that I delve briefly into autobiography. I first came across the subject of the revolt in a survey course on the history of the Israel-Palestine conflict, which I attended in my first year of a graduate program at the University of California, Los Angeles (UCLA). The instructor was my advisor, Professor James Gelvin, who structured the curriculum around his forthcoming book, a primer titled simply, *The Israel-Palestine Conflict*. He provided me and the other students with a copy in galley. I found Professor Gelvin's lectures and manuscript fascinating, but was intrigued above all with his contention—contra Rashid Khalidi and other scholars of modern Palestine—that the birth of Palestinian nationalism was the Arab revolt against the British in 1936–39.<sup>1</sup>

It was during this three-year period, Gelvin reasoned, that the Arabs of Palestine first orchestrated a sustained project of national protest, in contrast to the spontaneous and short-lived demonstrations (what Eric Hobsbawm termed “primitive rebellions”) they had occasionally mounted against the British in earlier years. Gelvin was adamant that nationalism was not only an ideology, but also, and crucially, a mode of action. Its starkest impressions in the historical record were the traces of the street-level activities of its adherents, and not the ideological pronouncements—as recorded in newspapers or learned political treatises—of its champions among the literati. Although talk of a Palestinian nation had been in the air as early as the 1910s,

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<sup>1</sup> For Khalidi and Gelvin's respective views, see: Khalidi, *Palestinian Identity*, 119–149; Gelvin, *The Israel-Palestine Conflict*, 94, 113. On the basis of his Herculean survey of newspapers published in Syria and Palestine between 1908 and 1914 (and the “Palestinians” bouncing off their pages), Khalidi places the birth of Palestinian nationalism in the period before World War I.

only in the 1930s did events signifying the emergence of a Palestinian national consciousness transpire on the ground.

Benedict Anderson christened this type of consciousness “an imagined community”; that is, a community whose members, most of whom will never actually encounter one another, nevertheless conceive of themselves as sharing a primordial identity, to which their mutual language, history, and territorial loyalty testify.<sup>2</sup> Of course, such languages frequently originate in the dialect of a bureaucratic elite, not the mists of a bygone era. And such histories often originate in a well-considered amalgam of myth and fact, promulgated through a state-sponsored educational system. Nevertheless, these “imagined” aspects of national identity should not be conceptualized in contradistinction to some “reality” or other. As Gabriel Piterberg observes, “Consciousness itself, once adopted, circulated, and reproduced, becomes a ‘real fact.’”<sup>3</sup> By Gelvin’s reckoning—and, ultimately, my own—such a consciousness became a fact among a critical mass of Arab Palestinians in 1936–39.

The national significance of the events of these years therefore intrigued me. As I read more on the topic of the revolt, I noticed that both the British and Zionist leadership in 1936–39 characterized the rebel movement not primarily as a national, but rather as a criminal enterprise. My later archival research would bear this observation out to a surprising degree. Even in the early days of the rebellion, during which Arab protest consisted mostly of a nonviolent strike and campaign of civil disobedience, Jewish Agency and World Zionist Organization representatives demanded that British authorities treat the Palestinian national movement as a criminal venture,

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<sup>2</sup> Anderson, *Imagined Communities*, 6.

<sup>3</sup> Piterberg, “The Tropes of Stagnation and Awakening in Nationalist Historical Consciousness—The Egyptian Case,” 47.



and punish its leaders accordingly.<sup>4</sup> They were, for the most part, pushing at an open door. The initial British reaction to the Arab strike of late April 1936 was to jail its organizers.<sup>5</sup> Yet, the majority of these organizers explicitly opposed any resort to violence, much less criminal violence, among the strikers.<sup>6</sup> The same was true of the broader Arab Palestinian political establishment. The Arab Higher Committee (AHC)—a coalition of Palestinian political and religious leaders formed as the strike got underway—advocated for a peaceful protest movement.<sup>7</sup> The locally organized “national committees” did the same.<sup>8</sup> And the Arab press in Palestine chastised those of their countrymen who, as May 1936 wore on, began attacking British security forces and occasionally Jews. Indeed, Arab pundits condemned the first armed bands that appeared in the hills in criminological terms akin to those favored by the British and Zionists.<sup>9</sup> The strike aside, most everyone agreed that the rebels were “lawbreakers,” their military formations “gangs.”

This consensus, however, quickly dissolved. By the summer of 1936, the bulk of Arab Palestinians supported the rebels, whose ranks had begun to swell. Among my key archival findings was that British officials misapprehended the causal sequence culminating in this

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<sup>4</sup> Jewish Agency (JA) executive (Shertok), 7 May 1936, Central Zionist Archives (CZA), Jerusalem, S25/6325

<sup>5</sup> Cohen, *Army of Shadows*, 130.

<sup>6</sup> Manifesto of 24 April 1936, The National Archives, London, Colonial Office (CO) 733/310/1

<sup>7</sup> “Monthly summary of ‘intelligence’, Palestine and Transjordan,” 3 June 1936, The National Archives, London, Foreign Office (FO) 371/20030

<sup>8</sup> Pearlman, *Violence, Nonviolence, and the Palestinian National Movement*, 45.

<sup>9</sup> Kabha, “The Palestinian Press and the General Strike, April-October 1936: *Filastin* as a Case Study,” 170–79; Mattar, *The Mufti of Jerusalem: Al-Hajj Amin al-Husayni and the Palestinian National Movement*, 76.

transformation of popular Arab opinion regarding the armed bands. When government analysts surveyed the first, April-October 1936 phase of the revolt, they failed to factor British actions into their explanatory accounts. Rather, they mistakenly emphasized the inaction of the mandatory, and particularly the indecision of the high commissioner of Palestine, Arthur Wauchope. In reality, the actions of the mandatory—especially its violent actions—motivated many Arabs to support the rebels, and drove others to join them. The mandatory itself therefore contributed significantly to the strike’s evolution into an armed rebellion.

The tendency to gloss over the role of British violence in begetting Arab violence—whether in the archival documents or in the scholarship relating to the rebellion—is not restricted to 1936. Just as the British underplayed the importance of their use of force in determining the early trajectory of the rebellion in Palestine, so too did they overlook its fundamental role in shaping events in the mandate in the period after 1936. And their orientation in this connection has been assimilated, as though by osmosis, into histories of the rebellion.

The aim of this dissertation is to offer an account of 1936–39 that recognizes the causal primacy of the mandatory in the revolt’s unfolding. As explained below, most scholarly treatments of these years narrate their events as a tragic tale of two communities, Arab and Jewish, played out on the stage of the mandate. Such works attend to the causal significance of British activity in Palestine largely in the negative; that is, they detail what the British did not do. The present study, by contrast, presents the revolt as the product of the dynamic interaction of three entities: the Yishuv, the Arab Palestinian community, and the British state in Palestine. It accords each causal primacy. In addition, it seeks to balance earlier histories’ focus on the violent

excesses and political immaturity of the Arab Palestinian community by drawing attention to the importance of British decisions and actions in dictating the course of the rebellion.

It is a cliché that history is written by the victors, but the Palestinian Great Revolt is truly a case in point. As the British ultimately triumphed over the forces of Arab rebellion, so did their narrative of the revolt finally prevail over that of the Arabs. British criminality—in the form of a massive campaign of violence against the indigenous population of Palestine—disappeared from “history.” In its place stood the tale of a government committed to the global promotion of law and order, reluctantly quelling a crime wave in one of the more troubled quarters of its empire. (This story had the support of the Yishuv until the waning days of the rebellion, when the British altered the script, casting mainstream Zionists as “extremists.”) While it would be an exaggeration to suggest that the scholarship on the Great Revolt has left this account unmodified, a more thorough revision is in order.

### **Crime, terrorism, and nationalism in British imperial discourse**

What follows is a discursive analysis of the struggle among the British, the Zionists, and the Palestinian Arabs for narrative ascendancy vis-à-vis the unfolding drama of the revolt years. At the center of this struggle stood the question of criminality. That is to say, all parties agreed that crime was at the root of the rebellion. They differed only on the identity of the criminals. The question of crime, in turn, stood in direct relation to that of national legitimacy. Insofar as the British and Zionist framing of the revolt as a crime wave succeeded, it thereby placed the rebellion’s national implications and motivations out of view. Although the British in particular were poorly positioned to openly advance the proposition, the crime wave model implicitly

suggested that the Arabs of Palestine were something less than a genuine nation. After all, what truly national community could be so incapable of curbing the criminal tendencies of its members? Had not the Jews of Palestine, by contrast, exercised a community-wide policy of non-retaliation in the face of Arab aggression? Had not the British made London one of the safest cities in the world, to say nothing of their legacy of promoting law and order elsewhere across the globe?<sup>10</sup>

This strategy of discrediting a national movement by associating it with criminality was not new. It arose during the British experience in Ireland in the mid-nineteenth century. The first British use of the term “terrorist” dated to the 1860s, when London attempted to suppress and marginalize Fenian dissidents in Ireland and England.<sup>11</sup> The first British legal measures targeting

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<sup>10</sup> By the 1930s, British imperialist discourse had long nourished itself on the notion that the ethics of empire turned on the global spread of law and order, a task for which the British had proven themselves particularly well fit. Between the mid-nineteenth century and the First World War, for example, both serious and petty criminal offenses declined consistently in Britain—and this despite the fact that the government classified more behaviors as crimes and invested greater efforts into monitoring them. As Jose Harris remarks, “If late twentieth-century standards of policing and sentencing had been applied in Edwardian Britain, then prisons would have been virtually empty.” Needless to say, the British were mindful of their success in establishing a new level of social order. In the 1880s, Scotland Yard claimed London as the world’s safest city. In 1901, the well-known British criminologist Robert Anderson declared that the permanent eradication of crime in Britain was simply a matter of incarcerating for life seventy notorious criminals. Moreover, this success was linked explicitly in the British political imagination with progress and modernity. From Arthur Conan Doyle to Charles Dickens, nineteenth-century British fiction unfolded against a backdrop of social stability, with the police and their newfangled forensic techniques supplanting the criminals of earlier narratives at center stage. Correspondingly, scenes of social instability were pushed to the periphery of the empire, where modernity had yet to gain a foothold. See: Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law*, 3–4; Harris, *Private Lives, Public Spirit: Britain, 1870-1914*, 209–210; Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*, 150–51, 216, 219–220.

<sup>11</sup> Martin, *Alter-nations: Nationalisms, Terror, and the State in Nineteenth-Century Britain and Ireland*, 107–111, 126.

“terrorism” originated in the same period, as did the government’s creation of the Criminal Investigation Department and a “special branch” of the Metropolitan police, both of whose initial purpose was to apprehend Fenian “terrorists.”<sup>12</sup>

The eradication of criminality, as already indicated, was a key index of British modernity and civilization—the primary justifications for British imperial expansion. In the Ireland of the nineteenth century, however, British modernity and civilization encountered a less formidable foe in nationalism than they would in the Palestine of the twentieth century. It is true that even some British commentators noted the incongruity of London’s championing nationalist struggles in Europe while it sought to strangle that for Irish independence “at home.”<sup>13</sup> Nevertheless, in the middle decades of the nineteenth century, British authorities had greater latitude in ranking various nationalisms according to their moral status. Some nationalists were noble, others nefarious.<sup>14</sup> Such convenient compartmentalizing drew far more suspicion and scrutiny in the post-WWI period.

The very terms of the mandate system made clear the difference between 1860s Ireland and 1930s Palestine vis-à-vis the British relationship to the nationalist movements within their

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<sup>12</sup> Bennet, “Legislative Responses to Terrorism: A View from Britain,” 947–48; Jenkins, *Fenian Problem: Insurgency and Terrorism in an Liberal State, 1858–1874*, 39; Jenkins, “1867 All Over Again? Insurgency and Terrorism in a Liberal State,” 88.

<sup>13</sup> Jenkins, *Fenian Problem*, 67.

<sup>14</sup> *Ibid.*, 68.

colonial domains.<sup>15</sup> Above all, nationalist movements in the 1930s—especially those in the Near East—were ticking time bombs of political autonomy. London was bound, by its own admission, to recognize Arab independence in Palestine. In nineteenth-century Ireland, by contrast, British authorities could acknowledge the existence of Irish nationalism without thereby committing themselves to an eventual recognition of Irish autonomy. They needed only to impugn the movement’s legality. The emergence of the category of terrorism in the 1860s provided a discursive link between crime and nationalism, thus enabling the British to downgrade to the status of criminal enterprises those national movements that impinged on their imperial prerogatives. Although British commentators and officials similarly characterized the Palestinian rebels as “terrorists” in 1936–39, the link between nationalism and criminality was, by then, less secure.

The revolt years lay nearer to the age of nationalism than they did to the age of empire, to borrow Michael Mann’s terms. As the former epoch approached, nationalism acquired a more

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<sup>15</sup> Article 22 of the Covenant of the League of Nations, which laid out the terms of the mandate system, stated: “Certain communities formerly belonging to the Turkish empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.” The British affirmed these terms, despite their dilatory tactics in recognizing the national independence of Arabs in either of their two mandates (Iraq and Palestine/Transjordan). By the Great Revolt’s commencement in 1936, they had already granted the Arabs of Iraq national independence, and had likewise recognized the national independence of the Arabs of the Arabian Peninsula, although these had not been under mandate. As early as 1921, Colonial Secretary Winston Churchill sought to mollify members of the Arab Executive in Palestine by assuring them that the Jews would have a national home in Palestine, but that this should not be confused with a policy of establishing the whole of Palestine as a Jewish national home. As he explained: “We cannot tolerate the expropriation of one set of people by another or the violent trampling down of one set of national ideals for the sake of creating another”; that is, the Arabs of Palestine had national aspirations, and the British were committed to protecting them. See: Porath, *The Emergence of the Palestine-Arab National Movement, 1918-1929, Volume 1*, 128.

morally muscular connotation. Thus, the British were compelled to disavow the notion that their post-WWI occupation of Iraq and Palestine/Transjordan amounted to a covert colonialism, riding roughshod over the national aspirations of the region's inhabitants. Quite the contrary, the very pretext of the British presence in the Arab Middle East was the building up of independent nation-states there. Such a project inhibited the British ability to characterize nationalists as criminals. By contrast, as Mann observes, "In the Age of Empire imperialists did not have to attempt 'nation-building' because the only nations were European ones ... 'Third World' nationalism ... only began to sustain broader-based rebellions in the twentieth century."<sup>16</sup> The revolt of 1936–39 was a case in point.

British imperial discourse in the post-WWI period was also more racially restricted than it had been in the nineteenth century. This made it more difficult to suggest that an entire population might be criminally inclined. G.K. Peatling correctly observes that "depicting terrorist or revolutionary movements as a minority of fanatics without organic relation to the surrounding community" was "a strategy etched deeply into the history of counterrevolutionary thought ..."<sup>17</sup> Nevertheless, the nineteenth-century credibility of racial stereotypes enabled the British to slide between two depictions of "terrorists." One day they were a fanatical few hiding amidst an upstanding population; the next their fanaticism was representative of their racial group more broadly—that is, they were prone, like all Irishmen, Indians, etc., to irrational violence. In theory, these two formulations did not accord. Within a discourse immersed in racism, however, their tension was not always easily apprehended. Thus, even as pillars of the mainstream British press

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<sup>16</sup> Mann, *Incoherent Empire*, 87–88.

<sup>17</sup> Peatling, "The Savage Wars of Peace: Wars against Terrorism in Nineteenth-Century Ireland and India," 163.

downplayed the popularity of Fenianism in the 1860s, the notion that the Irish generally were a race of “unreformable savages” persisted.<sup>18</sup> With few exceptions, the same could not be said openly of Arabs in the 1930s, certainly not when the mandate instrument explicitly stated that they had “reached a stage of development where their existence as independent nations can be provisionally recognized.”<sup>19</sup> Yet, the British did not possess an alternative discursive repertoire tailored to the new realities of a nationalized world. They continued, therefore, to characterize rebels as terrorists. And while London was slow to equate Palestinian nationalism with criminality, it was quick to suggest that those claiming the nationalist mantle in the mandate were, in reality, a minority of criminals operating among—and influencing for the worse—an otherwise law-abiding people.

Arab Palestinians were alert to the British criminalization of their movement for national autonomy. It took two forms. First, the authorities in Jerusalem institutionally and juridically

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<sup>18</sup> Jenkins, *Fenian Problem*, 34, 82. See also the third chapter (“Envisioning Terror”) of Amy Martin’s *Alter-Nations*, which features an analysis (and several specimens) of popular cartoon depictions of Irish revolutionaries, all of which strongly visually demarcate Irish from English characters, typically via the simianization of the former.

<sup>19</sup> Even privately, British officials were less inclined to invoke racist explanations of the instability in Palestine than one might expect. Charles Townshend claims that “large generalizations about ‘the Arab’, ‘the Orient’, and especially the ‘Arab mind’ ... reappeared constantly throughout the British attempts to cope with the events of 1936–39.” But while such judgments were by no means rare in British discussions of the revolt, Townshend overstates their ubiquity. More common than this orientalist rendering of the rebellion among British officials was a criminological one, which referred routinely to “gangs” and “bandits,” and almost always placed military references to the rebels (commander-in-chief, army, etc.) in scare quotes. Townshend himself hints at this fact when he notes in passing that “the principal explanatory device” of Arab “fanaticism” was “rivalled only by attributions of outright criminality to Arab leaders.” See: Townshend, “The Defence of Palestine: Insurrection and Public Security, 1936–1939,” 920.



managed Arab national protest as a criminal matter.<sup>20</sup> Second, they did so with an awareness of the two dramatic structures (nationalist uprising and crime wave) to which the events of 1936 and after might conform in the minds of both international and domestic observers. The only viable Arab response to the first type of criminalization was to wage a military campaign against the mandatory state carrying it out. In reply to the second type, however, Arab writers, activists, political organizers, and militants articulated their own criminological critique of the pro-Zionist British policy in Palestine. They did this in speeches and writings, on posters and in pamphlets, and via symbolic action—all with an eye to the same international and domestic onlookers whom the British sought to sway. Thus, the rebels not only attacked British soldiers, they wore their own military uniforms. They not only blew up British post offices, they printed their own stamps. They not only eschewed the British criminal justice system, they set up their own courts of law. In short, they mirrored their oppressors, and thereby exposed the British presence in Palestine for what it was: not a civilizing (or, as it were, nationalizing) mission—a superfluous exercise among a population with its own army, courts, and statal infrastructure—but an act of force, undertaken in the interests of the British and Zionists, and at the expense of the Arabs.<sup>21</sup>

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<sup>20</sup> Indeed, even when the British began dealing with the rebels as they would an opposing army, they refrained from declaring martial law, lest they legitimate the idea that this “army” had a more plausible claim to be protecting the interests of the Arab population than did the British themselves.

<sup>21</sup> Of course, Arab atrocities against Jewish noncombatants compromised this critique—especially given the promotional machinery at the disposal of the Zionist and British political establishments, which broadcast these crimes far and wide. By contrast, the Arab capacity to effectively promulgate its criminological framing of the very presence of the British in Palestine—to say nothing of the brutality on which that presence depended, or the Zionist objectives that it furthered—was far more limited.

### **A word on theory and methodology**

Although discursive in nature, the above analysis offers no ready-made solution to the perpetual riddle of discourse; namely, the relationship between ideology and social structure. That house of mirrors is far easier to enter than it is to exit, and is therefore best left unexplored in the present context. Suffice it to say that I agree with those scholars who, following Robert Wuthnow, steer clear of correspondence and cultural adaptation theories.<sup>22</sup> These analytic models invariably portray ideological production as a reflection of socioeconomic reality, and then introduce rescue devices such as false consciousness to account for apparent anomalies. They explain little about how ideological production actually occurs and are, in any case, empirically dubious since quite similar socioeconomic milieus produce decidedly divergent ideologies. I concur, in a word, with Joel Beinin's observation that "ideas and materialities ... are mutually interpenetrable and interdependent."<sup>23</sup> Thus, while receptive to Immanuel Wallerstein's notion of a world system of nation-states, the ideological contours of which are rooted to some extent in a global economic order, I reject any Marxist reductionism that may attach to such a view.<sup>24</sup> Alternatively, drawing on Michael Mann, I regard the ideological and economic (along with the military and political) characteristics of any given society as mutually constitutive of that society, and bring this

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<sup>22</sup> See: Wuthnow, *Communities of Discourse: Ideology and Social Structure in the Reformation, the Enlightenment, and European Socialism*, 3–9.

<sup>23</sup> Beinin, *Workers and Peasants in the Modern Middle East*, 2.

<sup>24</sup> Wallerstein, *Unthinking Social Science: The Limits of Nineteenth-Century Paradigms*, 134, 160–61.

perspective to bear on my causal analysis of discursive trends in Palestine.<sup>25</sup> In addressing the struggle for discursive ascendancy among the British, the Zionists, and the Arab population of the mandate, I am—unavoidably but also consciously—thereby also addressing the material conditions on which this discursive struggle acted and to which it reacted.

I have adhered to no fixed methodological program in this connection. My primary concern has been to approach the British and Zionist archives—as well as the secondary literature in English, Hebrew, and Arabic—with empirical rigor. I have made every effort not to draw broad conclusions about a given incident, period or individual from a shallow sampling of the relevant documents. I have also sought to maintain a critical awareness of the archive's limits as a historical resource. To the extent that I have succeeded in the latter capacity, I hope to have elucidated the unspoken assumptions and guiding orientations of British colonial, as well as Zionist, thought. Above all, by clarifying the mandatory's causal implication in the events of 1936–39 and the ideological developments with which that process was imbricated, I hope to have enriched the scholarly understanding of the Great Revolt.

## **Chapter summaries**

Chapter one details the early and abiding tendency of the mainstream Zionist leadership in Palestine, as well as the bulk of British officialdom, to frame nonviolent resistance to British rule

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<sup>25</sup> According to Mann, society is not unitary, but rather consists of overlapping sociospatial power networks. As systems of production, meaning, defense, and law are interdependent, so when their interdependence is institutionalized, a society is formed. But institutionalization emerges from first order human needs. Mann's model thus contrasts with Marxist notions of society as composed of levels; for example, base and superstructure, where the economic institutions of the base explain the other levels. See: Mann, *The Sources of Social Power Volume 1: A History of Power from the Beginning to A.D. 1760*.

in the mandate as criminality. However, it also explores an important divergence of perspective between Zionist leaders and British officials. While the British regarded the 1936 strike as criminal in the sense of being illegal, Zionist spokesmen pressed a stronger charge. They insisted that actual violent criminals were behind both the seemingly peaceful strikers and the armed bands that began appearing in the hills in the second half of May 1936. More specifically, the Zionists accused the Arab Higher Committee of orchestrating armed attacks against British forces and Jewish noncombatants, as well as hiring thugs to coerce ordinary Arabs into participating in the strike.<sup>26</sup> They denied what seemed increasingly apparent to the British; namely, that a movement of national protest had taken root among the Arab population at large, whose leaders risked forfeiting their social and political status if they even appeared to oppose it. British intelligence confirmed this view, as did the many meetings British officials held with Arab leaders in the weeks after the strike's launch.

Among the topics addressed in these meetings, two were salient. The first is well known. The Arab leadership demanded that the British recognize Arab national rights in Palestine, just as they had in Iraq and Egypt.<sup>27</sup> The second topic, however, is less noted in the literature on 1936. It concerned the pervasive reports of British misbehavior emerging from Arab villages throughout Palestine. Arab representatives repeatedly drew officials' attention to the brutality of the so-

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<sup>26</sup> JA to high commissioner (HC), 17 May 1936, CZA S25/6324; JA to HC, 14 May 1936, CZA S25/6324; Shertok to HC, 6 June 1936, CZA S25/6330; JA executive (Shertok), 7 May 1936, CZA S25/6325; "Note of conversation with the Rt. Hon. J.H. Thomas," 18 May 1936, CZA S25/7559

<sup>27</sup> "Minutes of a meeting held at government house on the 5th May, 1936, at 5 p.m.," 13 May 1936, CO 733/310/2; "Minutes of a meeting held at Government Offices on the 30th May, 1936, at 12 noon," 6 June 1936, CO 733/310/3; First Arab Rural Congress to HC, 24 May 1936, FO 371/20028

called “village searches” the government began conducting in May 1936. Despite their official description, these “searches” amounted of a preemptive campaign of terror designed to impress upon Arab villagers the folly of resisting British rule. The record indicates that they had the opposite effect. Arab leaders—from village mukhtars to Arab Higher Committee spokesmen—consistently cautioned British officials that the ferocity of the searches was bound to generate a retaliatory response.<sup>28</sup> Anglican missionaries, whose work brought them into the villages on a regular basis, said the same.<sup>29</sup> But the authorities in Jerusalem ignored these warnings. And government officials would later neglect to factor the village search policy into their accounts of the revolt’s early unfolding. More precisely, they would mention the searches only to lament that they had not been carried out with greater firmness.<sup>30</sup> In its own survey of the rebellion’s first phase, the 1937 Peel Commission likewise deplored that the British had been so hesitant to employ force in the early weeks of the strike.<sup>31</sup>

The existing scholarship on the revolt has tended to reproduce this lacuna in the British narrative of 1936–39. As chapter one details, chronologies of April–October 1936 typically either ignore or mention only in passing the village searches. They attribute nothing in the way of causal significance to these violent British escapades. Drawing uncritically on the British

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<sup>28</sup> Meeting of high commissioner with ‘ulema of Jerusalem, 1 June 1936, CO 733/310/3; Arab Orthodox Priests Congress for Palestine and Transjordan to high commissioner, 18 July 1936, Israel State Archives (ISA), Jerusalem, 5076/4-2

<sup>29</sup> Archdeacon in Palestine to Stanley Baldwin, 16 July 1936, Jerusalem and the East Mission papers (JEM), GB165–0161, Box 62, Files 1–2, Middle East Centre Archives (MECA), St. Anthony’s College, Oxford.

<sup>30</sup> “Military Lessons of the Arab Rebellion in Palestine, 1936,” General Staff, Headquarters, The British Forces, Palestine & Transjordan, February 1938, The National Archives, London, War Office (WO) 191/70

<sup>31</sup> *Summary of the Report of the Palestine Royal Commission*

government's own accounts, such histories fail to appreciate both the purpose and the timing of the searches. But a close reading of the government documents, coupled with the evidence available in Arab, Zionist and British sources, reveals that the goal of the searches was not, as mandate authorities claimed, the recovery of weapons and wanted men. Rather, the searches were designed to frighten the Arab population into obedience at a time of rising British anxiety over instability in the mandate. The same sources demonstrate that punitive measures against the Arab population began earlier and endured longer than researchers have hitherto appreciated. While scholars have generally followed Yehoshua Porath in regarding the first phase of the revolt as a period of "no repression," in fact the British resorted to repressive measures early and often.<sup>32</sup>

The British shift in May 1936 to a policy of violent repression in the mandate was accompanied by a discursive adjustment in the direction of the Jewish Agency and other mainstream Zionist institutions. As noted above, Zionist spokesmen and pundits insisted from the first that the strike was a criminal affair.<sup>33</sup> While British officials had early on conceded the illegality of the strike, they had also refrained from classing Arab Palestinian nationalist agitation in general as mere crime. From the time of their institution of the village searches in late May 1936, however, British discourse—as reflected in official documents, newspapers, and private correspondence—began increasingly to characterize the instability afflicting the mandate in criminological terms.

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<sup>32</sup> Porath, *The Palestinian Arab National Movement: From Riots to Rebellion (Volume Two, 1929–1939)*, 195.

<sup>33</sup> JA executive (Shertok), 7 May 1936, CZA S25/6325; "Strike forced on Arabs," 27 April 1936, *Palestine Post*; "Business as usual in spite of hooligans," 27 April 1936, *Palestine Post*; "Deal with the instigator," 29 April 1936, *Palestine Post*

As noted, the same terms have recurred in contemporary scholarly treatments of the rebellion. Often the “crime wave” thesis of the revolt appears as a default framework in accounts of 1936, but some writers have been more explicit in laying out the criminological dimensions of the rebel movement of this period.

Chapter two begins with an analysis of these writers’ claims, and argues that they overstate the criminal presence among the rebels, and meanwhile overlook an important element of the prevalent Arab Palestinian criminological understanding of the time. The latter I characterize as the “crimino-national horizon” of the Arab Palestinian political imagination, which consisted of the Arab discernment of the above-noted discursive adjustment of May 1936 and after; that is, of the simultaneity of British violence, on the one hand, and the British insistence on the criminal nature of the targets of that violence, on the other. Observing their British oppressors, Arab Palestinians came to appreciate that national autonomy depended on an apparatus of violent coercion. This apparatus came draped in a legitimizing symbology of power, which conferred moral authority on its possessors while criminalizing their victims. Thus, in an important sense, crime lay at the heart of the national project. Erecting national institutions—the building blocks of a national state—required the use of violence, and violence was justified only when employed against criminals. Palestinian nationalists and criminals alike took their cues from this curious calculus. While Arab writers and spokespersons insisted on the criminality of both British policy in the mandate and the British means of enforcing it, Arab rebels

commandeered the core British symbols of national sovereignty, including military uniforms, national flags, and even courts of law.<sup>34</sup>

Such tactics were part of a “war on the discursive frontier,” which the Arabs waged against the British and the Zionists, and vice versa. In both private communications to the authorities in Jerusalem and London and public commentary in newspapers and other forums, Arabs not only repudiated but also reversed the criminal charge of their British and Zionist antagonists.<sup>35</sup> While they found sympathy among elements of the British press, the notion that Arab violence against British forces in Palestine might be legitimate lay beyond the pale of mainstream British political discourse.<sup>36</sup> British consensus in this regard was bolstered by Arab

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<sup>34</sup> This Arab absorption of the criminological premises of British imperial discourse is arguably an instance of a phenomenon noted by Partha Chatterjee. Chatterjee argues that nationalism's spread rests on the ability of colonial nationalist discourse to set up the rules of the discursive game at the thematic level, such that those who would resist it must first partake of it. It is at this level that latter-day nationalisms, when confronting Western colonial penetration (that is, when being drawn into the world economic system), absorb essentialist and Historical (as Prasenjit Duara would have it) presuppositions into their discursive foundations. From these foundations, anti-colonial nationalist struggles are carried forward, as are their adherents, into the world system. See: Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse*, 39–43, 50–52.

<sup>35</sup> Arab Women of Jaffa to HC, 8 July 1936, ISA 5076/4; Awni Abdul Hadi [*sic*] to HC, from detention camp at Sarafand, 12 July 1936, ISA 5076/4-2; Mustafa Kabha, *The Palestinian Press as Shaper of Public Opinion, 1929–1939: Writing up a Storm*, 187; ISA 3060/6-5; Sufian, “Anatomy of the 1936 Revolt: Images of the Body in Political Cartoons of Mandatory Palestine”; Bowden, *The Breakdown of Public Security: The Case of Ireland 1916–1921 and Palestine 1936–1939*, 148; ‘Abd al-Wahhab Kayyali, *Watha’iq al-Muqawama al-Filastiniyya al-‘Arabiyya*, 442–43; Duff, *Palestine Picture*, 174–78, 191, 260–61.

<sup>36</sup> See, for examples: “The Arab and Zionist Policy,” 17 July 1936, *Spectator*; “The Problem of Palestine,” 30 May 1936, *The New Statesman and Nation*



attacks against Jewish civilians in July and August, which *The Palestine Post* and other Zionist outlets publicized as evidence of the criminal quality of the revolt.<sup>37</sup>

But as of August 1936, the British criminological discourse regarding the rebellion in Palestine began to fragment. With the support of the press, British officials continued to insist in public on the criminal nature of Arab violence in the mandate, and declared in early September that the government would adopt more severe measures to suppress it.<sup>38</sup> Privately, however, military analysts were presenting a more nuanced picture of events in Palestine to their civilian overseers. British intelligence reports continued to regard fatal attacks on troops and police as “murders” and to deny the patriotic conviction of the rebels. But they also conceded that the Arab “gangs” were not motivated primarily by monetary or material gain, as were traditional gangs.<sup>39</sup> In September, the high commissioner and other officials publicly abandoned the premise that the Arab Higher Committee was not behind the campaign of violence, thus validating the Zionist depiction of the rebellion.<sup>40</sup> Privately, however, military planners advised that the AHC held little influence over the rebels. The revolt was not the work of a cabal of criminals stirring

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<sup>37</sup> See, for examples: “Trace the Responsibility,” 16 August 1936, *Palestine Post*; “Martha Fink, Nechma Tsedek,” 18 August 1936, *Davar* (Hebrew). Meanwhile, the Yishuv at large abided by the principle of *havlagah* or non-retaliation against Arab assaults. This policy lent credence to the Jewish claim that it was an Arab campaign of criminal violence—and not a civil war between two national communities—which had broken out in Palestine.

<sup>38</sup> “Palestine: Statement of Policy,” 7 September 1936, CO 733/297/5

<sup>39</sup> Royal Air Force (RAF) Summary, Palestine and Transjordan, 7 August 1936, FO 371/20030; CID periodical appreciation summary no. 14/36, 18 August 1936, ISA 1058/21-2; CID periodical appreciation summary no. 15/36, 1 September 1936, ISA 1058/21-2; RAF summary, Palestine and Transjordan, 28 August 1936, FO 371/20030; Headquarters, British Forces in Palestine & Transjordan, “Weekly Summary of Intelligence, Palestine and Transjordan,” 11 September 1936, FO 371/20030

<sup>40</sup> “Palestine: Statement of Policy,” 7 September 1936, CO 733/297/5

up a credulous population, but rather a popular revolution anchored in longstanding (and long-stated) Arab grievances against British policy in the mandate.<sup>41</sup>

Why, in that case, did British officials insist on pinning the charge of criminality on the Arab leadership, as the Zionists had long urged them to do? The post-WWI discourse of British imperialism demanded it. London's criminalization of nationalist agitation in Palestine and other British territories was, of course, a carryover of its earlier policy of proscribing any effective resistance to colonial rule. In 1871, for example, the British proposed the existence of entire "criminal tribes" in northern India, and under that rubric resettled whole villages.<sup>42</sup> By 1936, however, "criminal tribes" were no longer a viable pretext for the violent repression of an entire population. This was especially so in Palestine, an "A" mandate whose population, along with that of Iraq, London had long since acknowledged as having reached the threshold of national autonomy, and who required only British "administrative advice and assistance" in order to cross it.<sup>43</sup> The British were thus in no position to direct a sweeping charge of criminality at the broader Arab Palestinian population. They were obliged, rather, to isolate a minority criminal element as the party responsible for disorder in the mandate, and then to carry out whatever repressive measures were necessary in the name of combatting that element.

The "crime wave" framing of the rebellion became all the more imperative in September 1936, by which time British planners were convinced that more severe measures would be required to quell the disorders. The only acceptable pretext for these measures was curbing crime

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<sup>41</sup> Cabinet meeting of 2 September 1936, CAB 56 (36); "Military Lessons of the Arab Rebellion in Palestine, 1936," pp. 28–29, WO 191/70

<sup>42</sup> Brown, "Colonial History and Theories of the Present: Some Reflections upon Penal History and Theory," 76-89.

<sup>43</sup> See footnote 15.

in the name of law and order—and, by extension, for the good of the broader population of Palestine, including the majority of Arabs. As noted, however, classified military intelligence indicated that the disorders had emerged organically, and were not primarily the result of the Arab leadership's efforts.

Moreover, the same sources revealed that the “criminal” element in question—that is, the rebel formations launching attacks on British forces—had begun organizing themselves in the manner of a professional army. Their attacks were well planned, their intelligence first-rate. For all its utility as a public relations exercise, the “crime wave” understanding of the revolt would prove useless in real-world engagements with the rebels. And thus, behind closed doors, British discussions of the insurgent movement began moving in the direction of acknowledging the military nature of the problem it posed. These were, as one report put it, “soldier-bandits”—not quite an army, but also not mere “gangs.”<sup>44</sup>

The rebels had succeeded in drawing the British out onto the crimino-national horizon. The evidence was not merely the private British admission that they faced something more than “bandits” and “murderers” in Palestine, but also the fact that London's attention soon shifted to the legality of British repressive measures in the mandate. Officials were divided on this issue, with one group arguing that the government should declare martial law forthwith, and the other contending that any such action would expose British forces to charges of criminality, including murder. As chapter two demonstrates, this difference of opinion turned on two competing conceptions of mandatory law. Those favoring martial law maintained that the British just were the law in Palestine. Their actions were therefore licit by definition. Those opposing martial law

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<sup>44</sup> CID periodical appreciation summary no. 16/36, 28 September 1936, ISA 1058/21-2

denied this equation, holding that the British were the keepers of an independently existing legal order in Palestine, as in their other imperial domains; that is, the British, like those over whom they exercised authority, were subject to a higher law. A declaration of martial law might grant British forces immunity from prosecution under said law, but the very act would thereby amount to a confession of British criminality in Palestine. While granting soldiers and police unrestricted powers of coercion in the mandate might enable the British to win the war for political control of Palestine, it would simultaneously force them to forfeit the war on the discursive frontier.

This latter view won the day. London finally decided against declaring martial law, and instead—with the aid of Arab leaders from neighboring states—reached a cease-fire with the rebels. This turn of events galled not only the Zionist establishment in Palestine, but also the British military authorities there. Both were confident that the cease-fire was a temporary expedient whose only long-term beneficiaries would be the insurgents, who could now regroup and prepare for a renewed revolt. Fearing firm action, they contended, the British civilian leadership had coddled criminals, whose influence, in consequence, they would only strengthen.<sup>45</sup>

In at least one sense, however, those opposed to martial law proved prescient. For it was their narrative—one of British moderation—that would endure as the common historical understanding of the 1936 revolt. Refraining from a decisive military victory allowed the British to achieve a more important victory on the discursive frontier. Few doubted the British capacity to crush an insurgency. It was, rather, the vaunted British commitment to law and order which

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<sup>45</sup> Private notes of Colonel Fredrick Kisch, 2 October 1936, CZA S25/4391; “Dear Mr. Graves ...,” 12 October 1936, CZA S25/4509; “The Situation of the head of the gangs in Transjordan,” 4 November 1936, *Davar* (Hebrew); “Letter from GOC to Gen Sir Henry Jackson,” 26 February 1937, WO 282/1; Simson, *British Rule in Palestine and the Arab Rebellion of 1936–1937*, 248.

anti-colonial movements had begun, with some success, to draw into question. British restraint in the face of provocation testified to this ideal. And such restraint would go down in history as the primary theme of the 1936 revolt. Indeed, the theme was prominent in the very first “histories” of 1936, which were the government’s own summary reports for April-October and the 1937 report of the Royal Commission (or Peel Report).

Chapter three offers an analysis of the latter, including the conditions surrounding its production and publication. Most importantly, it addresses British actions in the immediate aftermath of the report’s July 1937 issuance. Although the British press fixated on a supposed surge of criminal activity in Palestine that summer, the government’s own statistics reflected only a modest uptick in intercommunal violence between Jews and Arabs.<sup>46</sup> Faced with a surfeit of information regarding the persons immediately responsible for this circumstance, mandate authorities pursued a policy of “vicarious punishment.” This consisted of sweeping up and incarcerating for long periods large numbers of persons against whom the British possessed no evidence of wrongdoing. As Arab leaders had urged British authorities to refrain from acts of provocation in the villages in 1936, so they now cautioned officials that the mass punishment of innocent persons would only increase the probability of a renewed armed rebellion.<sup>47</sup> Alas, these leaders would shortly fall prey to the very policy they criticized.

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<sup>46</sup> “Renewed crime in Palestine,” 13 August 1937, *Times of London*; “Lawlessness in Palestine: need for sterner punishments,” 18 August 1937, *Times of London*; “More disorders in Palestine,” 31 August 1937, *Times of London*; Office of Statistics, general monthly bulletin of current statistics of Palestine, September, 1937, ISA 4908/8-2

<sup>47</sup> “Copy of a Telegram received by the Prime Minister, London, on the 19th August, 1937, from the Arab Higher Committee,” ISA 622/7-2

With the assassination of the assistant district commissioner in Galilee in September 1937, the problem of British ignorance vis-à-vis street-level developments within the Arab Palestinian community took on a new urgency. In Galilee as elsewhere, the British found it “impossible to catch the criminals,” as the deputy undersecretary of state bemoaned.<sup>48</sup> Their solution was to apply “vicarious punishment” more broadly, such that it encompassed the whole of the Arab Palestinian political community, which the British declared illegal. The members of the Arab Higher Committee and the national committees became outlaws overnight. Thus did the pendulum of British policy swing back in the direction of the major Zionist organizations, which continued to insist that the AHC was responsible for all disorder in the mandate.

Disorder did indeed spread from September 1937, which marked the commencement of the revolt’s second phase. British public opinion was shocked at the Galilee assassination. *The Times of London* and other papers immediately denounced the Arab “murderers” of British officials and security personnel in Palestine. They were adamant that order should be restored there, however distasteful the means.<sup>49</sup> But even as the British press presented a largely united front regarding the criminal nature of the instability in the mandate, the British government was again fracturing, this time along departmental lines.

While the War Office and Colonial Office advocated simply shutting down Palestinian political life and ruthlessly pursuing the armed Arab “bandits,” the Foreign Office came increasingly to promote a contrary view. Its senior expert on Palestinian affairs was the head of

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<sup>48</sup> “Note of Conference at the Colonial Office on the 30th September, 1937,” CO 733/341/17

<sup>49</sup> “The Terrorists in Palestine,” 8 October 1937, *Spectator*; “The Palestine Murders,” 28 September 1937, *Times of London*; “The Murders in Palestine,” 30 September 1937, *Times of London*; “The Nazareth Murders,” 2 October 1937, *New Statesman and Nation*

its eastern department, George Rendel. Although other officials continued to speak in unqualified terms about the “criminal” campaign the Arabs were waging against the British, Rendel persistently pointed to the difficulty of distinguishing criminal from nationalist activity in the mandate. Indeed, Rendel’s sensitivity to the Arab nationalist critique of British policy in Palestine prompted him to oppose the Peel Commission’s partition proposal well ahead of other British officials. But while Rendel’s critique of partition proved one of his enduring legacies, his concerns about the government’s broad-brush criminalization of Arab Palestinian nationalism failed to penetrate the inner circles of power in London. He was specifically troubled by the fact that the British, by treating all Arab violence as a criminal matter and ignoring the nationalist grievances that animated it, were foolishly limiting their strategic options in Palestine to one: force. And such force, Rendel noted, more often than not punished the innocent.<sup>50</sup> In other words, he was prepared to listen to the concerns of the Arab leaders who had long warned of the dire consequences of “vicarious punishment”; namely, that it would feed, rather than foil, the rebellion.

Few other British officials were so disposed. Indeed, by late 1937, a tendency to regard Arab Palestinians at large as criminally inclined had crept into the upper ranks of British officialdom.<sup>51</sup> According to this line of thought, severe repression was an unfortunate necessity when dealing with benighted peoples. An anachronistic imperial sensibility thus took hold, one impossible to express in public statements regarding Palestine, which continued to assert that

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<sup>50</sup> “Palestine: question of martial law,” 20 October 1937, FO 371/20817.

<sup>51</sup> Battershill to Shuckburgh, private communication, 21 November 1937, CO 733/332/12; “Assassination of Mr. L.Y. Andrews, District Commissioner, Galilee, and Mr. P.R. McEwan, British Constable,” 9 October 1937, CO 733/332/10

British forces were doing battle with a minority criminal element among an otherwise law-abiding Arab population. Meanwhile, British planners in London and Jerusalem resolved to press forward with the partition proposal, and to employ whatever violence proved necessary to persuade the Arab population that resistance was futile.

As chapter three documents, said violence was substantial. To the harsh techniques employed in 1936 were added torture and extrajudicial killing. Some British officials privately expressed misgivings over these measures. But the government's overriding concern was to deny the many (predictable) charges of British brutality emerging from the Arab Palestinian community and appearing, increasingly, in German and other hostile newspapers.<sup>52</sup>

As Arab spokesmen had warned, the British decision to intensify repressive actions throughout the mandate only strengthened support for the rebels among the Arab population at large. The entire idea of Arab "moderates"—on whose behalf the government was ostensibly fighting the forces of disorder—was rapidly losing credibility.<sup>53</sup>

Among the more salient indices of the popular Arab rejection of British behavior in Palestine were the rebel institutions that began emerging on a large scale in 1938. By that summer, there existed an expansive and cohesive system of rebel courts, for example. The various rebel commanders heeded these courts' decisions, and the majority of Arabs brought

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<sup>52</sup> "Arab propaganda regarding British troops in Palestine," 23 March 1938, FO 371/21871; C.W. Baxter to the secretary-general, League of Nations, Geneva, 28 April 1938, FO 371/21875; Professor Rushbrook Williams (Colonial Office) to Mr. Bowen, "Dissemination of authentic news regarding Palestine," 25 May 1939 and 6 June 1939, FO 395/654

<sup>53</sup> Note of J.S. Bennett, 16 December 1938, CO 733/379/3; Ayles to Downie, 19 October 1938, CO 733/372/16



their legal disputes to them instead of the mandatory courts.<sup>54</sup> At the same time, British intelligence reported that the assorted armed Arab factions were approaching an unprecedented level of military professionalism. Although not fully integrated, their unity of purpose and basic level of cooperation gave them “certain claims to the dignity and power of a national cause,” as the Criminal Investigation Department reported.<sup>55</sup>

While the rebels pursued their own project of institution-building, they simultaneously laid siege to the institutions of the mandate. These included government post offices and police stations, as well as the transportation and telecommunication systems. The men carrying out these attacks wore uniforms, and identified themselves by military rank.<sup>56</sup> By October 1938, they had succeeded in bringing the machinery of British governance in Palestine to a halt in all but a few territorial enclaves.<sup>57</sup> The absurdity of continuing to regard a movement of such organizational sophistication simply as criminals was well illustrated in a Colonial Office account of a rebel assault on government buildings in Beersheba:

The gang approached the buildings in military style in a convoy of three trucks, headed by the commander who was travelling in a car. They are supposed to have numbered 60 to 70 ... The gang evidently knew the lie of the land and behaved in a disciplined way according to a preconcerted plan. They split into three parties on descending from the vehicles, one going to the post office and wireless station, another to the district offices and a third straight to the police station and

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<sup>54</sup> “Report of the operations carried out by the British Forces in Palestine & Trans-Jordan, period 20th May to 31st July, 1938,” pp. 2–3, WO 32/9497; Porath, *Riots to Rebellion*, 248; “History of the disturbances of in Palestine, 1936–1939,” WO 169/146; HC to CS, 24 October 1938, CO 733/366/4; Shepherd, *Ploughing Sand: British Rule in Palestine, 1917–1948*, 204; Ghandour, *A Discourse on Domination in Mandate Palestine: Imperialism, Property and Insurgency*, 10.

<sup>55</sup> HC to CS, 2 September 1938, FO 371/21863; Ghandour, *Discourse*, 99–100.

<sup>56</sup> Shertok to Moody, 5 September 1938, CZA S25/4951

<sup>57</sup> Townshend, “The First Intifada: Rebellion in Palestine 1936–39”

prison. The first party wrecked the wireless apparatus, while the third demanded the keys of the armoury from the Arab police ... They secured the keys and stole a Lewis gun, 75 rifles and 10,000 rounds of ammunition. The prison was also opened and the prisoners allowed to escape. The band then made off in their cars in orderly fashion. The whole operation was completed in twenty minutes, and British police who came to the rescue on hearing shots were too late to catch the bandits.<sup>58</sup>

Amid a description of an operation of such military proficiency, the persistent references to “gangs” and “bandits” became almost farcical.

Indeed, in the second half of 1938, the insurgency achieved a degree of institutional strength that prompted many British officials to privately concede that the habit of regarding the rebels as “hooligans” and “criminals” was impeding the authorities’ ability to manage the disorder in the mandate.<sup>59</sup> Nevertheless, the scholarship on the revolt has typically presented the rebel movement in this period as being riven by debilitating factional and sectarian infighting.<sup>60</sup> The broader perspective explored in chapter three suggests that any such depiction is simplistic. The scale and scope of rebel institutions as of 1938 indicate that whatever intramural quarrels

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<sup>58</sup> HC to CS, 24 October 1938, CO 733/366/4

<sup>59</sup> Note by secretary of state beginning “You should read No. 15 before ...,” 28 September 1938, CO 733/371/1; Bushe to Lord Dufferin, 26 July 1938, CO 733/372/1

<sup>60</sup> Thus, John Marlowe writes: “In the smaller villages there was another important factor which contributed more perhaps to the ultimate defeat of the rebellion than any action taken by the military. This was the existence of the bitter family feuds which are endemic in Arab village life. Because of these feuds it was impossible for the rebels, even with the aid of terror, to gain the unanimous support of any village. There was always an irreconcilable opposition which no terror could entirely quench. Arab nationalism was quite unable to transcend these feuds, and terrorism exacerbated instead of suppressing them ... In the villages the rebellion gradually deteriorated into a series of struggles between various local factions.” See: Marlowe, *Rebellion in Palestine*, 226–27.

may have hobbled cooperation among the various rebel factions, they were not sufficient to fundamentally undermine the revolt.

As detailed in chapter four, only the British could do that. At the time of its decision to abandon the Balfour Declaration in late 1938, the British government could not reveal its new plans for Palestine. The strictures of imperial discourse forbid it, as they had the public criminalization of the Arab population. Rather, in an effort to maintain democratic pretenses, the colonial secretary announced that Arab, Jewish and British leaders would convene in London in early 1939 in order to reach an agreement regarding the future of Palestine. British officials naturally hoped that they would be able to persuade Arab and Jewish leaders of the wisdom of His Majesty's proposals, but they had no intention of being deterred from them if either party proved uncooperative. Nevertheless, the government could announce no new Palestine policy until after the conference, and the rebels had meanwhile taken over most of the country. The counterinsurgency would therefore have to continue, and with greater intensity given the enormous rebel gains.

The augmentation of the British military effort in the mandate became possible with the Munich agreement of late September 1938. With Hitler at bay, London sent four more battalions to Palestine, bringing the total number of troops in the country to 20,000. While this robust force imposed "law and order" throughout the country, British planners believed that the government's reversal on partition would still the winds of popular support which had long blown at the rebels' backs.

This strategy, however, posed new problems. The first difficulty turned on the specific means by which London intended to unburden itself of the commitment to establish a Jewish

state in Palestine. As noted, these involved preliminary discussions between British, Arab, and Jewish representatives in London. But such discussions created an immediate dilemma. The only figures with a plausible claim to leadership of the Arab Palestinian community were members of the exiled and outlawed Arab Higher Committee—the same men whom British officials had been publicly characterizing as gangsters and criminals. The second problem was equally formidable. Although London hoped to win back the favor of the Arabs by backing out of its Balfour obligations, the unleashing of 20,000 troops into the cities and villages of Palestine was bound to inflict hardship upon—and thus provoke bitterness among—the very same Arabs.

The British did not pursue their new policy in the mandate oblivious to these difficulties, but they remained poorly positioned to mitigate either of them. This was particularly so vis-à-vis the Arab population of Palestine, which could hardly be fooled regarding either the hypocrisy of British negotiations with so-called “criminals” or the harsh realities of British repression. Officials therefore focused on a more feasible objective: managing British public perception of events in the mandate. The mainstream British press proved sufficiently docile not to create a scandal over the delicate matter of the status of the government’s Arab negotiating partners in London. It was likewise circumspect in touching on the matter of British brutality from late 1938 forward, when the counterinsurgency entered a phase of unprecedented severity. Indeed, insofar as the major British papers took up the issue of police and military misbehavior in Palestine, they did so mostly to deny and denounce such charges.<sup>61</sup>

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<sup>61</sup> “German critics of Britain,” 21 October 1938, *Times of London*; “Palestine,” 3 December 1938, *New Statesman and Nation*; “Palestine and Syria,” 14 January 1939, *New Statesman and Nation*

There were, however, sources of information that concerned London apart from the major papers. Above all, the longstanding community of Anglican missionaries in Palestine had, throughout the revolt years, proved an irritant to the authorities in Jerusalem. The bishop in Jerusalem and other clergy and laypeople spent a good deal of time among Arabs, in both rural and urban settings. They saw the evidence of police and troops' rampant destruction of property in the villages. They heard testimony regarding the British humiliation and maltreatment of Arab men and women, as well as of atrocities and torture. Moreover, they wrote to British authorities about these matters, and met with officials in Palestine to discuss them.<sup>62</sup>

By 1938, in the face of ongoing British indifference to their concerns, the missionaries' voices had grown more insistent. In some cases, their photographic and other evidence of British malfeasance began appearing in pro-Arab literature and pamphlets in London.<sup>63</sup> At the same time, German and other hostile foreign newspapers were publishing stories of British atrocities in Palestine. While London had little power to check this foreign nuisance, it took firm measures to deal with the missionary menace. In particular, top officials removed from Palestine the two most credible and assiduous chroniclers of British misconduct in the mandate. They thus obstructed

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<sup>62</sup> Archdeacon to chief secretary, 2 June 1936, JEM, GB165-0161, Box 61, MECA; Archdeacon in Palestine to Stanley Baldwin, 16 July 1936, JEM, GB165-0161, Box 62, Files 1-2, MECA; Newton to Pirie-Gordon, 12 March 1938, CO 733/370/8; Bishop in Jerusalem's letters to the archbishop of Canterbury, 26 February 1938, JEM, GB165-0161, Box 61, Files 1-2, MECA; "NOTES: The Bishop's Visit to the Chief Secretary," 17 February 1938, JEM, GB165-0161, Box 61, File 3, MECA; Bishop in Jerusalem to chief secretary, 25 February 1938, JEM, GB165-0161, Box 61, File 3, MECA; "Notes by D.W.I. on Interview with the Chief Secretary," 26 February 1938, JEM, GB165-0161, Box 61, File 3, MECA; Newton to Col. Newcombe, JEM, GB165-0161, Box 65, File 4, MECA; Newton to Pirie-Gordon, 12 March 1938, CO 733/370/8

<sup>63</sup> Miller, "The other side of the coin: Arab propaganda and the battle against Zionism in London, 1937-48"

the few channels of communication through which information regarding the nature of the counterinsurgency in Palestine might have reached the British public.

As chapter four demonstrates, they had every reason to do so. From late 1938 forward, British troops and police scattered the rebel formations and killed their commanders. Along the way, they brought enormous pressure to bear on the Arab civilian population of Palestine, destroying entire villages and killing and maiming untold numbers of innocents. Meanwhile, the British military financed and fought alongside Arab “peace bands” composed of anti-rebel partisans whose base of support among the broader Arab population was negligible.<sup>64</sup> British troops also broke up and physically destroyed the rebel courts that marked the institutional apex of the entire insurgency.<sup>65</sup> All of these activities were part of a proactive British campaign to internally divide and destroy the rebel movement. In their reports from late 1938 and the first half of 1939, British military planners were adamant that absent a full-scale and continuous counterinsurgency, the rebel groups would reconstitute themselves and live on to fight another day.<sup>66</sup> Their assessments, and the record more broadly, testify to the causal implication of the mandatory in the revolt’s ultimate collapse, and run counter to the near exclusive emphasis in the scholarship on the causal primacy in this connection of Arab disorganization and disunity.

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<sup>64</sup> Kabha and Serhan, *Salsalat Dirasat al-Tarikh al-Shafuyi le-Filastin, Vol. 4: Sijl al-Qada wal-Thuwwar wal-Mutatawi‘in li-Thawrat 1936-1939*, 87.

<sup>65</sup> HC to CS, summary of events for 9 November–15 December 1938, 29 December 1938, CO 733/398/2, pp. 25–26; HC to CS, summary of events for 15–29 December 1938, 16 January 1939, CO 733/398/2, p. 8; “Troops Surprise Rebel Court,” 31 October 1938, *Times of London*; “Gang Leaders in Palestine,” 27 March 1939, *Times of London*; HC to CS, 19 April 1939, CO 733/398/2

<sup>66</sup> HC to CS, 12 January 1939, FO 371/23220; “My dear Bill ... ,” 1 January 1939, WO 216/111; GOC to WO, 8 April 1939, CO 733/404/2

While British forces crushed the insurgency in Palestine, British officials conducted negotiations with Arab representatives in London. As noted, however, these discussions were a public relations exercise, which the government undertook to maintain democratic appearances before the international community. They were therefore less notable for their ultimate breakdown than for the criminological shifts they entailed with regard to both British and Zionist political discourse. While neither party ceased to insist on the criminal nature of the Arab rebellion, each began directing the criminal charge at the other as well. British accusations of political “extremism” long reserved for Arabs began appearing in official descriptions of Jews in late 1938.<sup>67</sup> In the aftermath of the London conference’s collapse, British authorities came to regard the bulk of the Jewish community in Palestine as “extremists.”<sup>68</sup> In the meantime, the colonial secretary drew the attention of Zionist leaders and the British public to the legitimate grievances that had led many misguided (though well-meaning) Arabs to take up arms against British forces.<sup>69</sup> For their part, the leaders of the Yishuv emerged from the debacle of the London conference with a new perspective on His Majesty’s government. They regarded its actions in the mandate as illegal, even criminal. They dismissed with contempt the supposed association of the

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<sup>67</sup> Summary of events for 9 November–15 December 1938, 29 December 1938, CO 733/398/2; Cabinet Conclusions (Extract), No. 10 (39), 8 March 1939, FO 371/23229

<sup>68</sup> HC to CS, 2 June 1939, CO 733/398/3

<sup>69</sup> “Extract from House of Commons Debates,” 24 November 1938, pp. 1992–1993, FO 371/21871

British empire with law and order. They resolved to defy any law designed to impede the establishment of a Jewish state in Palestine.<sup>70</sup>

Within this shifting criminological mosaic, one piece remained stationary. Even as the rebellion collapsed in the summer of 1939, the Arabs maintained, as they had from the beginning, that British actions in the mandate amounted to an illegal violation of the Arab majority's national rights, carried out in the name of a Jewish community whose interests London privileged above those of the indigenous population of Palestine. It would be left to the Zionists, however, to more forcefully press the criminal charge upon the British several years later, when Jewish rebels finally drove the self-proclaimed guardians of "law and order" out of Palestine in the name of a higher law.

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<sup>70</sup> Bethell, *The Palestine Triangle: The struggle between the British, the Jews and the Arabs 1935–48*, 67; Litvinoff and Rose (eds.), *Letters and Papers of Chaim Weizmann, Volume XIX, Series A, January 1939–June 1940*, 45, 67; Summary of events for 10 March–8 July 1939, 21 July 1939, p. 5, CO 733/398/3; Bar-Zohar, *The Armed Prophet: A Biography of Ben Gurion*, 65.



## CHAPTER ONE

### **Crime is Chaos, Punishment Order: The Repression of Arab Nationalism in the Early Months of the Palestine Revolt of 1936**

#### **Introduction**

19 April 1936 was a Sunday, the first day of the Jewish week. Jewish and Arab merchants in Palestine began opening their shops early that morning, as was their habit. Although tension between the two communities had been escalating over the preceding days, weeks, and months, it did little to slow the routine of their commercial interactions in the Old City of Jerusalem, where Jewish and Arab quarters were nestled together in close proximity, and denizens often knew each other by name.<sup>71</sup> Pinhas Zuckerman was therefore likely familiar with the Arab who remarked to another customer in his shop that morning, “It has begun. You [Jews] already killed two Arabs.”<sup>72</sup> The man referred to an incident of two days prior in Petah Tikvah. At the same moment, a curiously similar—and contrastingly false—rumor was spreading out west, in Jaffa, according to which Jews in Tel Aviv had murdered two Arabs (the number would grow in the course of the day). Such whispers meant trouble, particularly at politically delicate times, as Jews in Palestine well appreciated. Seven years earlier, in August 1929, when sensationalized reports of rioting in Jerusalem reached Jaffa, Arab mobs there raped, tortured and slaughtered members

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<sup>71</sup> The same was apparently true in other parts of Palestine. As Barbara Kalkas notes of this period, “... Palestinian ladies retained their *chic* Jewish dressmakers and continued to use European imports from the Jewish-owned retail stores which dotted Palestinian cities.” See: Kalkas, “The Revolt of 1936: A Chronicle of Events,” 237.

<sup>72</sup> Testimony of Naphtali Baruch, CZA S25/4239 (Hebrew). The same incident is recounted in an English translation of Baruch’s statement, in which the translator mistakenly construes בוקר (“morning”) as “evening.”

of the Jewish community, although the majority of the town's Jews were spared by Arabs who hid them in their homes.<sup>73</sup> This and other gruesome incidents lingered in the collective memory of the Yishuv, creating an atmosphere of suspicion and even paranoia regarding the supposedly violent proclivities of Arabs.

Intervals of restlessness, in which intercommunal altercations accumulated rapidly, stoked feelings of apprehension and fear among Arabs as well. A few days before the Arab man's unsettling comment in Zuckerman's store, some Arab highwaymen preying on passengers between Nablus and Tulkarm wounded two Jews and slew a third in the course of a robbery.<sup>74</sup> Jews retaliated the next day against Arabs in Tel Aviv and were presumed by British authorities to be responsible for the above-mentioned killing of two Arabs near Petah Tikvah twenty-four hours later.<sup>75</sup> On the latter day, 17 April, some of the mourners departing the funeral of the victim of the highwaymen proceeded from Tel Aviv towards Jaffa "with unlawful intent," according to the written testimony of the city's assistant superintendent of police.<sup>76</sup> There British policemen turned the crowd away with baton charges. Back in Tel Aviv, a group of Jews near the Cinema Ophir assaulted an Arab gharry-driver named 'Abd al-Rashid Hassan, and several others in the city broke into and wrecked the shop of Ibrahim 'Ali Hatrieh.<sup>77</sup> According to a British report, on that single day, "Cases of assault [against Arabs] took place in Herzl Street, Hayarkon Street,

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<sup>73</sup> Segev, *One Palestine, Complete: Jews and Arabs Under the British Mandate*, 323–25.

<sup>74</sup> CZA S25/6324. One of the wounded men died in the days after the attack.

<sup>75</sup> *Ibid.*

<sup>76</sup> HC to CS, 6 August 1936, CO 733/314/5

<sup>77</sup> *Ibid.*

Allenby Road near the General Post Office, outside the Cinema Moghraby and at the seashore bus terminus.”<sup>78</sup>

Despite these occurrences, police station diaries recorded no instances of Arab reprisals against Jews in Jaffa on either the 17th or the following day.<sup>79</sup> But by Sunday, 19 April, Arabs throughout Palestine were prepared to believe the worst upon hearing the rumor begun early that morning regarding their two murdered countrymen.<sup>80</sup> Shortly after 10 A.M., Arabs in Jaffa—having gathered for a parade an hour earlier only to have the municipal authorities deny their permit request—began attacking Jews, who fled from various parts of the city to the bus station opposite the district police headquarters and proceeded from there on buses to Tel Aviv. A Jewish factory owner in the city shuttered his building as Arabs began gathering outside. Several Jews emerged from the crowd, pleading with him for protection. One woman uttered fearfully, “I am a widow!”<sup>81</sup> In the teeming town square, a party of Arabs circulating among the mob set upon a Jew with knives, leaving his gored corpse within a hundred yards of the police station. Two and a half miles across town, at almost exactly the same moment, a second group of Arabs bludgeoned to death a Jew in the vicinity of the Hassan Bey mosque.<sup>82</sup> Jewish counterattacks in Tel Aviv soon followed, and as vehicles carrying wounded Arabs pulled into the Manshieh quarter of

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<sup>78</sup> Interim report on Jaffa riots, April 1936, CO 733/314/5

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> CZA S25/4428

<sup>82</sup> Interim report on Jaffa riots, April 1936, CO 733/314/5

Jaffa, Arab protestors hurled stones at the police, who in turn charged them with batons.<sup>83</sup> By the following day, fourteen Jews and two Arabs lay dead in the two cities.<sup>84</sup>

A few questions press upon us in considering these and subsequent events. The first regards the larger context in which they transpired. Two salient developments transformed Jewish and Arab political strategies in 1930s Palestine. Both marked the decade off from its predecessor. The first pertained to the Zionist labor movement, which formed the institutional heart of the Yishuv in the form of the Jewish Agency and its filiations.<sup>85</sup> The Zionist tactic of dividing Arab labor against the effendi class via Jewish-Arab worker cooperation fizzled out in the 1930s, giving way “to a more or less general recognition that the Palestine conflict was between two national movements (albeit one ‘progressive’ and the other ‘reactionary’).”<sup>86</sup> Class loyalty among Arab

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<sup>83</sup> Ibid.

<sup>84</sup> Palestine: The Disturbances of 1936 Statistical Tables, Jewish Agency for Palestine, December 1936, ISA; Kalkas, “The Revolt,” 240.

<sup>85</sup> The Jewish Agency’s institutional history is complicated. It began as the Palestinian branch of the World Zionist Organization (WZO), which received legal recognition as an international body with the establishment of the British mandate for Palestine in 1923. By 1935, the WZO had offices in close to fifty countries. The Jewish Agency’s authority structure paralleled that of the WZO, consisting of a council, administrative committee, and executive. In 1929, it was expanded such that its council came to consist of Zionists and non-Zionists (many of whom did not reside in Palestine) in equal proportions. The council, in turn, elected the administrative committee’s forty members (also equal parts Zionist and non-Zionist). The council also elected half of the members of the Jewish Agency executive (effectively the Agency’s cabinet), while the Zionist Congress (the core legislative body of the WZO, which staffed its various institutions) elected the other half, drawing from the WZO’s own executive (the Zionist Executive). The members of the Agency’s executive headed its various departments. In 1930, the expanded Jewish Agency officially supplanted the WZO in Palestine, although these institutional links remained. It is important to note that by 1935, Zionists outnumbered non-Zionists on the Agency executive two to one, and were by far the more influential party. See: Burstein, *Self-Government of the Jews in Palestine since 1900*, 33–39; Hurewitz, *The Struggle for Palestine*, 40–41.

<sup>86</sup> Black, *Zionism and the Arabs, 1936–1939*, 8.

workers had not provided the leverage needed to overcome their national loyalties. Zionist strategies premised on cultivating it were therefore abandoned.

The second development concerned the efficacy of Arab non-violent protest against the ongoing British implementation of the Balfour Declaration. Certain logics of political interaction, incipient at the time of the British arrival in Palestine in 1917–18, formed by the 1930s a pattern of such conspicuous predictability as to discredit any political program predicated on their neglect. They involved the sending of an Arab delegation to London, or the staging of an Arab protest in Palestine, or the holding of an Arab conference anywhere.<sup>87</sup>

Whatever and wherever the forum, Arab spokespersons would attempt to persuade the British to abandon the policy of the Balfour Declaration, which opened Palestine's shores to wave upon wave of Jewish immigration, thereby generating endless foreboding among the country's large Arab majority. When not ignoring them, the British would indulge the Arab representatives in dialogue, promise to consider the matter carefully, and then proceed with their policy as before. On occasions when Arab protest turned sufficiently violent, the British sent commissions of inquiry. None of the commissions' recommendations included renegeing on the Balfour Declaration, however, and when their implementation would have required it, the British simply rejected them.<sup>88</sup> Non-cooperation and non-violent demonstrations proved equally unavailing, a

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<sup>87</sup> For early examples, see: McTague, *British Policy in Palestine, 1917–1922*. For a detailing of various Arab conferences and delegations, see: Porath, *The Emergence of the Palestinian-Arab National Movement, 1918–1929*. Arabs staged numerous protests and demonstrations against British policy in the 1920s and 1930s. They held conferences protesting the same in 1920, 1921, 1922, 1923, 1928, etc. They sent three delegations to London between 1921 and 1923 and another after the 1929 Wailing Wall riots, and were in contact with British officials regarding the establishment of a legislative council between 1925 and 1927, and again prior to the 1936 revolt.

<sup>88</sup> The British sent three such commissions to Palestine prior to the revolt, in 1920, 1921, and 1929. See: Verdery, "Arab 'Disturbances' and the Commissions of Inquiry," 275–303.

circumstance so acidic on Arab political organizing that between 1923—when the British mandate became official—and 1928, it ground to a virtual halt.<sup>89</sup> Non-violence was futile, and by the 1930s, everyone knew it. One could argue that the opposite, too, had proven useless; neither the Nebi Musa riots of April 1920, nor the outbreak of violence in Jaffa in May 1921, nor the Wailing Wall riots of August 1929, produced any change in British policy in Palestine. But while clear-sighted in one respect, this perspective was blinkered in another. It failed to take account of developments in the broader region, where Arab “lawlessness” in Egypt and Iraq (and in the French mandate for Syria) paid dividends in the form of government concessions.<sup>90</sup> The British, it seemed obvious, only understood force. The conjuncture of the Arab consensus in this regard with the mainstream Zionist abandonment of Jewish-Arab worker cooperation lent an air of inevitability to incidents such as those in Jaffa. It also ensured that they would be construed quite differently by Jews, Arabs, and Britons.

And thus arises the second question regarding the events of April 1936 and after: How did the witnesses to these deplorable episodes allocate responsibility for them? The pervasive charge in this connection was that of criminality. The Jews and the British bestowed it upon the Arabs, who repaid both in the same coin. The accusation pointed in two directions, toward the lawless, and by that very act back toward the lawful. To name the criminal was to name the chaotic, the unruly, the uncivilized, and thereby to designate tacitly not merely a political order, but order itself: the political transmogrified into the metaphysical. On one side stood the

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<sup>89</sup> Lesch, *Arab Politics in Palestine, 1917–1939: The Frustration of a Nationalist Movement*, 81.

<sup>90</sup> The British granted Iraq independence in 1932, and officially agreed to withdraw from Egypt in May 1936. The French government began negotiating with the Syrian opposition in March 1936, a process which would culminate in Syrian independence that September.

defenders of ontological harmony, on the other those who threatened to upset it. The revolt forced the question of who had the right to force. To answer it was to divide politics into the licit and the criminal—and beyond that, the orderly and the chaotic. This was the discursive game played by all.

The politics giving rise to this game were two-fold: British intelligence regarding the political activities of the Arab population of Palestine had become, by the 1930s, anemic; and, in consequence, the British resorted to restricting Arab political expression by increasingly draconian legal measures. A creeping criminalization of Arab nationalism in the mandate thus set in. In the aftermath of the 1929 Wailing Wall riots, the inspector-general of police in Ceylon, Herbert Dowbiggin, arrived in Palestine to review police procedures and recommend organizational changes in the police force.<sup>91</sup> His report of April 1930 spotlighted the inability of the Criminal Investigation Department (CID) to acquire reliable intelligence on the activities of Arab “agitators.”<sup>92</sup> Dowbiggin’s reforms, however, did little to improve matters.<sup>93</sup> During the

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<sup>91</sup> Kolinsky, *Law, Order and Riots in Mandatory Palestine, 1928-35*, 79.

<sup>92</sup> Ibid., 80, 92-93, 104. The structure of British intelligence in Palestine and Transjordan was three-pronged. It consisted of the “I” sections of Force HQ (or Headquarters, British Forces, Palestine & Transjordan) and the Arab Legion, as well as the Criminal Investigation Department of the Palestine police. While the three agencies ostensibly worked in harmony, they were in practice hobbled by a lack of cooperation based on mutual suspicion. See: “Military Lessons of the Arab Rebellion in Palestine, 1936,” General Staff, Headquarters, the British Forces, Palestine & Trans-Jordan, February 1938, WO 191/70, p. 45. Although the Arab Legion was responsible only for Transjordan, and therefore could not be held responsible for the unforeseen breakdown in security in Palestine in 1929, the “I” section of Force HQ, like the CID, was exposed by the riots. This led to the overhauling of RAF intelligence gathering (Force HQ was under the supreme command of Air Officer Commanding R.E.C. Peirse until September 1936), which entailed, inter alia, increased collaboration with Zionist institutions, including the Histadrut and Haganah. The new RAF framework exacerbated the ongoing tensions with the CID. See: Eshed, *Reuven Shiloah, The Man Behind the Mossad: Secret Diplomacy in the Creation of Israel*, 22–23.

<sup>93</sup> Bowden, *The Breakdown of Public Security*, 157.

1936–39 revolt, the former commissioner of police in Calcutta, Sir Charles Tegart, and the former head of the security service in India, Sir David Petrie, produced another such report. It found that the CID had once again “failed in its primary function, the collection of intelligence regarding, and the investigation of, terrorist crime.”<sup>94</sup>

The British authorities’ crude understanding of Arab political life caused them to resort to crude measures in managing Arab political agitation. Crime, as we will see, certainly did feature in the revolt, as it had in prior outbreaks of violence in Palestine. But the British applied the criminal label in an increasingly expansive manner. Having neglected to extend legal recognition to any Arab Palestinian entity advancing an agenda of national autonomy, the mandatory government effectively rendered all nationalist activity “criminal,” although it pressed this point only when necessary; that is, only under conditions of Arab protest that threatened the stability of the political order in the mandate.<sup>95</sup> The criminal law ordinance that the British put in place after the Wailing Wall riots, for example, not only criminalized disparagement of the British flag but also broadened state powers of collective punishment. The government proclaimed these measures in the name of “public order,” where the public in question did not recognize the legitimacy of the mandate (certainly not as then constituted).<sup>96</sup> Likewise, the December 1933

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<sup>94</sup> Kolinsky, *Law, Order and Riots*, 102-103.

<sup>95</sup> The British had acted similarly in Egypt after the 1919 nationalist uprising there. As Martin Thomas observes, British officials in Egypt showed an “inability—or reluctance—to disaggregate criminal behavior from political protest.” Indeed, in all British-ruled territories of the post-World War I period, “the boundaries between political or criminal intelligence and more generic government information about a subject population were always blurred.” See: Thomas, *Empires of Intelligence: Security Services and Colonial Disorder after 1914*, 19, 39.

<sup>96</sup> *Official Gazette of the Government of Palestine*, 25 October 1929; Kolinsky, *Law, Order and Riots*, 110. Such conceptions of crime (insulting the flag, etc.) likely created a divergence of perspective between Arab policemen and their British supervisors, and thus help to explain the British difficulty in acquiring intelligence on “criminals.”



Prevention of Crime ordinance—enacted after riots broke out late that year—permitted district commissioners in Palestine to take preemptive legal action against suspected troublemakers with no evidence in place other than the “known character” of the individual in question. The accused was allowed no legal appeal to this charge.<sup>97</sup> While this increase in repression ostensibly served as a stopgap for the lack of actionable intelligence that might have enabled the British to preempt such violent episodes, it actually exacerbated the original problem by further alienating the Arab population from the mandatory government.<sup>98</sup>

The British had early on mitigated such alienation by profoundly reshaping and modernizing the landscape of Palestine. This included the development of transportation and communications infrastructure, and involved substantial investments in Arab education and medical care. Arab access to the highest echelons of British power in Jerusalem and London was, moreover, unprecedented in the history of British imperial governance.<sup>99</sup> But it did not compare to that of the Yishuv. As Gideon Biger observes, the government’s “conduct toward the Jews, primarily its acquiescence in their virtually unrestricted immigration and endorsement of Jewish

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<sup>97</sup> Ibid., 111.

<sup>98</sup> Tom Bowden writes, “Police intelligence remained inadequate down to 1936 and almost completely dried up thereafter as a result of the Arab terror and boycott.” See Bowden, *The Breakdown of Public Security*, 157. Arab terrorization of potential informants no doubt played an important role in the attenuation of British intelligence in 1936. But as demonstrated below, British repression likely played a much larger role in this connection. This is to say nothing of the widespread support for the rebels among the Arab population in 1936. Indeed, the War Office placed the latter factor first in its explanation of the dearth of British intelligence in the revolt’s first phase: “Sympathy with the rebels, intensified by universal intimidation, made it virtually impossible to obtain from Arab inhabitants or prisoners any useful information regarding the enemy.” See: “Military Lessons,” WO 191/70, p. 46.

<sup>99</sup> Biger, *An Empire in the Holy Land: Historical Geography of the British Administration in Palestine 1917–1929*, 178–87, 252–65, 275.

development initiatives, was almost without parallel” in the British colonial experience.<sup>100</sup> British and Jewish development of Palestine amounted to a “joint structure,” with the British “lay[ing] the infrastructure” and the Jews “depend[ing] on it for the success of their settlement endeavours.”<sup>101</sup> Arabs, by contrast, were perpetually excluded from decisions regarding Jewish immigration. More broadly, the mandatory authorities did not recognize Arab political organizations, and more often than not simply ignored them. This created a distance between British and Arab political institutions much greater than that obtaining between British and Jewish political institutions, and made the preservation of “law and order” in the mandate—that

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<sup>100</sup> Ibid., 274. With specific reference to the British high commissioner in Palestine at the time of the revolt, Arthur Wauchop, Naomi Shepherd observes: “No High Commissioner became so intimately involved with the Zionist leadership, repeatedly taking them into his confidence in a way he never did the Arab leaders, and telling them in advance of many of his plans for maintaining order.” See: Shepherd, *Ploughing Sand*, 184–85.

<sup>101</sup> Ibid., 244.

is, the maintenance of the politically asymmetrical state of affairs in Palestine—increasingly dependent on force.<sup>102</sup>

It is worth noting that the government's consequent resort to juridical and finally military repression of the Arabs was of a piece with its failure to engage Arab ideological production at its points of origin. This failure precluded what Raymond Williams has deemed the "true condition of hegemony"; that is, the individual's internalization of the hegemonic worldview, as signified by her resignation to the naturalness (or, at a minimum, necessity) of the hegemonic

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<sup>102</sup> Through the period of the revolt, for example, the British neglected forge connections between rural political structures and the legal apparatus of the mandatory state. As Naomi Shepherd records, "Legislation in 1934 increasing the powers of municipal corporations and local councils in the towns was not extended to the villages; in contrast with the towns, neither the village elders nor the mukhtars ... had any legal powers." Nor were there any legal specifications for the job of mukhtar, a situation that led to many villages being "dominated by one family which did not represent the community." British "point-men" at the rural level were therefore frequently out of sync with their supposed constituencies, thus limiting the extent to which the mandatory state could reach down to the level of the individual in these areas, both in terms of observation and, further, production of political activities and mentalities; that is, in Foucauldian terms, the extent to which the government could individuate this part of the population. As a result, when British authorities in Palestine faced rural rebellion and resistance, their menu of strategic options was reduced to one: brute force, typically in the form of collective punishment. Such tactics, in turn, further alienated the peasantry, many of whom, by the time of the revolt, had not actually seen a Briton in decades. As Jacob Norris notes: "By the summer of 1939 General Haining was forced to admit that 'contact with the fellah [Arab peasant] has been almost completely lost during the last three years of trouble.'" This dilemma was by no means restricted to rural areas, however. In 1925, for example, High Commissioner Herbert Plumer sought to extend that year's redraft of the 1924 Collective Responsibility Ordinance to urban areas. The response of the colonial secretary was telling. According to the secretary, the ordinance's application to towns "could not fail to lend colour to any criticism that the reason why we have to resort to such special legislation is that our policy is so much detested that the Arabs cannot otherwise be made to acquiesce in our rule." See: Shepherd, *Ploughing Sand*, 197, 200–201; Norris, "Repression and Rebellion: Britain's Response to the Arab Revolt in Palestine of 1936–39," 32; Townshend, "Defence of Palestine," 942.

order.<sup>103</sup> The imposition of the natural is a critical thread of disciplinary power (Foucault).<sup>104</sup> The punitive measures attendant on the latter entail a “double juridico-natural reference,” which redirects the offender to (and, ideally, reincorporates the offender into) the ontology s/he has transgressed.<sup>105</sup> Such punishment, however, exists within a wider regime of largely non-punitive disciplinary mechanisms, which partitions the space and coordinates the activities of its objects

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<sup>103</sup> Williams, *Marxism and Literature*, 118.

<sup>104</sup> Williams, of course, argues that hegemony must be conceived in a manner that encompasses, but is not restricted to, socialization, whether the latter is undertaken by the state itself or by private institutions such as churches or news media. I want here only to emphasize the importance of the naturalization (as it were) of hegemonic ideologies, and to suggest that disciplinary power is, in theory, a means of realizing it. I am less concerned, incidentally, with the mandatory state’s manifestation or implementation of disciplinary power than with the latter’s function as a foil to coercive repression. That the British state in Palestine pursued disciplinary modes of popular control is not in dispute. However, as Lois McNay observes, the extent of disciplinary power’s historical operation has been drawn into doubt by Foucault’s own “inability to sustain the central insight of power as a positive force” in his work. See: McNay, *Foucault: A Critical Introduction*, 100. Disciplinary power should therefore not be construed in a manner that allows it to crowd out entirely more traditional, repressive conceptions of power. In this connection I knowingly echo Joseph Massad’s claim that “the nation-state governs through a disciplinary-judicial dyad, which is both *productive* and *repressive* ... ”; that is, repressive when not productive, and vice versa. See: Massad, *Colonial Effects: The Making of National Identity in Jordan*, 4. Emphasis in original. Where the mandatory state failed to insert itself into the habitual minutiae of its subjects’ daily lives—where it neglected to adopt a generative role in their political aspirations and dispositions—it had little option but to resort to coercion when faced with their resistance.

<sup>105</sup> Foucault, *Discipline and Punish: The Birth of the Prison*, 180–82. See also: Ransom, *Foucault’s Discipline: The Politics of Subjectivity*, 52–53.

in a manner so fastidious as to culminate in their uninterrupted coercion-supervision.<sup>106</sup> The British failure to realize this state of affairs in the mandate nourished Arab Palestinians' disaffection and anger regarding the government's indifference to their demands. Instead of internalizing the inevitability of their political exclusion via the British educational and medical institutions acting upon their bodies, Arabs drew on their increased literacy and longevity to mobilize and to agitate against it. While the British met these efforts with interdiction and force, such tactics were not continuous with the disciplinary ensemble required to seamlessly merge punishment with inculcation. Repression was, rather, a graceless last resort, and a sign of the government's weakness vis-à-vis its Arab subjects. Instead of smothering the revolt, British violence nurtured it.

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<sup>106</sup> This "panoptic principle" should not be naively construed as a mere coupling of the subject's visibility to the state with the state's productive elaboration of the subject's identity, disposition, etc. This would be to adopt too literal and too limited a sense of the transfer of the panopticon's function in the prison setting to the broader social setting. Rather, visibility in the broader social setting consists not only of the state's capacity for surveillance, but also of the subject's constant exposure to discourses—whether psychiatric, hygienic, criminological, or other—embedded in and constitutive of the society at large. These give rise to a "vigilance of intersecting gazes"—an example of individuals "simultaneously undergoing and exercising ... power"—which serves to measure, evaluate, and finally to inculcate into the subject a set of behavioral and identitarian norms with which he himself identifies. It is important to recognize that this identification entails a confessional tendency vis-à-vis "abnormalities" and "aberrations"—what Foucault deems an "internal ruse of confession"—which may be drawn on by official institutional actors, including those comprising the state apparatus. This, too, is a form of visibility, though its proximate cause is the subject's own conscience and the sense of normality with which it is imbricated. Coercion-supervision, then, depends both on the literal visibility emerging from the urban spatiotemporal arrangements that render the movements and activities of bodies both functional and observable—what Paul Rabinow aptly describes as a "totalizing social planning"—and also on the conformity and transparency born of the subject's own compulsion to act according to a set of norms and to disclose or confess violations of the same. See: Foucault, *Discipline and Punish*, 200–209, 216–17, 227–28; Foucault, *Power/Knowledge: Selected interviews and other writings*, 98; Foucault, *The History of Sexuality, Volume 1: An Introduction*, 60; McNay, *Foucault*, 90–100; Rabinow, *French Modern: Norms and Forms of the Social Environment*, 82.

The British criminalization of Arab nationalism in Palestine was an ontological claim regarding order and chaos. But the British failure to individuate the Arab population of Palestine—to draw them into a disciplinary apparatus that would naturalize the “criminality” of violent political protest against the government and its policies—drew the curtain back on the discursive machinery underlying this claim. The Arabs knew that they were being cast as criminals, and were therefore positioned to identify such casting as a form of power, which might be turned back upon the British and the Zionists.

The aim of this chapter is to clarify the nature and function of British and Zionist criminological discourses in Palestine in the early months of the 1936 revolt, and to detail the Arab subversion of these discourses. It begins with a survey of the perspectives of the revolt’s main actors: British military and civilian officials in Jerusalem and London, and principal institutions of the British press; key members of the Jewish Agency, the World Zionist Organization, and the Jewish press in Palestine, including the popular voices of the Yishuv on/ into which they fed; and Arab institutions, both formal and informal, including the Arab Higher Committee, the locally situated national committees, the Arab press, and various smaller political formations existing within the Arab community at large. Having taken stock of these differing frames of reference vis-à-vis the burgeoning revolt, the chapter takes stock as well of the scholarship on this period, noting the extent to which it has reproduced British and Zionist narrative themes at Arab expense. This analysis is followed by an exploration and appraisal of one such theme that is of particular importance; namely, the shift in British and Zionist discourse towards a “crime wave” model for understanding the strike and rebellion. While pursuing a chronological narrative in the main, where appropriate I have elected to step outside the flow of events in order to regard the more protracted developments that are germane to the discursive

trends I seek to elucidate—some of which, as noted, extend from the period of the revolt itself into that of the modern scholarship addressing it.

### **Jewish, British, and Arab perspectives on the early months of the revolt**

Jewish, British, and Arab perspectives on the strike and emergent violence of the weeks and months after 19 April came quickly to revolve around the question of crime; that is, who the real lawbreakers were in Palestine, and what entitlements accrued to their victims, especially with regard to violence. The relationship between crime and violence was fiercely recursive. Criminal activity warranted and indeed necessitated violent repression. Violence, in turn, was a sure sign of criminality. Any accusation of criminality triggered a reciprocal charge. Any party's resort to violence fed the perception of its criminality. The result was a downward spiral of criminalization and violence. In this section, we treat the incipient intercommunal dynamics giving rise to this process, and attempt to correct the imbalance in scholarly attention paid to the perspectives of the three parties involved by giving particular emphasis to Arab voices.

Evidence of the Jewish perspective on the violence of April 1936 comes from the files of the Jewish Agency.<sup>107</sup> Its legal committee transcribed the statements of Jewish witnesses to the events of those distressing days, which culminated in the commencement of an Arab general strike on 22 April. A Jerusalem shop-owner named Naphtali Baruch interpreted the latter as a

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<sup>107</sup> As noted, the Jewish Agency was the institutional hub of the Yishuv, as well as the “sounding board of Official Zionist policy.” The “official” Zionists embodied the mainstream of political discourse in the Yishuv, and had ambivalent relations with their two primary competitors, the right-wing Revisionists and the left-wing bi-nationalists. Although important differences marked these groups off from one another, they had become negligible by late May 1936, by which time all three were agreed that British repression of the burgeoning revolt was the only feasible course forward. See: Haim, *Abandonment of Illusions: Zionists Political Attitudes Toward Palestinian Arab Nationalism, 1936–1939*, 3–8, 41.

hollow attempt by the Arabs to establish their credentials as a national entity or “people.” He regarded this faux collective as something much closer to a rabble, as evidenced by their harassment of a merchant from Hebron—an incident, he noted deplorably, that prompted no police response.<sup>108</sup> Yisrael Lugal, the mukhtar of the Old City, claimed that even in the days after the 22nd, Arabs and Jews in Jerusalem continued to have cordial relations. Both groups attributed much of the trouble to British mischief, as opposed to one another. But as the Arab press published and Arab leaders repeated allegations against the Jews, the calm began to give way, especially among the youth. Lamented Lugal: “Every day I see young punks interfering with vendors at Jaffa Gate.”<sup>109</sup> These “young punks,” according to one H. Eden, were part of a “terrorist” vanguard, to whom the bulk of the Arab population in Jerusalem were quietly opposed. He specified that “in normal times,” this youth element “sits at the cards and acts as intermediaries [*sic*] between the various criminals.”<sup>110</sup>

Such street-level testimonies dovetailed with the claims of the Jewish Agency leadership, who were concerned above all to impress upon the British their interpretation of the rapidly unfolding events. The Agency’s highest body was its executive, which consisted of the heads of its various departments, the most important of which was the political department, whose director was the Agency’s primary institutional link to the mandatory government.<sup>111</sup> In 1936, this was Moshe Shertok. On that fateful Sunday, 19 April, Shertok met with John Hathorn Hall, the British chief secretary—along with the treasurer and attorney general, one of three permanent

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<sup>108</sup> Testimony of Naphtali Baruch, CZA S25/4239 (Hebrew)

<sup>109</sup> Testimony of Yisrael Lugal, CZA S25/4239 (Hebrew)

<sup>110</sup> Testimony of H. Eden, CZA S25/4239

<sup>111</sup> Burstein, *Self-Government*, 47.



officers on the high commissioner's own executive council—at approximately 1 P.M. Shertok had learned of the killings in Jaffa two hours earlier. He remarked in a memorandum concerning the meeting, “My main purpose ... was to make sure that the tenor and contents of the first Official Communique on the disturbances should not be given the usual wrong twist ...”<sup>112</sup> The secretary disappointed him, refusing to back away from his description of the events in Jaffa as “clashes” rather than what Shertok insisted they were, “an attack by Arabs on Jews.”<sup>113</sup> This led to a discussion of the attempt by Jewish mourners on 17 April to enter Jaffa, a “story” that Shertok “refused to believe.”<sup>114</sup> He likewise downplayed the attacks on “some Arab gharry drivers” in Tel Aviv by attributing them to “foolish youths.”<sup>115</sup> Hall was unmoved. Dissatisfied, Shertok left off with the secretary in hopes of a more fruitful dialogue with his superior, High Commissioner Arthur Wauchope.<sup>116</sup>

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<sup>112</sup> “Note of an interview with the chief secretary on Sunday, April 19th, 1936,” CZA S25/6324

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> The detailed British report on these incidents painted a less innocent picture: “... from 6.0 p.m. [*sic*] onwards every Arab gharry-driver found in Tel-Aviv was either threatened or actually assaulted and literally chased back to Jaffa. Places where incidents occurred indicate that the Arab-baiting was not the work of one party, but was widespread.” The account continued, “There can be no doubt that when reports of such incidents reached Jaffa they caused a certain amount of resentment among the Arabs ...” See: Interim report on Jaffa riots, April 1936, CO 733/314/5

<sup>116</sup> The high commissioner was the top Colonial Office functionary in Palestine, and reported to the cabinet via the secretary of state for the colonies (or colonial secretary). The British government had integrated its Middle Eastern policy with the formation of the Middle East Department (under the Colonial Office) in 1921. Prior to that time, its policymaking in the region had been split among the War Office, the Foreign Office, and the India Office. While the Colonial Office was technically ascendant in Palestine at the time of the revolt, the Foreign Office became increasingly engaged in the Palestine issue from the beginning of the revolt in April 1936, and pressed for a greater appreciation of the potentially catastrophic international ramifications of continued adherence to the Balfour Declaration. See: Kedourie, *Islam in the Modern World, and other studies*, 93.

It was Chaim Weizmann, however, a British Jew and the president of the World Zionist Organization, who secured an audience with Wauchope two days later, on 21 April. The high commissioner informed Weizmann that Arab leaders, “one after another,” had expressed both regret and surprise concerning the violence in Jaffa.<sup>117</sup> He likewise suggested in a letter to Shertok a few days later that the Arab leadership were not behind the disorders.<sup>118</sup> For his part, Shertok hardly regarded the Arab leaders as worthy of the name. He claimed that they had “seized the revolutionary chance for staging a big national show in the form of a general strike ...” He alleged further that their supposed followers were overwhelmingly opposed to the strike, and participated only under duress.<sup>119</sup> From these premises, it was a short step to the conclusion that the strike was a criminal affair. Shertok reported to members of the Jewish Agency in London, “We pressed [Wauchope] to declare the strike illegal in the sense that incitement to the strike and open organisation of it should become punishable ...”<sup>120</sup> Weizmann argued similarly to Wauchope’s ostensible overseer, Colonial Secretary J.H. Thomas, in a conversation at Claridge’s Hotel in London on 18 May. He explained to Thomas that the high commissioner’s view of the work stoppage as a reflection of Arab mass sentiment was mistaken, and that “if one was [*sic*] prepared to spend the necessary money, there would be no difficulty in calling off the strike”; that is, there existed no deeply rooted national movement of protest among the Arabs, and paying the right people would reveal as much.<sup>121</sup>

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<sup>117</sup> “Note of an interview between His Excellency the High Commissioner and Dr. Chaim Weizmann on April 21, 1936,” CZA S25/6324

<sup>118</sup> Wauchope to Shertok, 24 April 1936, CZA S25/6324

<sup>119</sup> JA executive (Shertok), 7 May 1936, CZA S25/6325

<sup>120</sup> Ibid.

<sup>121</sup> “Note of conversation with the Rt. Hon. J.H. Thomas,” 18 May 1936, CZA S25/7559

In one important respect, the British evaluation of the circumstances of April 1936 (and the weeks following) came quickly to converge with that of the Jewish Agency. While Wauchope's assessment of the state of affairs was more nuanced than the Agency's, he ultimately required little persuading with regard to Shertok's insistence that the strike be criminalized. The high commissioner wrote to Thomas on 18 April, suggesting that the present unrest was due in large part to Arab discernment of the fact that violent protest in Cairo and Damascus had led to negotiations with the British in Egypt and the French in Syria. He noted, moreover, that the British had promised the Arabs a legislative council in 1930, but were, as of 1936, still refusing them one.<sup>122</sup> But by 5 May, Wauchope's tone had changed. He was emphatic that the strike was indeed illegal and of a piece with other "criminal" behavior among the Arabs. He reported to Thomas that he had "initiated proceedings under the Criminal Law (Seditious Offences) Ordinance" against the issuing of a manifesto by the Arab transport strike committee, which called upon Arab government employees to stay home from work.<sup>123</sup> He urged members of the Arab Higher Committee (about which more below) not to support the strike, and suggested, in all sincerity, that they send another delegation to London.<sup>124</sup>

In a second respect, however, the British and Jewish framings of the events of April 1936 and after diverged. While the Jewish Agency and many Jewish witnesses on the ground regarded the strike as a vacuous, pseudo-national gesture on the part of the Arab leadership, to which the Arab population at large was averse, Wauchope stressed in a 4 May memorandum, "The hands of

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<sup>122</sup> HC to CS, 18 April 1936, CO 733/297/2

<sup>123</sup> HC to CS, 5 May 1936, CO 733/297/2. Despite Wauchope's insistence on the criminal nature of the manifesto, the document itself called explicitly for "a peaceful general strike for all private and public motor cars and means of transport ..." Manifesto of 24 April 1936, CO 733/310/1

<sup>124</sup> Ibid.

the leaders are being forced by extremists and by the fact that the whole of the Arab population is behind the general strike ...”<sup>125</sup> The “extremists” he had in mind—as the immediate context of the remark made clear—were the transport strikers, whose manifesto called explicitly for “a peaceful general strike.”<sup>126</sup> Thomas communicated Wauchope’s interpretation of events to the cabinet on 13 May, along with the high commissioner’s reassertion (in response to earlier cabinet objections) of the need for the British government to appoint a commission to investigate the disturbances. Such a gesture, he insisted, “might enable the Arab leaders to call off the strike and the present unrest.” The cabinet conceded Wauchope’s point, but insisted that he make the appointment of a commission conditional on the restoration of “law and order,” and that he announce this publicly.<sup>127</sup>

Despite the appearance of conflict, the high commissioner and his superiors were now in fundamental agreement that the Arab leadership needed an excuse in order to call off the strike. They thus regarded the latter as a popular phenomenon—not, as the Jewish Agency maintained, a ruse foisted upon the Arabs by their unscrupulous representatives. As Wauchope explained to Thomas on 16 May, “A demand was pressed upon [the Arab leaders] *from all Arab quarters in Palestine* that the strike should continue ...” The leadership was, he emphasized, “powerless to stop the strike unless [Jewish] immigration is suspended ...”<sup>128</sup> The Royal Air Force (RAF)—who held supreme command over the armed forces in the mandate until September 1936—issued an intelligence summary for April 1936, which likewise concluded that the strike, having begun

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<sup>125</sup> HC to CS, 4 May 1936, CO 733/310/1

<sup>126</sup> Manifesto of 24 April 1936, CO 733/310/1

<sup>127</sup> Extract from cabinet conclusions 36(36), 13 May 1936, FO 371/20020

<sup>128</sup> HC to CS, 16 May 1936, FO 371/20020. My emphasis.

in Jaffa and spread to other towns, initially “lacked any central control.”<sup>129</sup> The Arab “authorities” were following the strikers, not leading them.

This was not news to the Arabs themselves, whose understanding of the circumstances of mid-1936—their nature and history—differed markedly from that of the Jews and the British. Three developments were especially salient for Palestinian Arabs in 1935–36. The first was a new, unprecedentedly large influx of European Jews—62,000 in 1935—who were fleeing the Nazi menace in central Europe.<sup>130</sup> The Arab leadership in Palestine, operating with effectively universal popular sympathy, had for nearly two decades advanced three demands to the British: halts to Jewish immigration and land purchases, and the establishment of a democratic government reflecting the country’s Arab majority. As of 1935, they had achieved none of these objectives. And the largest annual wave of Jewish immigration in Palestinian history painfully underscored the fact. This circumstance was aggravated by the simultaneous slump in Arab wages and rise in Arab unemployment.<sup>131</sup> The second development pertained to the second of the perennial Arab demands: Jewish land purchases. As with Jewish immigration, the figures for Jewish acquisition of land in Palestine peaked in the period preceding the strike and accompanying violence of 1936. By 1930, Jews held over a million dunums (four million acres) of land in the country. At 62,000 dunums, Jewish purchases in 1934 were greater than the

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<sup>129</sup> “Monthly summary of ‘intelligence’, Palestine and Transjordan,” 29 April 1936, FO 371/20030.

<sup>130</sup> The Jewish portion of the population shortly approached thirty percent. See: Waines, “The Failure of the Nationalist Resistance,” 232.

<sup>131</sup> Matthews, *Confronting an Empire, Constructing a Nation: Arab Nationalists and Popular Politics in Mandate Palestine*, 236.

previous three years combined, and they shot up to 73,000 in 1935.<sup>132</sup> Notes Ann Mosely Lesch, “In 1935, [the] high commissioner asserted that the fear that the Jewish community is ‘eating up the land’ is felt ‘in every town and village in Palestine ... ’”<sup>133</sup> The third significant development for Palestinian Arabs in 1935–36 was the nascent flowering of a public sphere, due primarily to the bottom-up organizational efforts of the Istiqlal (Independence) Party, beginning in 1932.<sup>134</sup> The latter played on and exacerbated the credibility problem of the traditional Arab leadership or “notables,” whose fruitless protests and diplomatic missions, and generally ingratiating approach to the British, increasingly alienated them from the broader Arab population. From late 1933 to the autumn of 1935, however, the Istiqlalists and other youth-oriented Arab political parties in Palestine were largely dormant. It was Jaffa port workers’ interception of a Tel Aviv-bound shipment of weapons concealed in barrels of cement that reinvigorated grassroots Arab political networks in mid-October 1935.<sup>135</sup> By then, many Arab youths, intellectuals, and workers had become seasoned political activists, garnering press coverage for the nationalist cause and staging popular demonstrations that brought pressure to bear upon the traditional Arab leadership.<sup>136</sup>

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<sup>132</sup> Lesch, *Arab Politics in Palestine*, 68.

<sup>133</sup> *Ibid.*, 70.

<sup>134</sup> Matthews, *Confronting an Empire*, 2.

<sup>135</sup> *Ibid.*, 237–38.

<sup>136</sup> *Ibid.*, 240. The press itself provides another index of the expanding Arab public sphere in Palestine. While three potential Arab publishers applied to the government for newspaper licenses in 1934, nine applied in the last few months of 1935 alone. See: Kabha, “The Palestinian Press,” 171–72. At the same time, the Arab papers were adopting a sharper tone politically, one that increasingly targeted the government for criticism. See: Kabha, *The Palestinian Press*, 173.

The same elements compelled an otherwise bickering and mutually suspicious Arab notability to join forces in the days after 19 April and form the Arab Higher Committee (AHC), with the mufti of Jerusalem, al-Hajj Amin al-Husayni, as its president.<sup>137</sup> The latter, on 21 April, assured the high commissioner that he would “do his best to prevent [the] continuance of disorder.”<sup>138</sup> Wauchope would regard the mufti and the AHC as “moderate influence[s] on more extreme leaders” for some time yet. The AHC, in his view, was “not directly concerned with organisation of strikes,” which had been thrust upon it by the Arab populace at large.<sup>139</sup>

While the mufti and the leadership of the AHC awkwardly attempted to choreograph the actions of a popular movement not of their own making, they and the broader Arab population were in ideological sync regarding two fundamental points. The first was that the Arabs of Palestine, *qua* Arabs, were due the same legal recognition as the Arabs of Iraq, Egypt, and every other Arab territory. They were entitled to national independence. A number of AHC representatives stated this to the high commissioner and chief secretary during a meeting at the government house in Jerusalem on the evening of 5 May. The mufti, for example, explained, “The Palestinians are not inferior in any way to the Iraqi or the Egyptian people, and while these two countries either have had or are about to have their rights recognized, the Jews are opposed to the slightest measure of reform that may be proposed in Palestine.”<sup>140</sup> The AHC’s secretary

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<sup>137</sup> Porath, *Riots to Rebellion*, 165.

<sup>138</sup> HC to CS, 21 April 1936, CO 733/310/1

<sup>139</sup> HC to CS, 23 May 1936, CO 733/310/2

<sup>140</sup> “Minutes of a meeting held at government house on the 5th May, 1936, at 5 p.m.,” 13 May 1936, CO 733/310/2

and Istiqlal representative, Awni ‘Abd al-Hadi, then spoke. Like the mufti, he situated the local conflict in the larger Arab struggle for independence:

While our neighbours in Syria and Egypt are fighting for their independence, the Arabs of Palestine are struggling for their bread. The dignity of the Arabs in this country and their freedom are exposed to danger, and we consider that it is the sacred duty of every one of us to defend his endangered bread and dignity.<sup>141</sup>

A few weeks later, on 30 May, the high commissioner and chief secretary met with the mayors of major Palestinian towns and cities, who drove the same point home.<sup>142</sup> Allowing Jewish immigration to proceed apace, the mayors declared, posed a “danger to [Palestinian Arabs’] future existence” and constituted a “betrayal of ... Arab rights.”<sup>143</sup> Halting immigration would terminate the disorders. Absent that, “neither the [AHC] nor any other leader could ... oppose the people without losing honour and credit.”<sup>144</sup> The high commissioner had received a letter of protest a few days earlier from the “First Arab Rural Congress,” which had recently convened in Acre. It also emphasized the “great danger to our national and racial existence” created by ongoing Jewish immigration, which it declared “completely illegal,” as were the British “attempts to suppress the lawful voice of the nation ... by force.”<sup>145</sup> Whereas everyone

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<sup>141</sup> Ibid.

<sup>142</sup> Interestingly, the one member of the group who also sat on the AHC, Dr. Hussein Khalidi (the mayor of Jerusalem), prefaced his remarks with the assertion that the mayors—in contrast to the Committee, he might have added—were “properly elected and were true representatives of the towns which formed 40% of the total population of Palestine.” See: “Minutes of a meeting held at Government Offices on the 30th May, 1936, at 12 noon,” 6 June 1936, CO 733/310/3

<sup>143</sup> “Minutes of a meeting held at Government Offices on the 30th May, 1936, at 12 noon,” 6 June 1936, CO 733/310/3

<sup>144</sup> Ibid.

<sup>145</sup> First Arab Rural Congress to high commissioner, 24 May 1936, FO 371/20028



from Jewish merchants to the leadership of the Jewish Agency had stressed the pseudo-national and illegal nature of the strike, the many Arabs from whom Wauchope heard were adamant regarding their national standing and legal entitlement to resist British implementation of the Balfour Declaration.

It is important at this point to specify the situation then existing in Palestine. The RAF intelligence summary for May 1936 found that despite the AHC's attempt to maintain a peaceful strike, as the month wore on, "more extremist elements were taking the law into their own hands."<sup>146</sup> These "extremists" aimed their attacks "chiefly against [the] police and military," a fact of particular significance given that government crime statistics showed a dramatic increase in murders and attempted murders in April and May 1936, as compared with the same two-month period in the previous year.<sup>147</sup> Murders numbered 19 in April/May 1935, a figure which nearly tripled (to 53) in April/May 1936. Attempted murders more than quadrupled, from 20 to 87. The crime figures had also shot up from earlier in the year. In March, there had been 11 murders and 20 attempted murders.<sup>148</sup> The data depicted a crime wave, and the intelligence summary buttressed this portrayal. Despite its observation that the bulk of Arab violent attacks in May targeted military and police personnel—not exactly the magnets of the criminal class—the

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<sup>146</sup> "Monthly summary of 'intelligence', Palestine and Transjordan," 3 June 1936, FO 371/20030. The local national committees likewise advocated only non-violent forms of protest in the early weeks of the revolt. See: Pearlman, *Violence, Nonviolence, and the Palestinian National Movement*, 45.

<sup>147</sup> *Ibid.*

<sup>148</sup> Government of Palestine Office of Statistics, *General Monthly Bulletin of Current Statistics of Palestine*, October–November, 1936, FO 371/20036. In the interest of numerical perspective, it should be noted that the total population of Palestine at this time was approximately 1.2 million, of which Jews numbered roughly 340,000.

RAF intelligence report referred to the perpetrators of these actions as “gangs,” a term that would become ubiquitous in British (and Zionist) discussions of the revolt.<sup>149</sup>

As with the AHC, the Arab press was not, at this stage, concerned to defend those who had taken up arms against the British. The pan-Arab *al-Difa*—along with *Filastin*, one of the two highest circulation Arabic dailies in the country—editorialized in late April, “We want the Arab Higher Committee to act as Ghandi [*sic*] acted in India when he called for civil disobedience.”<sup>150</sup> *Filastin* used the government’s favored epithet (“disturbers of the peace”) to designate those Arabs who resorted to violence.<sup>151</sup> *Al-Liwa* called in its 15 May edition for the Arabs to adopt only peaceful methods of protest.<sup>152</sup>

It is critical to bear these circumstances in mind when addressing the second topic of basic agreement between the Arab population of Palestine and their prospective leaders. Suleiman Bey Toukan, the mayor of Nablus, raised this subject in the course of the mayors’ 30 May conversation with the high commissioner and chief secretary. It concerned British police and soldiers’ treatment of Arabs, particularly during the village searches then taking place throughout the country. The British claimed that the purpose of the searches was to discover weapons and wanted men, but an abundance of Arab testimony indicated that they were actually punitive expeditions, designed to frighten the population and thereby re-establish “law and order.” On 1 June, the high commissioner met with a group of ‘ulama, who drew his attention to an incident in the Bab Hutta quarter of Jerusalem, in which soldiers and police searching for

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<sup>149</sup> “Monthly summary of ‘intelligence’, Palestine and Transjordan,” 3 June 1936, FO 371/20030

<sup>150</sup> Kabha, “The Palestinian Press,” 170, 174.

<sup>151</sup> *Ibid.*, 178–79.

<sup>152</sup> Mattar, *The Mufti of Jerusalem*, 76.

weapons had smashed up houses, destroyed food, and insulted women in front of their husbands. The ‘ulema suggested that such actions, coupled with the long-standing British policy of refusing to respond meaningfully to non-violent Arab protest, were generating the present instability: “[I]f shooting and bombing is being done now, it is not with the object of committing murder or because the Arabs like disorders, but simply with the object of letting their voice reach England ...”<sup>153</sup> The following day, the Anglican archdeacon in Jerusalem wrote the chief secretary concernedly: “From every side complaints are reaching me daily of the unnecessary and quite indiscriminate roughness which is being displayed by the British Police in their handling of the native, and particularly the Arab, population.”<sup>154</sup> The archdeacon proceeded to relate the case of a constable who had been reprimanded for *not* beating up an Arab prisoner, despite his protest that he had no reason to do so. He also reported allegations of troops’ “wanton and unnecessary violence and discourtesy ... when searching houses for arms, whether arms have been found in the house or not.”<sup>155</sup> The pattern of behavior was sufficiently pervasive as to suggest the existence of a new “method” of dealing with the population, the origin of which the archdeacon dated to one week *before* the death of Constable Robert Bird on 28 May at the hands of Arab rebels in the Old City of Jerusalem—an important detail, as Bird’s killing served as “the usual defence” of police brutality.<sup>156</sup>

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<sup>153</sup> Meeting of high commissioner with ‘ulema of Jerusalem, 1 June 1936, CO 733/310/3

<sup>154</sup> Archdeacon to chief secretary, 2 June 1936, Jerusalem and the East Mission GB165–0161, Box 61, MECA. “Every side” included “Constables [*sic*] themselves.”

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*; Hughes, “Assassination in Jerusalem: Bahjat Abu Gharbiyah and Sami Al Ansari’s Shooting of British Assistant Superintendent Alan Sigrist 12th June 1936,” 8.

It was at roughly that time, on 24–25 May, that police and troops began “taking steps against” villages near Nazareth and Gaza, on the assumption that they quartered men who had mounted attacks on government forces over the previous two days. As the War Office remarked: “These [steps] took the form of searches for arms and wanted men by troops and police and, being fairly severe in nature, had also a punitive effect which began to produce most satisfactory results in the more truculent villages.”<sup>157</sup>

The notion that the searches “had also” a punitive quality was misleading. It would have been more accurate to say that among their ancillary benefits was the occasional discovery of arms or wanted men. As Air Vice-Marshal R.E.C. Peirse, the co-architect of the village search policy, divulged in a top-secret report covering the period from April to September 1936: “Ostensibly these searches were undertaken to find arms and wanted persons; actually the measures adopted by the police on the lines of similar Turkish methods, were punitive and effective.”<sup>158</sup> In early June, the new colonial secretary, William Ormsby-Gore, spoke with Kenneth Williams, the editor of *Great Britain and the East* and author of a book about Ibn Sa‘ud.<sup>159</sup> Williams had received information from two sources of whose “bona fides” and “reliability and good judgment” he was certain, and who reported that “British troops in Palestine had been committing ‘excesses’ against the Arabs.” He stated further that his sources

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<sup>157</sup> “Military lessons of the Arab rebellion in Palestine, 1936,” General Staff, Headquarters, The British Forces, Palestine & Trans-Jordan, February 1938, WO 191/70

<sup>158</sup> “Despatch by Air Vice-Marshal R.E.C. Peirse, D.S.O. A.F.C., on Disturbances in Palestine, 19th April to 14th September, 1936,” WO 32/4177.

<sup>159</sup> *Ibn Sa‘ud: The Puritan King of Arabia* (London: Jonathan Cape, 1933)

“were under the impression that the conduct of the troops had the approval of the High Commissioner ...”<sup>160</sup>

While the colonial secretary assured Williams that Wauchope would not have authorized such tactics, the testimony of the archdeacon, as well as Peirse’s disclosures, reveal that a permissive atmosphere vis-à-vis “Turkish methods” did indeed exist in this period, although Wauchope may have been unaware of it.<sup>161</sup> In spite of that, the brutality of the village searches was sufficiently widespread that by early June it had engendered “a grave crisis with the [Arab] section” of the police, who considered the harsh measures “repugnant.”<sup>162</sup> It is also worth noting that while Peirse and the archdeacon’s chronologies indicated that the punitive searches began in the second half of May, a Jewish Agency summary of events from 7 May noted, “Collective fines have now been imposed on two villages and punitive posts—a most effective measure of

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<sup>160</sup> “Note of conversation with Mr. Kenneth Williams, Editor of ‘Great Britain and the East’,” 5 June, 1936, CO 733/297/2. One plausible interpretation of this impression is that the conduct in question was ubiquitous.

<sup>161</sup> See: Smith, “Communal conflict and insurrection in Palestine, 1936–48,” 66–67. Smith writes that Wauchope was “enraged” on learning of the “Turkish methods” being employed in the villages, and ordered Peirse and the inspector general of police, Roy Spicer, to “moderate the searches.” This occurred at the end of May, according to Peirse’s own account (see pp. 82–83 below). It is rather curious, however, that Wauchope’s private secretary, Thomas Hodgkin, wrote in a private letter dated 28 May that he had taken the decision to resign his post the previous Sunday (24 May) because of “new repressive measures on the part of the Government.” The high commissioner’s private secretary, then, knew of the punitive searches on the day they supposedly began, and attributed them, without qualification, to “the Government” led by his boss. This renders implausible, though not impossible, the notion that Wauchope only learned of the harsh treatment later and was then scandalized. A week into June, Hodgkin wrote in another private letter, “... the civil chaps make no attempt to control or administer anything any more [*sic*] but leave it to the local Colonel & his Loyals to beat up the village & loot & destroy the houses.” See: E.C. Hodgkin (ed.), *Thomas Hodgkin: Letters from Palestine 1932–36*, 164–65, 171.

<sup>162</sup> “Despatch by Air Vice-Marshal R.E.C. Peirse, D.S.O. A.F.C., on Disturbances in Palestine, 19th April to 14th September, 1936,” WO 32/4177.

teaching turbulent villages wisdom—installed in nine.”<sup>163</sup> This was two weeks prior to the appearance of the first Arab “gangs.”<sup>164</sup>

### **A word on the conventional wisdom regarding British repression in the early period of the revolt**

The importance of the ready use of force by British soldiers and police in the early period of the revolt in Palestine has escaped the notice of most scholars writing on the topic, a fact which warrants a brief discussion. The British began employing brutal repressive measures against the Arabs within a month of the strike’s declaration. But when government officials later surveyed the damage the first phase of the revolt had entailed, they failed to factor this critical feature of its early unfolding into their accounts. Much of the modern scholarship on the revolt has repeated their error. In doing so, it has taken for granted the truth of British officials’ assertions that the few punitive measures police and soldiers did adopt in May 1936 were discontinued in June or July. As we will see, accepting this claim requires that we discard an abundance of testimony—both Arab and British—to the contrary. It also obscures a basic component of the causal nexus underlying and determining the direction of the revolt’s initial trajectory; namely, the mandatory state itself.

This recurring lacuna in the literature addressing the early period of the Arab revolt is symptomatic of a deeper theoretical oversight, which some of the contemporary scholarship on law in mandate Palestine has begun to redress. The sociologist Ronen Shamir has characterized

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<sup>163</sup> CZA S25/6325. Protests against the stationing of British police inside (and at the expense of) Arab villages begin appearing in the notes of local national committee meetings in the first half of May 1936. See: Kayyali, *Watha’iq al-Muqawama al-Filastiniyya al-‘Arabiyya*, 398–99. The high commissioner also noted the establishment of “punitive posts” in “seven villages in northern district [*sic*]” in a 5 May memorandum. See: HC to CS, 5 May 1936, CO 733/310/1

<sup>164</sup> *Sefer Toldot Hahaganah*, Vol. 2, 1318.

this recent trend as a “second wave” of revisionist works addressing the relationship between Zionist settlement in Palestine (culminating in the establishment of the State of Israel) and colonialism. Shamir argues that the re-situating of the Zionist enterprise “within the theoretical discourse of colonialism” constituted a “first wave” of historical and sociological revisionism; that is, a shift from the “dual society paradigm” of Dan Horowitz and Moshe Lissak (for example) to the “relational paradigm” of Zachary Lockman and comparative settler colonial analysis of Gershon Shafir (for example).<sup>165</sup>

The dual society paradigm treats the Arab and Jewish communities in Palestine as causally extrinsic to one another, thus occluding points of overlap and interaction between the two that do not amount to episodes of national conflict. Scholars working within this framework—who have done so largely unwittingly, it should be emphasized—have naturally tended to produce histories of the Yishuv that render Arabs part of a larger narrative scenery or backdrop. This has led critics such as Gabriel Piterberg to regard the paradigm as the scholarly manifestation of the broader Israeli denial of the Arab presence in Palestine. Piterberg, Lockman, Shafir, and others have attended to this omission in Zionist historiography, re-narrating Zionism as a historical phenomenon in a manner that registers the Arab presence in Palestine as a causally primary factor in the development of the Yishuv (and the Yishuv as a causally primary factor in the development of the Arab community in—and, ultimately, out of—Palestine).<sup>166</sup> In addition to Jews and Arabs, Shamir’s “second wave” proposes to integrate a third essential element into

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<sup>165</sup> Shamir, *The Colonies of Law: Colonialism, Zionism, and Law in Early Mandate Palestine*, 15–16.

<sup>166</sup> See: Piterberg, *The Returns of Zionism: Myths, Politics and Scholarship in Israel*; Shafir, *Land, Labor and the Origins of the Israeli-Palestinian Conflict, 1882-1914*; Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906-1948*.

histories of the mandate period: the British state in Palestine.<sup>167</sup> I attempt in this section to follow his lead.

The prevailing understanding in the scholarly literature divides the revolt into two phases, April-October 1936 and summer/autumn 1937 into the second half of 1939.<sup>168</sup> This characterization is correct inasmuch as the revolt did come to a virtual halt with the Arab laying down of arms in October 1936 and may reasonably be said to have begun anew with the assassination of the British district commissioner of Galilee in September 1937. However, the existing scholarship also marks the revolt's two phases off from one another according to the level of British repression that characterized each. The standard view is that the British were largely restrained in the revolt's first phase—a fact typically attributed to the indecision of then-High Commissioner Wauchope—and that widespread repression of the Arab population only occurred in the post-September 1937 period. This understanding, while not entirely incorrect (the British did *escalate* their use of force in the revolt's second phase), is nevertheless inaccurate. Moreover, it reproduces a narrative that is latent in the British archival materials—a theme to which we will return. Thus, Jacob Norris, who in a separate and very instructive capacity corrects the traditional understanding of the revolt, nevertheless writes that prior to October 1936, the British “[sought] to contain the rebel bands using orthodox civilian policing.”<sup>169</sup> (The reality, as Georgina Sinclair

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<sup>167</sup> Shamir, *Colonies of Law*, 13–23.

<sup>168</sup> See: Cohen, “Sir Arthur Wauchope, the Army, and the Rebellion in Palestine, 1936,” 30; Jankowski, “The Palestinian Arab Revolt of 1936–1939,” 225–26; Lesch, *Arab Politics*, 221–22; Norris, “Repression and Rebellion,” 28; Shepherd, *Ploughing Sand*, 191; Sherman, *Mandate Days: British Lives in Palestine, 1918–1948*, 107.

<sup>169</sup> Norris, “Repression and Rebellion,” 27. Yehoyada Haim likewise claims that Wauchope's policy of “protecting lives and property without the use of repressive measures” was “applied by the British during most of the Revolt's first phase.” See: Haim, *Abandonment of Illusions*, 38.



notes, is that the British never successfully civilianized the Palestine police, which “remained essentially a paramilitary force.”<sup>170</sup> Yehoshua Porath, too, claims that “Government reaction to the strike and the revolt remained almost to the end rather reserved, in the hope that violence would die out and the strike would disintegrate before severe measures became necessary.”<sup>171</sup> While acknowledging the existence of some “punitive measures” up to July, he goes so far as to state that a British “policy of no repression” existed in this period.<sup>172</sup> Likewise, Tom Bowden, citing a War Office file, suggests that the British abided by an internal security protocol in Palestine in 1936 that did not involve “strict repressive measure[s].”<sup>173</sup>

The government reports contained in the file Bowden references paint a similar picture. They consist, among other things, of a precis of General John Dill’s “summary of events” for April-October 1936. Dill took over command of the British forces in Palestine from Air Vice-Marshal Peirse on 15 September 1936—thus marking the transfer of military authority in the mandate from the RAF to the army—and assumed the role of general officer commanding

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<sup>170</sup> Sinclair, “‘Get into a Crack Force and earn £20 a Month and all found ...’: The Influence of the Palestine Police upon Colonial Policing, 1922–1948,” 60. Charles Smith similarly observes that even in the peaceful early months of 1936, “the police force remained an uneasy coalition of police force and riot squad.” See: Smith, “Communal conflict,” 66.

<sup>171</sup> Porath, *Riots to Rebellion*, 195.

<sup>172</sup> *Ibid.*, 196–97.

<sup>173</sup> Bowden, “The Politics of the Arab Rebellion in Palestine, 1936–39,” 160–61. Bowden notes in passing—and in a single sentence—that “restrictions were placed on the opening of fire by the troops ... because on more than one occasion troops had fired on and killed or wounded innocent Arabs.” (Bowden’s word choice is almost verbatim that of Wauchope, although the high commissioner claimed that such incidents were “unintentiona[l].”) See: “Memorandum of comments by the High Commissioner on General Dill’s report on events in Palestine from 15th September to the 30th October, 1936,” undated, WO 32/4178. No further context for these restrictions—which were prompted by shootings in late June and July—is specified. This same type of narrative lacuna features in the British report that Bowden cites (see footnote 174).

(GOC). His account of the time prior to his own arrival on the scene warrants some examination, given Bowden and others' effective reiteration of it.

As the precis noted, by Dill's lights, several important points had been established as of October 1936: the strike had "developed into a form of open rebellion"; the loyalty of Arab police had become dubious; and the government had neglected to employ British troops in any offensive capacity.<sup>174</sup> Each of these propositions was misleading. The strike *had* "developed into a form of open rebellion," but this language obscured two crucial facts. First, in the strike's early days, armed revolt and refusal to work had coexisted as largely separate phenomena. As Mustafa Kabha points out, "...the [Arab] press served as one of the main means of organizing the strike and encouraging its continuation."<sup>175</sup> And yet, as noted above, the same press—alongside the Arab leadership—denigrated those who took up arms against the British in the early weeks of the strike. While the goals of the strikers and the armed groups were the same, the two movements were not institutionally interconnected. Secondly, and more significantly, Dill's framing

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<sup>174</sup> "Precis of General Dill's despatch No. C.R./Pal./1026/G dated 30th October, 1936," 17 November 1936, WO 32/9401. The third point was a slightly inaccurate paraphrase of what Dill had written in the full report, but the error was understandable, if not predictable. In the report itself, Dill emphasized that well into May 1936, British forces "had been dissipated on protective duties and little or no force was used for punitive work." Somewhat confusingly, he then stated that in June, when groups of armed Arabs began appearing, there occurred a "relaxation" in the use of "punitive measures" during village searches. A few sentences later, and more confusingly still, he asserted that on 3 June, "the Palestine Government decided 'to continue our present policy ... of endeavouring to protect life and property without adopting severe repressive measures.'" Dill thus silently passed over the interval in which punitive measures were officially operative. The only causal significance that he attributed to them attached to their cessation, although he did acknowledge awkwardly and in passing that "combined with this relaxation in punitive measures came definite signs of defection among the Palestine Police." See: GOC to the under secretary of state (WO), 30 October 1936, WO 32/9401. Peirse's account was more forthright. The punitive measures repulsed the Arab policemen; that is, they *caused* their defection.

<sup>175</sup> Kabha, "The Palestinian Press," 175.

suggested an autonomous, internally generated evolution from strike to armed rebellion. Such a framing depended on his second and third points: the questionable loyalty of Arab police and the supposedly purely defensive operations of British troops. Taking these in reverse order, British forces undertook offensive and intentionally “punitive” operations against Arab villages from the second half of May at the latest. These, in turn, produced a “crisis” in loyalty among Arab police officers, who objected to the use of such measures against their countrymen.

The punitive operations also generated hostility among the Arab population, which no doubt furnished a greater reserve of sympathy for attacks on British police and soldiers. As Michael J. Cohen relates, in June 1936, when Emir Abdullah of Transjordan requested that his Palestinian interlocutors refrain from further violence, they “replied that the terrorism was itself in reply to the brutality of the Mandatory.”<sup>176</sup> An organization of Arab priests argued similarly to the high commissioner, claiming that the government had “provoked the Arabs to resist it openly through the various ruthless and severe measures which it adopted ... ”<sup>177</sup> The archdeacon said the same in a letter to MP Stanley Baldwin: “I am afraid ... the rough-handling methods which

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<sup>176</sup> Cohen, *Palestine: Retreat from the Mandate*, 18.

<sup>177</sup> Arab Orthodox Priests Congress for Palestine and Transjordan to high commissioner, 18 July 1936, ISA 5076/4-2

prevailed for a time at the end of May among the British Police ... were the direct cause of a good deal of the violence and shooting which has [now] to be suppressed ... ”<sup>178</sup>

Thus, Dill’s account of the April-October 1936 period was marred by a conspicuous silence on the matter of British violence. The latter had much to do with the strike’s evolution into a rebellion and the disaffection of Arab police. The British were not at long last resorting to “drastic measures”; they had done so within a month of the strike’s launch. As the War Office itself ultimately acknowledged—almost in the same breath as it decried the Arabs’ “successful protests against ‘excesses’ by troops”—in the absence of an official policy of repression in the revolt’s first phase, “many repressive measures ... crept in through force of circumstances ... and mostly they were more severe in nature than would have been necessary ... had a strong front been presented from the start.”<sup>179</sup>

Other typically incisive scholars reproduce this silence regarding British violence in the early period of the revolt even when the archival documents themselves disclose the reality. Michael J. Cohen, for example, cites the report of Air Vice-Marshal Peirse to support his claim that the village searches in the revolt’s first phase were “ineffective in the discovery of arms and

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<sup>178</sup> Archdeacon in Palestine to Stanley Baldwin, 16 July 1936, Jerusalem and the East Mission papers (JEM), GB165–0161, Box 62, Files 1–2, MECA. Even the notorious Douglas Duff, whose tactics as a police inspector in 1920s Palestine made his surname an epithet for police brutality (for example, “Duff them up”), commented after witnessing British soldiers and police searching a caravan of Arabs returning from the German Colony in Jerusalem: “If the sort of thing I saw ... is usual in these days [the early months of the revolt in 1936], then it is no wonder that we are laying up a great debt of active hatred against ourselves.” As he described the episode: “The searching was none too gently executed, for I saw one Arab being savagely kicked by a brawny man in khaki, whilst an old man with a grey beard received a nasty cut from a leather hand-whip ... ” Duff recognized the latter as “one of the men who had ridden with Lawrence [of Arabia] in the latter part of the Great War.” See: Duff, *Palestine Picture*, 156–57.

<sup>179</sup> “Military Lessons of the Arab Rebellion in Palestine, 1936,” General Staff, Headquarters, The British Forces, Palestine & Transjordan, February 1938, WO 191/70. See pp. 31–32.

were unpopular with the troops, against whom all kinds of charges were levelled.”<sup>180</sup> He neglects, however, to put these facts in the context of Peirse’s revelations regarding the actual, punitive purpose of the searches, which cast both the lack of discovered arms and the profusion of charges against the troops in a much different light.

Ronen Shamir’s insight regarding the causal primacy of the British presence in Palestine is a critical one. Much of the British archival material from the period of the revolt—and the scholarship drawing on it—fails to register the causal implication of the British in events on the ground in the mandate. This was true of Dill and, as we will see, most other British officials. The same held for the majority of British soldiers, policemen and opinion-makers. In viewing the “disorder” and “lawlessness” that plagued their mandate, the British gazed from the lofty perch of “law and order.” This required, as a matter of discursive coherence, that they be in no way constitutive of the “chaos” they sought to name as such and then sort out. As with the fictive social hierarchies that they projected onto the rural political landscape of their Iraqi mandate, the British could only see the map of Arab Palestinian politics; they could not see themselves drawing it.<sup>181</sup> If an outbreak of Arab “criminality” was at the root of the instability that increasingly afflicted Palestine, the British could not be both implicated in it and at the same time positioned to identify and address it as such. Their use of excessive and unjustified force against Arab non-combatants in April-May 1936—when protests against British policy were largely non-violent and, where violent, not generally of a criminal nature—was thus discursively

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<sup>180</sup> Cohen, “Sir Arthur Wauchope,” 21, 29. Cohen likewise takes it for granted that subsequent charges against British troops stemming from village searches were mere “rumour and propaganda.”

<sup>181</sup> See: Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied*.

excluded from their causal depiction of the revolt's first phase, as were the violent measures they adopted for its duration. This was pristinely expressed in Wauchope's passing acknowledgement in a December memorandum that the government's casualty reports had hitherto failed to "differentiate between civilians killed and wounded by the Forces of the Crown and those who are the victims of riots or other forms of violence."<sup>182</sup> While the British had kept careful tabs on Arab killings, it had not occurred to them to count their own. As for Arab combatants, the notion that their deaths at the hands of the government could be anything less than justified was still further beyond the pale. One government official, having acknowledged the accuracy of an estimate of "1,000 ... Arabs killed during the [1936] disturbances," remarked in October 1937:

As the Jews point out these cannot fairly be described as 'murders' comparable with the figure of 80 Jews, since with few exceptions they represent casualties incurred while resisting Government forces. It is not improbable that the number of 'leading Arabs' 'murdered' since April 1936 is about 9 ...<sup>183</sup>

That *British* criminality might have spawned a monster was, for British officials, essentially unthinkable. The same held for the broader causal picture; with few exceptions, British officials rarely took into account the fundamental role that the wide sweep of their mandatory policy—against which the Arabs had protested mostly peacefully for nearly two decades—played in bringing about the instability which they confronted in 1936. As we will see, official explanations of the revolt drew increasingly on the phenomenon of Arab "criminality." The British were, in a word, absent from their own calculations regarding the state of affairs in Palestine in 1936–39. In this sense, the scholarship on the revolt has all too often reproduced their perspective.

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<sup>182</sup> HC to CS, 19 December 1936, CO 733/311/1

<sup>183</sup> CO 733/341/20

## **“A wave of crime”**

We turn now to the mechanics of the decisive British shift towards the criminalization of Palestinian nationalism, and its dynamic interplay with Zionist political discourse in Palestine. As touched on briefly above, crime was a key point of conceptual convergence between British and Jewish portrayals of the revolt. But whereas the Zionists framed both the strike and revolt as criminal endeavors from the first, the general British movement to a criminological discourse in Palestine occurred slightly later, at about the time of their institution of repressive measures in the second half of May and early June. By the end of the latter month, a solidified discursive framework was in place—shared by the British and the Zionists—which coded protest against the British preemption of Arab political autonomy in Palestine as simple criminality.

On 24 April, the Jewish Agency dispatched a telegram to “the Jewish people” at large, expressing resolve in the face of Arab attacks and observing, “This is not [the] first time that our peaceful creative effort [is] being interferred [*sic*] with by [the] assaults of instigated rioters.”<sup>184</sup> This statement encapsulated the Zionist case against the Arabs from 1936 forward, adumbrating three recurring tropes: it suggested that the rioters were pawns of a devious leadership, not free agents acting on the basis of their perceived interests and rights; it cast the Jews as creators and the Arabs as destroyers; and it elided entirely the enabling condition of the “peaceful” component

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<sup>184</sup> CZA S25/4525

of the Zionist effort (that is, British force).<sup>185</sup> These three themes converged in the criminalization of Arab Palestinian nationalism.

The Jewish Agency leadership were consistently adamant regarding the first proposition in the early months of the revolt. Weizmann argued to Wauchope on 3 May that the “overwhelming majority of ordinary Arab citizens” were secretly opposed to the strike.<sup>186</sup> Shertok and David Ben Gurion, chair of the executives of both the Jewish Agency and the WZO, wrote the high commissioner on 17 May complaining of the government’s refusal to disintegrate the “rebellious body styling itself the ‘Supreme Arab Committee’ [the AHC],” a policy which they claimed gave “further encouragement ... to the acts of lawlessness carried out by its agents throughout the country.”<sup>187</sup> The latter consisted, inter alia, of the previous night’s murder of three Jews in Jerusalem, although the two offered no evidence of the AHC’s supposed connection to this crime. In a letter to Wauchope on 14 May, Shertok and Ben Gurion likewise bundled together non-violent protest and violent crime, laying responsibility for both at the feet of the AHC:

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<sup>185</sup> The first of these tropes had a long history, dating back to the earliest days of the mandate, when most mainstream Zionists believed that the Arab masses “had no basic anti-Jewish feeling” and that “it was the Effendis who incited them against the *yishuv*.” See: Haim, *Abandonment of Illusions*, 5. To take one of many examples of the third trope, in an undated letter to Mrs. M. Corbet Ashby, the president of the International Alliance of Women for Suffrage and Equal Citizenship, the Palestine Jewish Women Equal Rights Association stated, “The peaceful work of our national revival has become disturbed by a wild outbreak of terrorism on the part of the Arabs who seemingly aim at ruining all we built up.” It proceeded to give uncontroversial examples of Arab atrocities against Jews, but failed entirely to speak to the broader political context, thereby tarring the entire Arab national movement in Palestine with the criminal brush. See: Palestine Jewish Women Equal Right Association to Mrs. M. Corbet Ashby, CZA S25/4526.

<sup>186</sup> HC to Weizmann, 3 May 1936, CZA S25/6324

<sup>187</sup> JA to HC, 17 May 1936, CZA S25/6324. The executive of the Jewish Agency had itself privately resolved to pursue negotiations with the AHC through the Agency’s political department, it is worth noting. See CZA S25/6326.



... open incitement to continue the strike, the call to civil disobedience, criminal acts including the murder of innocent people have not diminished ... We cannot regard the guilt as attaching only to the miserable individuals committing crimes. The responsibility for this criminal activity rests upon the instigators and leaders who are kindling a fire of racial hatred and strife in the country.<sup>188</sup>

In an effort to make their position utterly unambiguous, they stated explicitly in their 17 May letter: "... we beg to reiterate our request that ... personal responsibility be placed on [the AHC's] members as individuals for all terrorist acts which may be committed in the country."<sup>189</sup> Weizmann was meanwhile telling the high commissioner that "quiet" would never be restored in Palestine so long as the AHC continued to function. When Wauchope responded that he "needed rather more evidence against the [AHC] before proceeding to take strong measures against them," Weizmann offered none, but proposed that "the disbanding of the Committee would make a strong impression on the country."<sup>190</sup> In a letter to Wauchope on 6 June, Shertok declared again that the AHC was "the mainspring of the whole campaign of strike, sedition, disobedience and terror."<sup>191</sup>

While insisting that the British recognize the AHC's unmitigated responsibility for the full spectrum of disorders then wracking the country, the Jewish Agency leadership were privately more ambivalent on this point. Shertok himself stated in a meeting of the executive in late May: "We have no evidence that the Committee of Ten (the AHC) are organizing the acts of

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<sup>188</sup> JA to HC, 14 May 1936, CZA S25/6324

<sup>189</sup> Ibid.

<sup>190</sup> "Short note of telephone conversation with His Excellency the High Commissioner of Palestine, Sunday, May 17th, 1936, at 5 p.m." CZA S25/6325

<sup>191</sup> Shertok to Wauchope, 6 June 1936, CZA S25/6330

violence and terror in the country, but it is clearly encouraging and provoking these actions.”<sup>192</sup> Nevertheless, Agency members were united in their conviction that *if* the Arab leadership were personally responsible for all of the violence—including criminal violence—in Palestine, then organized Arab politics just was a criminal enterprise, albeit one with political objectives. Thus, regardless of the extent to which they believed that this conditional matched the state of affairs, Zionist spokesmen insisted the government adopt it as its framework for managing the disorders.

The Agency therefore demanded not only that Wauchope take sterner measures in combating violent crime, but that he “stamp out any attempt at civil disobedience.”<sup>193</sup> Its political secretary, Arthur Lourie, cabled Jerusalem from London on 7 June, suggesting that the Agency tap sympathetic members of parliament to press the government publicly to outlaw the strike, the AHC, and the regional national committees—that is, Arab politics.<sup>194</sup> Ben Gurion’s 10 June reply was revealing. He noted the efficacy of the government’s deportations of leaders such as Awni ‘Abd al-Hadi, the Istiqlal activist whom he deemed the “moving spirit and principle organizer” of the Arab political community.<sup>195</sup> Ben Gurion had actually met with ‘Abd al-Hadi earlier, in July 1934, on the understanding that he was a “patriotic, truthful, and incorruptible” Arab leader.<sup>196</sup> He claimed at the time that he and ‘Abd-al Hadi “parted in great friendship.”<sup>197</sup> If he regarded him as a criminal by June 1936, he did not mention it to Lourie. Ben Gurion also

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<sup>192</sup> Gelber, *The History of Israeli Intelligence, Part I: Growing a Fleur-de-Lis: The Intelligence Services of the Jewish Yishuv in Palestine, 1918-1947, Vol. 1*, 148 (Hebrew).

<sup>193</sup> JA to HC, 14 May 1936, CZA S25/6324

<sup>194</sup> “Lourie Zioniburo London,” 7 June 1936, CZA S25/6326

<sup>195</sup> Ben Gurion to Lourie, 10 June 1936, CZA S25/6326

<sup>196</sup> Teveth, *Ben-Gurion and the Palestinian Arabs: From Peace to War*, 135.

<sup>197</sup> *Ibid.*, 136. The quotation is from Ben Gurion.

revealed that, in his view, “Even if the strike ends the acts of terrorism won’t. That is not now (at any rate) in the hands of the leaders.”<sup>198</sup> His insistence, then, that the Arab leadership were responsible for the criminal and other violence was disingenuous.<sup>199</sup>

While the Jewish Agency relentlessly pushed the government to outlaw the strike and to unleash the full force of its counterinsurgent machinery against the rebels, British opinion was already moving in the same direction. As noted, this shift occurred at about the time of the mandatory government’s institution of repressive measures in the second half of May and early June. This is not to suggest that the framing of Arab rebels as criminals was a simple, witting confection designed to justify in advance British ruthlessness. Something deeper and more discursively organic than this was at work, as evidenced by the unrehearsed quality, as well as the ubiquity, of the British conception of Arab political agitation from this point forward.

In a private, hand-written account of events penned on 17 May, the British director of education in Palestine, Humphrey Bowman, deplored the Arab resort to violence and sabotage, as well as the continuation of the strike. Ventriloquizing the words of his ideal Arab leadership, he wrote: “They ought now to say to us: ‘We have shown you we are honest and determined by keeping the strike going for 4 weeks. We have now done enough. Send your Royal Commission, and we will gladly abide by its results.’”<sup>200</sup> Bowman’s obliviousness to the fact that it was plainly irrational for Palestinian Arabs in 1936 to believe that a British commission would

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<sup>198</sup> Ben Gurion to Lourie, 10 June 1936, CZA S25/6326

<sup>199</sup> Ian Black records that behind closed doors Ben Gurion “was arguing ... only a week after the strike had begun that the disturbances had a mass, popular character.” He was also “vigorously opposed to the view ... that the Jews should demand that the Government arrest all the Arab leaders, close down all their newspapers and declare the strike illegal.” His views had at least partially shifted toward those of his opponents in the Jewish Agency by mid-May. See Black, *Zionism and the Arabs*, 20–21.

<sup>200</sup> Humphrey Ernest Bowman, GB165–0034, Box 4B, MECA.

amount to anything other than a charade, coupled with the deflationary scare quotes in which he couched the Arab “Nation’s [sic] demands,” furnished the requisite presuppositions for his comments a few days later, on 24 May.

He began with a list meant to illustrate the fact that “crime has been serious throughout the country.” This included “not so many murders, but shootings at buses and even at troops; bombs; telephone lines cut; railway sleepers moved; demonstrations daily.”<sup>201</sup> That Bowman brought military-style attacks on government security forces and infrastructure, not to mention political demonstrations, under the same “crime” umbrella as murder was not anomalous. His next entry, on 31 May, deemed the killing of Constable Bird “cold blooded murder.”<sup>202</sup>

The discursive logic of Bowman’s private remarks in late May 1936 was simultaneously replicated across the spectrum of British opinion. In its least subtle form, it suggested that the Arabs of Palestine were not a nation in the true or full sense of the term, a premise that entailed their lack of military prerogatives vis-à-vis another nation’s occupation of their land. This reduced what might otherwise have appeared as military attacks on a foreign occupier to mere crime. Hence, Wauchope, in a memorandum to the colonial secretary on 2 June, noted that “murders of innocent people and of police are almost of daily occurrence.”<sup>203</sup> The coupling of

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<sup>201</sup> Ibid.

<sup>202</sup> Ibid. In his memoir, retired Palestine policeman Edward Horne quotes from a 1970 note he received from a former comrade, which likewise called the killing of Bird a “wicked and senseless murder.” The author acknowledges the depravity of the deed, but suggests that it was not quite senseless, as Bird’s “great pal” Constable J. Missen had, in the week prior to Bird’s death, shot (whether fatally he does not specify) an Arab who attempted to run away from him after he had discovered weapons in the young man’s bag while searching him at St. Stephen’s gate. The press, according to Horne, mistakenly published Missen’s constable number (238) as 283 (Bird’s number), raising the possibility that Bird’s shooters targeted him directly for revenge. See: Horne, *A Job Well Done (Being a history of the Palestine Police Force 1920–1948)*, 211–12.

<sup>203</sup> HC to CS, 2 June 1936, CO 733/297/2

the forces of British coercion with innocents—and the designation of the killing of both as “murder”—appeared entirely uncontrived.

The major British papers took a similar line.<sup>204</sup> *The Times of London* reported that the Arabs, far from having clear-sightedly identified the futility of non-violent protest against the British, were mired in a fog of invidious rumor, which found them resorting to “rowdy ... demonstration[s]” and general “unruliness.”<sup>205</sup> They were also demanding a “national government,” a term *The Times*, like Bowman, disparaged via quotation.<sup>206</sup> Nevertheless, it did acknowledge that another British commission of inquiry was probably pointless, as the fundamental problem in Palestine was the impossibility of establishing a Jewish “home” without infringing Arab rights.<sup>207</sup> These rights, however, clearly did not rise to the status of “national,” as evidenced by the paper’s recommendation the next day that the British might simply have to “crush” Arab “unrest and disorder.”<sup>208</sup>

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<sup>204</sup> Gabriel Sheffer notes that “news from Palestine had little or no impact on general public opinion” in 1930s Britain, where “the public’s eyes remained focused on domestic affairs.” See: Sheffer, “Appeasement and the Problem of Palestine,” 377–99. If this was true, neither the British government nor the Zionists were aware of the fact. Both made strenuous efforts to influence British press coverage of events in Palestine during the revolt, with the obvious aim of shaping public opinion in Britain.

<sup>205</sup> “Precautions in Palestine: convoys on the roads,” *Times of London*, 24 April 1936; “Palestine Arabs’ demands: continued disorders in the north,” *Times of London*, 26 April 1936.

<sup>206</sup> “Palestine Arabs’ demands: continued disorders in the north,” *Times of London*, 26 April 1936.

<sup>207</sup> “Another Palestine inquiry,” *Times of London*, 19 May 1936

<sup>208</sup> “Race-hatred in Palestine, daily outrages (Arabs and Royal Commission),” *Times of London*, 20 May 1936

When the punitive village searches began in late May, *The Times* promptly presented them as an unfortunate necessity.<sup>209</sup> On 30 May, a telling descriptor appeared for the first time in its coverage: “A military patrol on the railway to the north of Lydda had a lively affray last night with brigands, who opened fire on it from both sides.”<sup>210</sup> *The Times*, then, had also shifted to a discourse that referred without qualification to coordinated assaults on government forces as the actions of ordinary criminals. On 3 June it deemed the sabotage of British infrastructure in Gaza the work of “gangs.”<sup>211</sup> On 8 June, it wrote that Arab “bandits” had engaged the Cameron Highlanders in a four-hour battle!<sup>212</sup>

While the right-leaning *Spectator* also pointed out the vanity of another British commission and even acknowledged “the many injuries and illegalities done to the Arabs,” it too implicitly downgraded the Arab standing in Palestine to something less than fully national, writing on 29 May:

Whatever view be held on the broad question of the respective rights of Jews and Arabs in Palestine, there must be unanimity on one point,

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<sup>209</sup> The paper reported on 26 May that British forces “had to take vigorous action” against Arab agitators, and “were compelled to fire on an Arab mob” in Gaza. It concluded, “... the police will have to dispense with kid gloves in order to quell the lawlessness to which the population has now been excited.” See: “New disorder in Palestine: police stoned by women; ship attacked at Jaffa; Gaza rioting,” *Times of London*, 26 May 1936. It returned to the theme in a separate article in that day’s edition of the paper, editorializing: “...[T]he Arab disorders in Palestine ... have now reached a pitch of lawlessness which clearly calls for a strong hand in Whitehall ...” “Drastic measures” were required given “the dangerous character of the movement ...” See: “A firm hand for Palestine,” *Times of London*, 26 May 1936. By 27 May, *The Times* reported with cautious optimism, “...it is possible that the punitive expeditions begun by the police in the last few days against villages ... are beginning to produce results ...” See: “A quiet day in Palestine,” *Times of London*, 27 May 1936.

<sup>210</sup> “More shooting in Palestine,” *Times of London*, 30 May 1936

<sup>211</sup> “More troops in Palestine,” *Times of London*, 3 June 1936

<sup>212</sup> “Peace move in Palestine: Arab conference at Amman; Cameron Highlanders in sharp fight,” *Times of London*, 8 June 1936

that the Mandatory Power will be abdicating its function if it fails to suppress with all the force at its command the Arab mobs who are resorting to destructive violence in Jerusalem and Jaffa and other centres.<sup>213</sup>

As with the government intelligence reports, the paper readily conflated this “mob” violence with the broader political instability, emphasizing, “The disturbance in Palestine is mainly of the nature of mob-violence.”<sup>214</sup> The government’s breaking of the strike by force was therefore “necessary and proper.”<sup>215</sup>

A number of the *Spectator*’s readers took issue with these sentiments, it is worth noting. Among them was E.A. Ghoury of the Palestine Arab Party (whose president, Jamal Husseini, sat on the AHC). In a 12 June letter to the editor, Ghoury proposed that the behavior of British forces in Palestine—which included “beatings, destruction of property, insulting of women, invading homes,” and so on—might usefully be juxtaposed with the attention paid in the British press to “the cases of ‘Arab snipers, marauders, rebels, bands,’ and similar names given to the young Arabs who are trying to defend their rights and liberate their country.”<sup>216</sup> But Ghoury’s

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<sup>213</sup> “News of the Week,” *Spectator*, 29 May 1936; “The Palestine Turmoil,” *Spectator*, 22 May 1936

<sup>214</sup> “News of the Week,” *Spectator*, 29 May 1936.

<sup>215</sup> “Strikes in Palestine,” *Spectator*, 5 June 1936

<sup>216</sup> Letters to editor, *Spectator*, 12 June 1936. Ghoury likewise told a British audience at Chatham House that the revolt was “not the act of terrorists or marauders or snipers,” but was, rather, “a revolution” seeking “justice.” See: Jankowski, “The Palestinian Arab Revolt,” 224–25.

minority report could hardly be heard above the din of mutually reinforcing British coverage.<sup>217</sup>

The *Daily Herald* featured headlines such as “Arab Murder Campaign” (14 May) and “Gangsters in the Holy City” (19 May). Presaging Dill’s later assessment, the *Daily Telegraph* editorialized in its 18 May edition, “What began as mere common crime ... has [evolved] into a political exhibition of rueful hatred ... ”<sup>218</sup>

Although a prominent voice in this chorus of criminalization, Wauchope was also alert to the difficulties that it might engender with respect to law enforcement. In addition to describing attacks on British forces as “murder,” his 2 June memo to the colonial secretary also cautioned against adopting measures designed to “intimidate [the] Arab population sufficiently to bring lawless acts to an end.” The high commissioner thus glided over, as would Dill, the fact that such measures had already been instituted. He presciently advised that harsh tactics risked “alienat[ing] all moderate elements in this country, perhaps permanently.”<sup>219</sup>

According to Peirse, a few days before Wauchope’s memo, on 30 May, the inspector general of police—along with Peirse himself, the other architect of the village search policy—relayed instructions to him from unspecified superiors to “modify the intensity” of the searches.

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<sup>217</sup> Ghoury was not without some sympathizers among politically conscious Britons. His views were apparently more to the liking of the audience he addressed briefly at a Central Asian Society lecture delivered by Chaim Weizmann in May 1936. One of the attendees related to Shertok that the gallery of “retire[d] [Colonial Office]-official type[s]” and “elderly ladies who looked as though they could devour a few Jews every day for breakfast” was “the most unfriendly ... [Weizmann] probably has addressed for years.” They were, however, “by no means representative even of right-wing Conservatism.” See: “Extracts from L.K.’s [*sic*] letter to M.S.,” 26 May 1936, CZA S25/6325. Shertok received a report from London on 25 June 1936, which stated: “... there has been a fairly considerable increase in Arab propaganda here,” although it also added, “primarily in the less important press, and at meetings of certain bodies like the Near and Middle East Association.” 25 June 1936, CZA S25/6326.

<sup>218</sup> CZA S25/4510.

<sup>219</sup> HC to CS, 2 June 1936, CO 733/297/2



Thus, he recorded despairingly, did “the only measure available for coercing the rebels [slip] away from us.”<sup>220</sup> The record suggests, however, that this measure’s indispensibility in reality proved too precious to relinquish, official sanctioning aside. The flow of reports of British brutality did not fall off in early June, after the supposed termination of severe measures. The AHC sent a telegram to the high commissioner on 18 June, which offered more of the familiar complaints: “... Army men beat unarmed Arab villagers [and] destroy[ed] furniture [and] food supplies ...”<sup>221</sup> Two days later, Wauchope assured Yitzhak Ben Zvi, chair of the Jewish National Council (Va’ad Leumi), that “where responsibility [for Arab attacks] can be fixed on any village severe measures are being taken ...”<sup>222</sup> Reports of such measures appeared contemporaneously in the Arab press, and included charges of theft, the destruction of food, and “ill-treat[ment]” of villagers.<sup>223</sup> On 23 June, the deputy inspector general of police wrote in a CID report that “summary action against certain villages” had “aroused considerable resentment and criticism.”<sup>224</sup> Peirse characterized the 24 June search of villages in the vicinity of the routinely sabotaged Jerusalem-Lydda railway line as having had “a good effect”—the familiar euphemism

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<sup>220</sup> “Despatch by Air Vice-Marshal R.E.C. Peirse, D.S.O. A.F.C., on Disturbances in Palestine, 19th April to 14th September, 1936,” WO 32/4177.

<sup>221</sup> HC to CS, 18 June 1936, FO 371/20021

<sup>222</sup> Wauchope to Ben Zvi, 20 June 1936, CZA S25/6330. The Jewish National Council (Va’ad Leumi) was a parallel structure to the Jewish Agency, with which it cooperated according to a *modus vivendi* reached in 1923. This stipulated, roughly, that the Jewish Agency would manage the Yishuv’s external relations (including those with the mandatory government) and the National Council would focus on matters internal to the Jewish community in Palestine. In practice, there was some overlap in these functions. See: Burstein, *Self-Government*, 155–56.

<sup>223</sup> “Weekly summary of intelligence, Palestine and Transjordan,” 17 June 1936, FO 371/20030

<sup>224</sup> “Periodical Appreciation Summary No. 11/36,” 23 June 1936, ISA 1058/21-ג. This took on added significance in light of a subsequent remark by the deputy inspector general: “It would not appear that up to the present more than a small proportion of the villagers have taken arms against the forces of Government.”

for terrorizing villagers into obedience.<sup>225</sup> In July, the high commissioner informed the colonial secretary that there were “accusations of undue military severity throughout the country.”<sup>226</sup> The following month, the writer of a Colonial Office memorandum made off-hand reference to “the numerous complaints we [have] received about outrages by the troops ...”<sup>227</sup>

Such tactics, coupled with the government’s perpetual indifference to Arab demands, squandered whatever remained of its credibility among the Arab population, and placed Arab government employees in an impossible position. On 30 June, Mustafa Bey al-Khalidi, a puisne judge at the supreme court in Jerusalem, along with 136 other Arab civil servants, signed a statement to the high commissioner and other top officials. It protested the British response to the crisis in the mandate and requested, in keeping with the demand of the AHC, that Jewish immigration be suspended. The essence of the statement was that the Arab officials could no longer usefully serve as a link between the British government and the Arab population, who quite reasonably disbelieved all of their assurances as to London’s good faith vis-à-vis

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<sup>225</sup> “Despatch by Air Vice-Marshal R.E.C. Peirse, D.S.O. A.F.C., on Disturbances in Palestine, 19th April to 14th September, 1936,” WO 32/4177. Such evidence of ongoing British brutality through June lends credence to some of the reports filtering into the British press at this time. The left-wing *New Statesman and Nation*, for example, reported on 27 June, “... we have heard some sinister rumours, which we hope are untrue, of unnecessarily brutal methods employed by the troops in restoring order.” Echoing the thoughts of other observers, the paper continued, “All hope of an eventual settlement would have to be abandoned if the British in Palestine acquired among the Arabs the same unenviable reputation which the French have won for themselves in Syria.” See: “The Palestine Revolt,” 27 June 1936, *The New Statesman and Nation*.

<sup>226</sup> HC to CS, 11 July 1936, CO 733/297/4. Reuven Zaslany, the Jewish Agency’s liaison to the British army, reported to Haganah intelligence on 8 July that “the government intended to reduce the weapons searches in Arab villages, in order to avoid further alienating the population.” Needless to say, if authorities were still contemplating this course of action in early July, they had yet to undertake it. See: Gelber, *Growing a Fleur-de-Lis*, 156 (Hebrew).

<sup>227</sup> “Note of a conversation with Hassan Khalid Pasha Abdul-Huda: 22 August 1936,” CO 733/297/4.

commissions of inquiry, etc. British force would do nothing to change this situation. In a poignant and representative passage, the officials asserted:

It will be argued, we know ... that Government cannot yield to violence without losing prestige. We would strongly have supported that argument had it not been for our belief that Government is itself in part to blame for the state of mind which has brought about the violence. We yield to no one in upholding order and authority as the foundation of all good government. But authority implies justice all round, and when justice is denied ... then authority becomes undermined; and it shows a mistaken notion of prestige to suppose that it can be restored by the use of force.<sup>228</sup>

The statement prompted a delayed response from the president of the Committee of the Jewish Community of Jaffa and Tel Aviv, but one worth noting in the present context. It arrived on the high commissioner's desk with the endorsements of a wide array of Jewish groups, along with a request that it be forwarded to the colonial secretary and the League of Nations Mandates Commission.<sup>229</sup> The letter claimed that the 137 Arab signatories of the statement had "wholly or partly ... identif[ied] themselves with the movement of civil disobedience and open revolt, with all its implications of cold-blooded murder, vandalism and the like." The government, it argued, should have fired them. To do otherwise was to (yet again) countenance "brigands, marauders and 'rebels.'" Incredibly, the Arab signatories had "even presume[d] ... to protest against the

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<sup>228</sup> Mustafa Bey el-Khalidi and 136 others to the high commissioner, 30 June 1936, FO 371/20804

<sup>229</sup> Daniel Sirkis to the high commissioner, 6 August 1936, FO 371/20804. The Jewish bodies endorsing the memorandum included "the Association of Sepharadi Jews, Yemenite Jews Associations, Jewish Artisans Union, Retail Merchants Union, Mizrahi Organisation, Mirahi Workers Organisation, World League of General Zionists, World Union of General Zionists, Zionist Revisionist Organisation, and representatives of Local Councils in the Tel-Aviv District."

Government's policy of 'repressions.'" In a word, the Arab statement was "patently illegal" and the Colonial Office erred in deigning to acknowledge it.<sup>230</sup>

The Jewish press beat the same belligerent drum. One newspaper, in a May special edition, proclaimed that the government had "surrendered the country to murderers."<sup>231</sup> On 19 June, the new colonial secretary, William Ormsby-Gore, relayed to Weizmann the high commissioner's opinion that Jewish newspapers' unrelenting calls for "ruthless repressive measures against the Arabs" had considerably "exacerbate[d] Arab feeling."<sup>232</sup> Indeed, two days prior, *Filastin* ran an article stating, "The Mandate authorities would clearly not have used these violent means were it not for the provocations of the Jews and the Jewish press."<sup>233</sup>

As Ian Black documents, a great deal of the Arab-related content of the Zionist press in Palestine originated from the political department of the Jewish Agency.<sup>234</sup> This was true in particular of the *Palestine Post*.<sup>235</sup> The *Post* claimed from the first that the strike was the work of thugs. Its 27 April edition, for example, contained headlines such as "Strike forced on Arabs" and "Business as usual in spite of hooligans." In a 29 April article titled "Deal with the instigator," the paper declared that "the inspiration for the strike is undisguised intimidation," and prayed that the British would not "lose themselves in admiration of what can easily be mistaken for

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<sup>230</sup> Ibid. The memo also listed episodes in which Arab officials (including policemen) had allegedly actively collaborated with rebels, but these included none of the signatories to the statement.

<sup>231</sup> "The Strike Goes On," CZA S25/4510

<sup>232</sup> Ormsby-Gore to Weizmann, 19 June 1936, CZA S25/6326

<sup>233</sup> *Filastin*, 17 June 1936.

<sup>234</sup> Black, *Zionism and the Arabs*, 186–87.

<sup>235</sup> The *Post*'s columns on Arab affairs frequently issued from the pen of the department's Leo Kohn. Along with Eliyahu Epstein, Kohn "exercised an incalculable influence on the formation of the dominant Zionist view on Near Eastern affairs." See: Ibid., 191.

perfect organization, with its roots in some deep-seated grievance ...” On 20 May, the *Post* opined that arrest figures (800 Arabs, 50 Jews) during the recent “wave of crime” furnished “a simple index to the part of the population which supplies the aggressor and the criminal ...”<sup>236</sup> When the AHC publicly pled for non-violent resistance to the British, the *Post* editorialized that the committee was either dissembling, or had “never exercised any real influence over [its] people” in the first place.<sup>237</sup>

This analysis contained a tension that was also present in the Jewish Agency arguments to Wauchope. The dominant Zionist voices were resolute regarding the criminal nature of the Arab national movement in Palestine. This meant, in the first instance, pooling indiscriminately all violent incidents in the country and then routing responsibility for them to the doorstep of the national leadership. That the evidence for this was lacking was disclosed in Jewish Agency members’ private remarks (such as Ben Gurion’s above) and in the *Post*’s desultory acknowledgement that the Arab leadership had, perhaps, sincerely advocated peaceful methods. If that were the case, however, it only proved that they were not really the Arab leadership. For the “national” rank and file were a violent lot. As with the *Times*’ coverage of encounters between Arab and British forces, the *Post* cast the former as mere outlaws, turning out headlines such as “Running fights with Arab bandits” and “Soldiers fight bandits.”<sup>238</sup> Bandits and hooligans, not “some deep-seated grievance,” were the real driving force of the strike. The *Post*’s 4 June edition heralded the government’s “long-delayed recognition” of the strike’s “essential illegality ...”<sup>239</sup>

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<sup>236</sup> “Probing the disorder,” *Palestine Post*, 20 May 1936

<sup>237</sup> “What price resistance?” *Palestine Post*, 26 May 1936

<sup>238</sup> Both from the 31 May 1936 edition.

<sup>239</sup> “The new emergency measures,” *Palestine Post*, 4 June 1936

While the Jewish Agency and Jewish press relentlessly reiterated the top-down (that is, AHC-directed) crime theme, British intelligence attempted to come to grips with some of the subtleties on the ground. Two were particularly significant. First, as noted above, the bulk of Arab attacks in May had been directed against British forces and infrastructure, although there were also numerous cases in which Arabs attacked Jews (sometimes fatally) and their property. The increase in “crime” therefore had a peculiarly military quality. Second, crime did not, in fact, increase dramatically from May to June. The murder figures were equal from one month to the next (21 in each case), and attempted murders were comparable (moving from 54 to 60). Cases of manslaughter, theft, and “other offences against the person” actually declined in June, while assaults and woundings increased from 13 to 17 and highway robberies from 4 to 5.<sup>240</sup>

The RAF weekly intelligence summary of 17 June continued to refer to armed Arab groups engaged in sabotage and attacks on British forces as “gangs” and “marauders,” but it also took notice of their increasing sophistication and orderliness. Recounting an attack on a British railway patrol outside Deir el-Sheikh, the report observed, “... the fire of the gang was organised and controlled—it was not mere indiscriminate sniping.”<sup>241</sup> The following week’s intelligence summary likewise noted “the improved organisation” of the “marauders” attacking British forces. It concluded, “The two main objectives of the Arabs now appear to be intensive sabotage of railway lines and formation of armed gangs to combat the military in the open.”<sup>242</sup>

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<sup>240</sup> Government of Palestine Office of Statistics, General Monthly Bulletin of Current Statistics of Palestine, October–November, 1936, FO 371/20036.

<sup>241</sup> “Weekly summary of intelligence, Palestine and Transjordan,” 17 June 1936, FO 371/20030

<sup>242</sup> “Royal Air Force Intelligence Summary, Palestine and Transjordan,” 24 June 1936, FO 371/20030

Peirse's report also commented on the more impressive rebel formations that appeared on the scene in June, particularly in what would come to be known as the "triangle of terror"—

Nablus, Tulkarm, and Jenin. He wrote:

Armed bands which a fortnight previously consisted of 15–20 men were now encountered in large parties of 50–70. The bands were not out for loot. They were fighting what they believed to be a patriotic war in defence of their country against injustice and the threat of Jewish domination.

Such passing acknowledgements of the magnanimous (if misguided) motivation of what were otherwise referred to as "bandits" are rare in the record, and mark the boundary of mainstream British discourse on the revolt at the time.

The structure of military command in Palestine and Transjordan underwent important changes in early June, by which time there were six British battalions in the country. The government combined the hitherto separate headquarters of the RAF and army on 8 June, thus creating a unified command for British forces in both parts of the mandate.<sup>243</sup> The AHC, according to internal government reports, also underwent structural changes, though of a less intentional and more enervating variety. Early signs of disintegration had set in by mid-June. This was partly due to external pressure in the form of the British incarceration of its secretary, Awni 'Abd al-Hadi, and partly a result of the intrinsic delicacy of the coalition comprising the committee.<sup>244</sup> The 17 June RAF report averred, "... practical leadership has passed from the hands of the High Committee to those of local committees and extremists."<sup>245</sup>

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<sup>243</sup> "Weekly summary of 'intelligence', Palestine and Transjordan," 10 June 1936, FO 371/20030. The new combined staff "retain[ed] the title of 'Headquarters, British Forces in Palestine and Transjordan' ..."

<sup>244</sup> Indeed, there was speculation at the time of 'Abd al-Hadi's arrest that the mufti was behind it. See: Mattar, *The Mufti of Jerusalem*, 75.

<sup>245</sup> "Weekly summary of intelligence, Palestine and Transjordan," 17 June 1936, FO 371/20030

By late June, then, the British and Zionists were in firm—if not firm enough, from the Zionist perspective—agreement on the criminal nature of the burgeoning armed revolt. With regard to the strike, the British took a more nuanced view. Some of the widespread adherence to the strike was attributable to the work of enforcers operating at the behest of local strike committees, and in that sense involved the employment of criminally-minded young toughs. But the strike itself, the government was reasonably certain, had broad popular support. So much so that the Arab leadership would have immediately discredited itself in opposing it. On the other hand, as the high commissioner made clear verbally and via legal fiat, the strike was illegal and an open affront to the authority of the British government in Palestine. Those advocating it were therefore subject to prosecution and incarceration on grounds of sedition. As we will see, the British and Zionist criminalization of the revolt was not a flat denial of the rebels' national aspirations, but an attempt to prove how poorly qualified Arab Palestinians were for national independence. The rebels were, as GOC Dill's chief of staff would later declare, "impatient nationalists," whose inability to see the wisdom of British policy in Palestine was of a piece with their criminality.



## CHAPTER TWO

### **“The Policy is the Criminal”: War on the Discursive Frontier, July-December 1936**

#### **Introduction**

The primary trend lines of the revolt and strike that emerged in June deepened in July. Increasingly robust and well organized Arab military formations took the field, and the strike endured in defiance of its regularly forecast demise.<sup>246</sup> The government responded to these developments with air power, propaganda, and military reinforcements. In the course of the month, British planes assaulted the rebels assiduously, firing 8,000 rounds and dropping 205 bombs. Mandate authorities also circulated over 350,000 pro-government leaflets to nearly a thousand villages. In addition, two more British battalions arrived in country, raising the total to eight. They fortified road and rail, and set up permanent picquets at particularly troublesome spots such as the road between Jerusalem and Nablus and areas in the “triangle of terror” (Tulkarm, Nablus and Jenin).<sup>247</sup>

While the Jewish Agency and the Jewish press continued to regard the rebels as criminal gangs (*kenufyot*) and the strike as a contrived display of Arab “unity,” it would be a mistake to suggest that the reverse was unqualifiedly true in either case. The rebels did, in some instances, resort to predatory tactics that alienated even many Arabs. And while the strike and rebellion enjoyed broad popular support, there were Arabs who attempted to flout or subvert both. The wealthy mukhtar of the village of Bidya, Abu Tahir, and his clan (the al-Zabans), refused to

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<sup>246</sup> Haim, *Abandonment*, 37–38.

<sup>247</sup> “Despatch by Air Vice-Marshal R.E.C. Peirse, D.S.O. A.F.C., on Disturbances in Palestine, 19th April to 14th September, 1936,” WO 32/4177.

participate in the revolt on grounds that its proponents were delinquents of lower class origin.<sup>248</sup>

The mukhtar of Silwan defiantly offered his protection to Yemenite Jews entering and leaving his village. The Arabs of Lifta were likewise inclined to keep the intercommunal peace, and resented the push towards confrontation with the Jews.<sup>249</sup> Arab attitudes regarding what constituted national obligations thus varied. (Indeed, Arab ideas about what constituted Arab national

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<sup>248</sup> Swedenburg, *Memories of Revolt: The 1936–1939 Rebellion and the Palestinian National Past*, 155. A number of Swedenburg’s interview subjects—former rebels whose testimonies he collected in the mid-1980s—voiced similarly class-conscious opinions of the rebels, and rebel leaders in particular. For the most part, however, “memories of such generalized class hatred were generally hidden or forgotten in the interest of presenting a unified and unsullied depiction of the revolt.” (*Memories*, 120)

<sup>249</sup> Testimony of Yisrael Ligal, 10 August 1936, CZA S25/4239.

identity in Palestine varied.)<sup>250</sup> Many Arabs were ambivalent about the strike, which placed their national and familial obligations at odds. Strike committees were alert to these difficulties and pooled resources to aid those most impinged upon by the work stoppage. Where beneficent tactics did not achieve their end, the committees resorted to intimidation.<sup>251</sup>

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<sup>250</sup> To take one example of this variation, Swedenberg notes that in the revolt years, Arabs from northern Palestine tended not to fuse factional and national affiliations in the manner characteristic of Arabs in Nablus, Jerusalem, and Hebron, whose Husayni-Nashashibi feuding rendered the mufti a lightning rod in the debate over the nature of Palestinian national identity. See: Swedenberg, *Memories of Revolt*, 88–89. Swedenberg elsewhere notes that the social mobilization required for the prolonged struggle of 1936–39 brought together “a broad alliance of peasants, workers, and radical elements of the middle class” whose conception of Palestinian nationalism so differed from that of the notability that the latter took fright. Indeed, in the course of the revolt, many fled Palestine. Even within the “broad alliance” to which Swedenberg refers, it is likely that workers and peasants, while associating their fate with a Palestinian homeland, did not conceive of their political identities in quite the same terms as the educated Palestinian youth at the forefront of the national struggle. See: Swedenberg, “The Role of the Palestinian Peasantry in the Great Revolt (1936-1939),” 467–68, 481; Matthews, *Confronting an Empire*, 260. Another example of the variegated quality of Arab nationalism in Palestine comes from Muhammad al-‘Azzeh, an octogenarian (and one of a small number of surviving Arabs from the period of the revolt) with whom I spoke in the Dheisheh refugee camp in April 2012. Al-‘Azzeh implicitly identified with Palestinian nationalism. He nevertheless also recalled, without qualification or shame, that his brother was a member of the Palestine police during the revolt; that many of the men from his village (Tel al-Safi, north of Ramle) had amicable relations with Jews from neighboring kibbutzim, with whom they often shared breakfast during the same period; and that a group of Jews kindly looked after some of the Arabs from Tel al-Safi whom the rebels targeted for retribution. He also recalled his admiration for the armed bands who would descend from the hills to collect food and money. Needless to say, al-‘Azzeh’s was hardly the profile of every Palestinian nationalist in 1936–39, and it therefore illustrates the identitarian variety characteristic of those identifying as such. Hillel Cohen notes, incidentally, that even some rebels “made a point of not harming their Jewish acquaintances,” and that “friendships between Arab rebels and Jews were not rare.” See: Cohen, *Army of Shadows: Palestinian Collaboration with Zionism, 1917–1948*, 164.

<sup>251</sup> Cohen, *Army of Shadows*, 99. A number of Arab villages likewise refused to participate in the revolt, and suffered persecution on that account. According to the mandatory government’s annual police report for 1936: “Many of the villages in the vicinity of Hebron and the great majority in other parts of the area remained quiet throughout the disturbances. Efforts were made to induce them to participate without success. Several villages were attacked by the bands for refusing to take part.” See: The Palestine Police Force Annual Administrative Report, 1936, ISA.

The Jewish Agency seized on such cases as evidence of the coercive and fundamentally criminal substructure of the strike. The reality, however, as the British appreciated, was that while part of the strike's success turned on enforcement mechanisms designed to prevent those less willing or able to participate from undermining Arab solidarity, the political objectives of the Arab population at large were clear long before the disturbances began in April 1936—and they included halts to Jewish immigration and land purchases, both of which spoke to the fundamental Arab hostility to further Jewish economic encroachment in Palestine.<sup>252</sup>

While the British, with the Jewish Agency spurring them on, repeatedly admonished the Arabs that they would not meet their objectives through violent protest, such scoldings were disingenuous.<sup>253</sup> It was, after all, trivially true that the Arabs could not extract British concessions by violent means, for they could not extract them by any means at all, as the history of the mandate plainly disclosed. The general Arab response to this circumstance was well articulated three years earlier, during the October 1933 riots in Jaffa, when Musa Alami, then a mandate official, commented: “The prevailing feeling is that if all that can be expected from the present policy is a slow death, it is better to be killed in an attempt to free ourselves of our enemies than to suffer a long and protracted demise.”<sup>254</sup>

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<sup>252</sup> Wauchope, for example, wrote Ormsby-Gore in mid-June: “Intimidation is responsible only in small measure for continuance of strike which has [the] full sympathy of all Arabs.” See: HC to CS, 16 June 1936, CO 733/297/3

<sup>253</sup> See, for one of numerous examples, Weizmann to Wauchope, 5 May 1936, CZA S25/6324

<sup>254</sup> Kimmerling and Migdal, *Palestinians: The Making of a People*, 103. Awni ‘Abd al-Hadi, writing to Wauchope from the detention camp at Sarafand in August 1936, gave voice to a kindred sentiment: “The Arabs are aware that Government is able to continue to pursue its present policy for another long period without showing any weakness. But they assert, on the other hand, that they have nothing to lose.” See: Awni ‘Abd al-Hadi to high commissioner, 19 August 1936, ISA 5076/4-2

This chapter will address several of the major discursive themes that characterized the July-October phase of the 1936 revolt, beginning with the strongest criminological claim of the Zionists; namely, that the revolt was literally the product of a criminal syndicate working in secret collusion with the Arab Higher Committee. As with the inattention to British violence reviewed in the previous chapter, this theme is reproduced in the scholarly literature on the revolt. I will argue that its appearance, whether there or in the archival documents from 1936–39, depends on a combination of dubious inference and disregard for the fundamental role of British violence in sustaining the mandate.

As demonstrated in the second section, these missteps and oversights were not lost on the Arabs of Palestine, who pressed back against British and Zionist attempts to frame the revolt as a criminal (as opposed to national) endeavor. They were aided in this effort by a vocal minority in the British press, which itself nevertheless failed to recognize the moral (and, by extension, criminal) significance of British repression in the mandate.

Section three discusses a series of Arab attacks against Jewish non-combatants, including children, which compromised the effective presentation of the Arab case before the British public (as well as the Zionists and the world). Though limited in number and condemned by the Arab leadership, these murders and attempted murders appeared—especially against the relief of the Jewish refusal to retaliate—to starkly confirm the Zionist and British claim that it was a crime wave, and not a nationalist rebellion, that threatened to upend the political order in Palestine.

Despite this, as documented in the penultimate section of the chapter, important sectors of British officialdom came increasingly to regard the rebels as something closer to soldiers than ordinary criminals, government pronouncements notwithstanding. The result of this shift was the recognition that a more thoroughgoing military effort would be required to subdue the rebellion.

This recognition, in turn, had two primary ramifications, one public and one private. The first, public ramification was the government's unqualified acceptance of the Zionist claim that the Arab leadership were in control of the revolt and therefore responsible for any violence it entailed, a premise British officials had previously viewed with suspicion. This change was, I will argue, necessitated by the broader British criminological discourse vis-à-vis the rebellion, which could not portray the Arab population of Palestine as criminals, and therefore cast the Arab leadership in this role.

The second, private ramification is the subject of the last section of the chapter. While publicly pinning responsibility for the revolt on a "criminal" Arab leadership, behind closed doors, the British were confronting the possibility that crushing the rebellion would render the mandatory state itself vulnerable to charges of criminality. The internal debate over whether to declare martial law in Palestine revealed a split within the government, with one side insisting that the British just were law and order in the mandate (thus ruling out the possibility of their criminality *a priori*), and the other arguing that by declaring martial law, the British would effectively be resorting to criminal measures to repress the revolt. The latter view won out, with the result that the government elected not to declare martial law, and sought a face-saving egress from all-out war against the Arab population of Palestine.

### **Criminal networks and the origins of the revolt**

Among the arguments that Zionists advanced in support of the contention that the revolt and strike were criminal affairs was one alleging that the apparently spontaneous disturbances of April were actually the premeditated outcome of known criminal elements working at the behest of the Arab leadership. In July, for example, a declaration "from the Jewish public in Israel to the

civilized world” claimed that “the ‘leaders’ of the Arabs living in our country started making preparations for the recent agitations some time ago.”<sup>255</sup> The trouble began, the document continued a little further on, “with the operation of a gang of murderers ... ”

It is worthwhile briefly to address this charge, which was pervasive in 1936–39 and recurs in the scholarship, where Shai Lachman furnishes the best evidence for it. As with so much of the literature on the revolt, Lachman reproduces narrative themes endemic to the British and Zionist archives, specifically those of the mufti’s felonious double-dealings and the criminal substructure of the rebellion.

Lachman offers a kind of cultural chronology of the armed Arab groups that took the field in 1936, which he roots in early 1930s Arab “gangs” such as the Green Hand of Safad and Galilee, a group “mainly composed of rioters and wanted criminals ... ”<sup>256</sup> In succeeding years, other armed groups formed. Lachman does not detail their criminal affiliations or membership, but he does note that “all were at some time connected in one way or another with the Mufti and his camp.”<sup>257</sup>

The groups coalesced around three geographic hubs, Jerusalem-Ramallah, Tulkarm-Qalqilya, and Haifa-Galilee.<sup>258</sup> Lachman’s “principal source of information” regarding the mufti’s connection to the first is the memoir of Emil al-Ghawri, a work which, by his own estimation, “abounds in errors, exaggerations and distortions,” and which seeks “tendentious[ly]”

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<sup>255</sup> “From the Jewish public in Israel to the civilized world,” Undated, CZA S25/4518 (Hebrew). Although the document contains no date, its content and file placement indicate that it was produced in July 1936.

<sup>256</sup> Lachman, “Arab Rebellion and Terrorism in Palestine 1929–39: The Case of Sheikh ‘Izz al-Din al-Qassam and his Movement,” 56.

<sup>257</sup> *Ibid.*, 57.

<sup>258</sup> *Ibid.*

to “extol the achievements of Amin al-Husayni.” He recommends that the reader look past these defects and regard the account as essentially correct, “if only because of [its] numerous details and names” and al-Ghawri’s “personal involvement in the events described”—a less than persuasive proposal.<sup>259</sup> Lachman is on firmer ground connecting the Husaynis generally to the second, Tulkarm-Qalqilya-based group, but the latter’s aspirations (attacking Jews, Britons, and Arab traitors) appear to have been more national than strictly criminal in nature. And, in any case, the bold objectives of both this and the Jerusalem-Ramallah group remained aspirational; neither “[ever] actually resorted to violence.”<sup>260</sup> Rather, it was the third, Haifa-Galilee group, led by Sheikh ‘Izz al-Din al-Qassam, that first “put into practice the idea of armed struggle.”<sup>261</sup>

Al-Qassam arrived in Haifa in 1921, having fled Damascus under a French death sentence for his guerilla activities there. His connections in Palestine were primarily with populist nationalist organizations.<sup>262</sup> By the late 1920s, however, he had successfully integrated himself as a figure of importance into a much broader political network. Together with the local manager of the Arab Bank, he helped to found the Haifa branch of the Young Men’s Muslim Association

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<sup>259</sup> Ibid., 58. Philip Mattar notes that al-Ghawri “suggested that the Mufti secretly inspired and led Palestinian affairs in April [1936],” but discounts this claim on the grounds that there is no evidence for it. See: Mattar, *Mufti of Jerusalem*, 68.

<sup>260</sup> Ibid., 58–59.

<sup>261</sup> Ibid., 59.

<sup>262</sup> From the British arrival forward, nationalist groups in Palestine broke down roughly into two types: elite and popular. The former consisted of the notability and ex-Ottoman functionaries who would come to head the AHC and who, as noted, had by the time of the revolt largely alienated themselves from the mainstream of Arab Palestinian politics by their refusal to meaningfully confront the British. The popular nationalist organizations, by contrast, consisted largely of petite bourgeois elements such as merchants and tribal and religious leaders like al-Qassam. They included the Damascus-based Higher National Committee, with whose erstwhile leader al-Qassam took up residence on arriving in Haifa. See: Gelvin, *Divided Loyalties: Nationalism and Mass Politics in Syria at the Close of Empire*, 296–97; Gelvin, *The Israel-Palestine Conflict: One Hundred Years of War*, 96–97, 107.



(YMMA). He also collaborated on projects with the founders of the Istiqlal party.<sup>263</sup> Known as a preacher, al-Qassam additionally became the marriage registrar for the shari‘a court in Haifa, a vocation that brought him into regular contact with villagers, thus expanding his influence into the rural regions outside the city.<sup>264</sup> Around this time, he formed a terrorist secret society, the Black Hand, which operated under the cover of the Safuriyyah and Haifa branches of the YMMA and “ran an elaborate network of cells in the Arab villages of Nazareth, Nablus and Jenin ... ”<sup>265</sup> The extent of the group’s actual terrorist activities is not entirely clear, although Lachman makes a reasonable case that a string of killings of Jews in northern settlements in 1931–32 was the work of the Black Hand—and not, as has been reported, that of a renegade offshoot. One of those arrested (and then acquitted) in connection with the most notorious of these murders was Abu Ibrahim al-Kabir, who later “took an active part in the events which preceded the outbreak of the 1936 revolt and became one of its principal commanders.”<sup>266</sup>

Lachman estimates that al-Qassam’s core following consisted of 30–35 individuals (with the “entire movement ... no more than 50–60 persons”) in 1935, the year of his storied clash with British forces at Ya’bad, near Jenin.<sup>267</sup> His death in the course of that battle, however, elevated him to the status of a national hero. In his wake flourished “a new cult of armed bands in the Arab community.”<sup>268</sup> The trend even swept up some of the political parties that would

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<sup>263</sup> Lachman, “Arab Rebellion,” 60.

<sup>264</sup> *Ibid.*, 61.

<sup>265</sup> *Ibid.*, 63–64.

<sup>266</sup> *Ibid.*, 67.

<sup>267</sup> *Ibid.*, 69.

<sup>268</sup> *Ibid.*, 74.

come to comprise the AHC—such as the Palestine Arab Party and the National Defence Party—who undertook their own paramilitary mobilization after the sheikh’s demise.<sup>269</sup>

Thus, the third, Haifa-Galilee group—which al-Qassam and, after him, various of his followers led—stimulated the formation of other armed groups and came itself to constitute “one of the pillars of the revolt” that commenced in 1936. But while the Qassamites would come in the latter years of the rebellion to “[throw] off all sense of responsibility” and resort to “indiscriminate murders,” Lachman’s cultural chronology does not, in the end, reveal anything like a criminal substructure of the revolt.<sup>270</sup> As he himself records:

Some of the Yishuv leaders were quick to grasp the significance of the phenomenon [of al-Qassam’s posthumous renown] and its implications. Moshe Beilinson wrote: “These people are not bandits ... Mosque preachers, school directors, chairmen of Young Men’s Muslim Association [*sic*] do not engage in banditry. Not a gang of thieves but a body of political terrorists has lately confronted the authorities in Palestine.” David Ben-Gurion, in one of his speeches, commented on the Ya’bad battle as follows: “This is the first time the Arabs have a sort of Tel-Hai of their own ...”<sup>271</sup>

Militarization may have been an “extremist” affair among the Arabs, but as a number of British officials came to believe, this description was of negligible value given that what it actually characterized was the position of the vast majority of the Arab population; i.e., that it was force alone that entrenched British policy in Palestine, and it would be force alone that

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<sup>269</sup> Ibid.

<sup>270</sup> Ibid., 87–88. Porath observes that “among those who had had criminal records before they joined the rebel bands, we do not find the Qassamites,” and that “although there were some less scrupulous people among the *Ikhwān al-Qassām*, it is evident that these people were up to the end of the revolt the most devout fighters who put the national cause above all other considerations.” See: Porath, *Riots to Rebellion*, 183–84.

<sup>271</sup> Ibid., 72.

dislodged it.<sup>272</sup> This was the basis for the resonance of al-Qassam's action with the broader Arab public, which led to the formation of copycat armed groups. Someone was finally *fighting* the British.<sup>273</sup> As for the Haifa-Galilee group's connection with Amin al-Husayni, Lachman says that the sheikh and the mufti were on good terms in the 1920s, but ultimately fell out, likely due to "al-Qassam's independent activity and his decision to put his militant theories into practice."<sup>274</sup> He takes seriously the mufti's memoirs, which "[do] not claim any complicity in Qassamite clandestine activity or in the preparation preceding the Ya'bad incident."<sup>275</sup>

The idea, then, that the rebellion was, as Tom Bowden asserts, a mere "extension of traditional brigandage," does not hold up.<sup>276</sup> Likewise, setting aside for the time being his ultimate descent into factional gangsterism, the mufti's future course was not fixed as of April-

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<sup>272</sup> See, for example, the RAF intelligence summary of 21 August 1936 in FO 371/20030.

<sup>273</sup> For a Jerusalem-based example, see: Swedenburg, *Memories of Revolt*, 122.

<sup>274</sup> Lachman, "Arab Rebellion," 76.

<sup>275</sup> *Ibid.*, 77. Philip Mattar writes: "In 1933, [al-Qassam] sent a follower to the Mufti requesting him to start a revolt in the south, while he, al-Qassam, started one in the north. The Mufti reportedly refused, affirming again that he was seeking a political, not military, solution." See: Mattar, *Mufti of Jerusalem*, 67.

<sup>276</sup> Bowden, "The Politics of the Arab Rebellion," 151. Like Bowden, Joshua Caspi regards the revolt as rooted in criminal networks. "Palestine had never been entirely free from banditry," he writes, "but with the development of the revolt *these bands* were strengthened, became more organized and better armed." Lest one think Caspi describes here a subset of the larger armed revolt, he continues directly, "Their numbers were estimated at about 5,000 men in the summer of 1936." See: Caspi, *Policing the Holy Land, 1918–1957: The Transition from a Colonial to a National Model of Policing and Changing Conceptions of Police Accountability*, 99. My emphasis. Michael J. Cohen paints a slightly different picture regarding the criminal component of the revolt, but his final portrait is basically the same as that of Bowden, Caspi, and many others. Cohen suggests that the AHC were in greater control of the strike in the early months of the revolt than they would be later. Two months in, he argues, "Control of the strike had seemingly passed out of the hands of the Arab Strike Committee . . ." Out of their hands, and "into those of irresponsible youths and criminals." See: Cohen, "Sir Arthur Wauchope," 24.

July 1936. Whatever his later role in the revolt, he did not direct the activities of the rebels in its early months.<sup>277</sup>

Like Lachman, Yuval Arnon-Ohanna regards both the Green Hand and Black Hand groups as “forerunners of [the armed band] phenomenon” that swept over Palestine during the revolt, and counts “seasoned rioters,” “fugitives from justice,” and “a notorious robber” among the founders of the first regular bands—thus advancing again the idea that armed Arab protest in 1936 and after germinated in criminal soil.<sup>278</sup> Yet, as Yehoshua Porath documents, a mere seven of the known rebels had prior criminal records, although these seven were prominent figures.<sup>279</sup> Based on interviews with former rebels conducted in the 1980s, Ted Swedenburg surmises that a greater proportion of lower-level fighters than of rebel leaders had criminal records predating the revolt, although he in no way implies that they comprised the majority of rebels. He does note, however, that “standard Palestinian histories by and large fail to mention the criminal records or reputations of any leading commanders.”<sup>280</sup>

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<sup>277</sup> Thus, according to intelligence gathered by the Arab bureau of the Jewish Agency’s political department, when bedouin leaders contacted the mufti in the days after the Jaffa riots in April 1936 to seek his advice on what actions to take, he informed them that there was “no unified plan” and that “each person was acting on his own.” See: Gelber, *Growing a Fleur-de-Lis*, 146 (Hebrew). By August, British intelligence had concluded that the mufti was “the primary instigator . . . of the strike movement” and “definitely hand-in-glove with the extremist movement.” See: Weekly Summary of Intelligence, Palestine and Transjordan, 13 August 1936, FO 371/20030. But while the mufti had begun contributing financially to the rebel groups during the summer of 1936, the revolt was by no means under his control, and he continued simultaneously to pursue a diplomatic solution to the crisis in Palestine. See: Mattar, *The Mufti of Jerusalem*, 78–79.

<sup>278</sup> Arnon-Ohanna, “The Bands in the Palestinian Arab Revolt, 1936–1939: Structure and Organization,” *Asian and African Studies* 15 (1981): 229–31.

<sup>279</sup> Porath, *Riots to Rebellion*, 264.

<sup>280</sup> Swedenburg, *Memories of Revolt*, 222 (footnote 18).

More broadly, Palestinian nationalist discourse has tended to retroject modern Palestinian conceptions of criminality onto the period of the revolt and prior, a phenomenon entailing the forgetting (or condemning) of erstwhile bandit-heroes such as Abu Jilda, whose violent and larcenous exploits in the 1930s were once the stuff of fearful and admiring Palestinian folklore.<sup>281</sup> Likewise, robbers whose targets lay outside their own communities were, in earlier times, locally revered among Arabs in Palestine. They occupied a liminal frontier between crime and adventure, which depended for its existence on intercommunal fissures born of parochial loyalties, and which modern Palestinian nationalist discourse has therefore foreclosed.<sup>282</sup>

But while figures such as Abu Jilda largely vanished from Palestinian memory with the sealing of this frontier, their salience at the time of the revolt turned not only on a pre- or proto-national provincialism, but also on a dialectic in the Palestinian political imagination between the criminal and the national. This dialectic emerged naturally from the rising Palestinian conviction that the national government of the mandate was predicated on the illegal (and, in the final analysis, violent) negation of Arab rights, and that it was only the maquillage of British sovereignty—flags, courts, uniforms—that concealed this ugly fact.

In his memoir of his time as a policeman in Palestine during the revolt, Roger Courtney recalls, “The names and fame of bandit leaders were treasured and revered everywhere in the Arab hills.”<sup>283</sup> He goes on to tell of a twelve-year-old newspaper boy in Jenin, who took the

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<sup>281</sup> In his excellent survey and analysis of available information on Abu Jilda, Alex Winder (a PhD candidate in the Department of History at NYU) suggests that this particular bandit-hero was perhaps more feared (and even despised) than admired by the Palestinian Arabs of his own time, posthumous folklore and contemporaneous enthusiasts notwithstanding. See: Alex Winder, “Abu Jilda: Highwayman, Social Bandit, or Revolutionary?” 14–15.

<sup>282</sup> Swedenberg, *Memories of Revolt*, 95–96.

<sup>283</sup> Courtney, *Palestine Policeman: An Account of Eighteen Dramatic Months in the Palestine Police Force during the Great Jew-Arab Troubles*, 75.

moniker “Abu Jildi” and “led an ‘army’ of children, with the purpose of mocking and harassing the police and the government generally.”<sup>284</sup> This “army,” comprised of youths aged seven to twelve, donned “tin hats” modeled on those the British police wore, and slung bandoliers around their shoulders, against which they rested sticks in place of rifles. They even carried drums. Courtney recounts that the youngsters would defiantly march about after curfew, prompting the police to cobble together slingshots and smack them with stones (“usually in the rear”!), a tactic which succeeded in converting them into “law-abiding and law-respecting citizens.”<sup>285</sup>

This coupling of willful defiance of the outsider’s law with the reappropriation of his symbols of national sovereignty reproduced at the theatrical level tactics Abu Jilda’s own gang had pioneered in their real-world skirmishes with British police. As another former Palestine policeman, Colin Imray, recollects in his own memoir, Abu Jilda became a top law enforcement priority after his group of outlaws executed a four-man police patrol and made off with their horses, bandoliers and rifles.<sup>286</sup> On a separate occasion, one of Abu Jilda’s men apprehended a “senior legal officer” at gunpoint and demanded his pants.<sup>287</sup> When police finally caught up with the infamous bandit and his longtime partner in crime, Salih al-‘Armit, the two men emerged from their hiding place “festooned with full police bandoliers and carrying police rifles.”<sup>288</sup> An unwary observer might have mistaken them for policemen.

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<sup>284</sup> Ibid.

<sup>285</sup> Ibid., 75–76. My emphasis.

<sup>286</sup> Imray, *Policeman in Palestine: Memories of the early years*, 71–72. One of the police officers actually survived, and it was on the basis of his testimony that Abu Jilda was implicated in the killings of the other three.

<sup>287</sup> Ibid., 72.

<sup>288</sup> Ibid., 74.

By the time of the revolt, bandits such as Abu Jilda seem not only to have straddled a line between criminal and adventurer, but to have sat astride the intersection of the criminal and the national—the very space the British inhabited in the Arab Palestinian political imagination. Indeed, both Abu Jilda and his attorney appear to have been keenly aware of this fact. The latter insisted at Abu Jilda’s 1934 trial that his client’s slaying of a policeman was “based on nationalist principles” as opposed to criminal proclivities.<sup>289</sup> This defense took for granted that the same actions, when coded as national rather than criminal, took on an inverted moral significance. If the British could play this game, why not the Arabs? As for the bandit-hero himself, one of his fellow prisoners, Najati Sidqi, recalled in his memoir that Abu Jilda wore

a military uniform decorated on the epaulettes with two swords and three stars in an attempt to distance himself and his group from the charge of being bandits. He also carried a long polished sword with a gilded handle and called himself chief of staff, while designating his colleague al-‘Armit ... as deputy with full authority.<sup>290</sup>

During the actual revolt, Arab insurgents employed the same strategy. Among the photographs that Palestine policeman (and great-nephew of Lord Allenby) P.J. De Burgh Wilmot kept in his scrapbook from the revolt years are a number featuring dead rebels in military attire. One such snapshot displays a mortally wounded Arab in button-down khaki trousers, a khaki jacket, and high boots.<sup>291</sup> The private papers of former Palestine policeman G.J. Morton include a revolt-era photograph of three rebels in the same outfits, with the caption: “Typical Arab

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<sup>289</sup> Bartels, *Policing Politics: Crime and Conflict in British Mandate Palestine (1920–1948)*, 97–98. It is worth noting that even Abu Jilda’s attorney refrained from pressing the “nationalist” angle of his client’s crimes too forcefully, as such a strategy would apparently have pushed well beyond the bounds of the plausible. See Winder, “Abu Jilda,” 23.

<sup>290</sup> Tamari, “Najati Sidqi (1905–79): The Enigmatic Jerusalem Bolshevik,” 92. Quoted in Winder.

<sup>291</sup> Haganah Archives (HA) 116/50.

gangleaders in the Jenin area.”<sup>292</sup> One British soldier recalled of Fawzi al-Qawuqji, whom the British would come to regard as the effective commander-in-chief of the rebels, “I remember seeing him through the field-glasses, standing on a small hill at the Battle of Bala, in Turkish uniform, wearing his medals and carrying a sword.”<sup>293</sup> Porath likewise notes the preference of rebel commanders in the revolt’s second phase for “uniforms and symbols of rank”:

“‘Abd al-Raḥīm al-Ḥājj Muḥammad wore an insignia with two crossed swords on his epaulettes, while Yūsuf Abū Durrah and ‘Ārif ‘Abd al-Rāziq wore one with two stars and a crown; ‘Abd al-Qādir al-Husayni three stars [*sic*] and the remainder according to the rank which they were given.”<sup>294</sup>

Arab rebels thus not only transgressed the law, but commandeered its legitimizing tokens in the form of military and police regalia, as well as flags, stamps, courts, and other such emblems of national sovereignty (as we will explore further in subsequent chapters). In so doing,

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<sup>292</sup> Papers of G.J. Morton CPM BEM KPM, Imperial War Museum, London (IWM), PP/MCR/390. As Morton’s caption indicates, the wearing of such uniforms was common among insurgents. A CID report of 18 August 1936 noted, “... aircraft report seeing men in some uniform decamping into the hills.” (The same report noted, not incidentally, that Palestinian “flag days have been held in Jaffa and other parts of the country.”) See: CID periodical appreciation summary no. 14/36, 18 August 1936, ISA 1058/21-2

<sup>293</sup> Memoir of Lieutenant Colonel A.C. Simonds, IWM 08/46/1

<sup>294</sup> Porath, *Riots to Rebellion*, 266. Porath’s explanation of the rebel uniform phenomenon is partially correct. He claims that rebel maltreatment of villagers in 1939 was “[t]o some extent ... motivated by personal desire for status and wealth.” He then continues, “Otherwise, one can hardly understand the deep concern of the bands’ commanders, who were leading an underground organisation, for uniforms and symbols of rank.” Undoubtedly the uniforms served as a symbolic denial of rebel criminality, but not merely on account of some rebels’ bad behavior. For the British equation of the rebels with “bandits,” “marauders,” and “criminals” persisted independent of the rebels’ treatment of villagers, as the record makes obvious. While the rebel armies were “underground” in the sense that they waged asymmetric war against a traditional police force and military, their uniforms signified—to the Arab population of Palestine, to the British, and to an international audience—that they were a national military, regardless of what the British might claim.



they did not so much break the law as they did turn it back upon its ostensible guardians. The British responded with mockery, and re-imposed upon the rebels labels such as “murderer” and “criminal.”<sup>295</sup> Their eagerness to so name the insurgents had an anxious, wish fulfillment quality.<sup>296</sup>

While Arab bandits, rebels, and their young acolytes adopted police and military garb, British police and troops, as we have seen, frequently resorted to bandit tactics, thus embodying the conflation of the national and the criminal in the Palestinian political imagination. The bulk of the British officers imported from the disbanded Palestine gendarmerie into the Palestine police in 1926 were former Black and Tans from Ireland, whose reputation for “a certain ruthlessness,” observed a 1939 War Office report, they “maintained” during the revolt.<sup>297</sup> The idea of employing Black and Tans in Palestine originated in the early 1920s, with then-colonial secretary Winston Churchill. Writes James Barker:

What Churchill envisaged for Palestine was a tough corps of fighters as a tactical reserve for the existing police force. As it happened, there were men available who matched this description: the thousands of ex-servicemen known as ‘the Black and Tans’ that Churchill himself had recruited as Secretary of State for War in February 1920 to reinforce the Royal Irish Constabulary. With both sides in Ireland seeking a negotiated settlement, these men, notorious for their brutality and indiscipline, would soon be out of a job. Churchill, unconcerned by

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<sup>295</sup> Thus, one of Wilmot’s photographs of a uniformed Arab rebel is accompanied by a caption disparaging the idea that the man was a soldier of any kind. Wilmot refers elsewhere to a pair of slain Arabs in the same uniform as “murderers.” See: HA 116/50

<sup>296</sup> The mechanics of British anxiety vis-à-vis colonial rebellions and domestic riots are well articulated by Nasser Hussain: “As Walter Benjamin once noted, the law’s fear of [generalized] violence is different from its fear of crime. Crime is a transgression against the law that may be checked by it. A more general unrest threatens not so much to upset the law as to set up an alternative logic and authority to it.” See: Hussain, *Jurisprudence of Emergency*, 107, 128.

<sup>297</sup> WO 106/5720.

their bad reputation, started planning their transfer en bloc to Palestine.<sup>298</sup>

Ex-Black and Tans became more, not less, prominent and influential in the Palestine police as time passed, holding five of eight district commander posts by 1943.<sup>299</sup> The group's notoriety was such that British officials began, in the course of the revolt, to use its appellation as a byword for illegal behavior among police.<sup>300</sup>

Criminal elements, then, existed on either side of the Arab-British divide, although neither party could be correctly described as simply criminal, and the bulk of those fighting—whether Arab or British—did not have criminal backgrounds. The Arab revolt could only be regarded as a criminal enterprise within a discursive framework that submitted the legitimacy of British force in Palestine as a given. British violence in Palestine was largely absent from the surface of texts operating within this framework—as did most British and Zionist analyses of the revolt. As detailed directly, however, Arabs challenged British and Zionist discourse in this connection, forcing the issue of British force (and its Zionist impetus) to the surface of the debate over the nature of the rebellion, and thereby pressing the criminal charge back upon the mandatory government and those in whose interests it acted.

### **War on the discursive frontier: the struggle to criminalize the other**

While the Zionist fear of British capitulation to Arab demands roused the Jewish Agency and its allies to apply greater diplomatic and popular pressure on the government to treat the revolt as a

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<sup>298</sup> Barker, "Policing Palestine"

<sup>299</sup> Smith, "Communal conflict and insurrection in Palestine, 1936–48," 79.

<sup>300</sup> Cahill, "The Image of 'Black and Tans' in late Mandate Palestine"

criminal affair—that is, to crush it—doing so proved increasingly difficult for the British.<sup>301</sup> By July, the rebels were launching 20–30 attacks on British troops and communications (“and occasionally ... Jewish settlements”) daily.<sup>302</sup> The CID periodical appreciation summary for 12 July logged “persistent reports” of “large armed bands in the hills between Nablus and Ramallah.” Although the department regarded these as mere phantoms, it acknowledged the existence of such robust formations in the villages. The rebels’ “courage,” noted the summary, was not in question. It added poignantly, “[A] number are said to have gone to the hills taking their winding sheets [burial shrouds] with them.”<sup>303</sup>

British forces countered insurgent activity via “pressure” on areas in and around Nablus and Ramallah, which apparently only generated more insurgents.<sup>304</sup> The same undoubtedly resulted from the “bitterness ... felt by the Rural and Urban population of [*sic*] the action taken by Government in sending large bodies of troops to villages, etc., and alleged shooting of

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<sup>301</sup> Ben Gurion had written his wife, Paula, in mid-June, boasting that those making the Arab case in London had singularly failed to expand “the ranks of our enemies” among the British political class. By contrast, Zionist influence in the city was such that in the parliamentary debate of 20 June, “The speeches by Lloyd George, Leopold Amery, Tom Williams, Creech Jones, Herbert Morrison, James de Rothschild and Victor Cazalet were wholly or partly prepared by us.” He regarded the debate as “almost entirely the fruit of our work.” See: Ben Gurion, *Letters to Paula*, 99–101. But in early July, Lourie relayed to Shertok that members of the House of Commons, while “agreed that terrorism must be stopped,” were nevertheless pondering the utility of reducing Jewish immigration into Palestine. The Agency received a report the next day stating that Wauchope was all that stood between the British military and a death blow to the insurgents, no doubt exacerbating Shertok and others’ sense of urgency regarding the British—and above all Wauchope’s—perception of the rebels. See: Lourie to Shertok, 6 July 1936, and “Note of conversations between Lord Melchett and certain persons, 7th July 1936,” both in CZA S25/6329.

<sup>302</sup> HC to CS, 2 July 1936, FO 371/20034

<sup>303</sup> Periodical appreciation summary No. 12/36, 12 July 1936, ISA 1058/21-2

<sup>304</sup> *Ibid.*

unarmed peasantry.”<sup>305</sup> Such charges remained in vigorous circulation. The Higher Committee resolved on 8 July to “complain to the League of Nations regarding terrorism and the killing of innocents by the British military” and “to prepare a report on the violent actions that occurred during searches.”<sup>306</sup> The previous night, the high commissioner felt compelled to begin his address to the public with a reference to the “misconception ... that Government uses force wantonly and ruthlessly ... ”<sup>307</sup>

On learning of some rebels’ coercion of villages that failed to contribute “men or money” to the revolt, the CID averred that “the bandit (‘Mujaheddin’) spirit” was “still very much alive.”<sup>308</sup> But the coercive tactics of the rebels were not, at this point, of primary concern to the Arab population at large, who were preoccupied instead with the behavior of British forces.<sup>309</sup> This included the comparable practice of levying collective fines on villages deemed insufficiently supportive of the government. A telegram from the village of Jaba’ read aloud at a private meeting of the AHC on 19 July described “soldiers bursting into the village and collecting fines.”<sup>310</sup> Cities, too, were subject to fines. In June alone, the British fined Nablus, Acre, Safad, and Lydda.<sup>311</sup>

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<sup>305</sup> Ibid.

<sup>306</sup> ISA 3221/18-ב (Hebrew)

<sup>307</sup> HC to CS, 12 July 1936, CO 733/310/4

<sup>308</sup> Periodical appreciation summary No. 12/36, 12 July 1936, ISA 1058/21-ב

<sup>309</sup> Porath, *Riots to Rebellion*, 187.

<sup>310</sup> ISA 3221/18-ב (Hebrew)

<sup>311</sup> Abboushi, “The Road to Rebellion: Arab Palestine in the 1930s,” 37. Rebel manifestos referred to these actions as “infringements” (*at-ta’ di*) and included them alongside robbery and killing in their list of indictments against the mandatory government. See: Kayyali, *Watha’iq al-Muqawama*, 455.

Apart from complaints regarding these often devastating financial impositions, Arab reports of British brutality continued unabated.<sup>312</sup> They frequently entailed a dual claim: the Arabs suffering such treatment were not criminals, and therefore did not deserve it; and the British meting it out were thereby revealing their own criminality. The Arab Women of Jaffa informed the high commissioner on 8 July that the British use of excessive force in the area was “common knowledge.” Anticipating the charge of Arab criminality, their letter went on to assert:

Your Excellency will realize that the Arab people are compelled in the present circumstances to defend themselves and their country by purely national motives without the least intention to commit crime, as Your Excellency may assume, and the only means for quickly ending this period of crime and disorder will be by the removal of the causes which have created them.<sup>313</sup>

Awni ‘Abd al-Hadi echoed this theme, addressing the high commissioner from the detention camp at Sarafand:

I, personally, do not know any one person of those who fire from the mountain-tops or who blow bridges [*sic*] or cut telephone wires but it appears to me that there is not one person amongst them who is actuated by any personal interest in all the acts which he does, exposing himself to many dangers.<sup>314</sup>

He also reminded the high commissioner, “... the fact which cannot be doubted is that your troops have dealt with the Arabs ruthlessly and destroyed many Arab villages without any justification.”<sup>315</sup> The AHC wrote Wauchope on 15 July, “It is a matter of regret to the Committee that bitter complaints are still being addressed to it with regard to the ruthless and severe manner

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<sup>312</sup> Matthew Hughes records a case in which peasants, having been fined £2,000, simply packed up their belongings and abandoned the village. See: Hughes, “From Law and Order to Pacification,” 13.

<sup>313</sup> Arab Women of Jaffa to HC, 8 July 1936, ISA 5076/4-2

<sup>314</sup> Awni Abdul Hadi [*sic*] to HC, from detention camp at Sarafand, 12 July 1936, ISA 5076/4-2

<sup>315</sup> *Ibid.*

in which the troops are dealing with the situation under the pretext of ‘search.’”<sup>316</sup> Wauchope received another such report three days later, this one from the Arab Orthodox Priests Congress for Palestine and Transjordan:

The banishment of leaders, the confinement of people in prisons, the blowing up of houses with dynamite, the imposition of heavy fines on towns and villages, the looting of property, cereals and livestock, and other similar vigorous measures which are still being taken by troops and Police in all parts of the country are not only detestable measures which are prohibited by religion and inhuman and not befitting the civil forces of a great Christian and civilized power but are also unlikely to culminate in suppressing the rebellion and restoring order ...<sup>317</sup>

Thus, in addition to repudiating the charge of criminality emanating from British and Jewish quarters, articulate Arab opinion in the latter half of 1936 also reversed it, and not only with respect to Britons. Arab newspapers portrayed Tel Aviv as a “city of thievery, swarming

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<sup>316</sup> Supreme Arab Committee to HC, 15 July 1936, ISA 5076/4-2

<sup>317</sup> Arab Orthodox Priests Congress for Palestine and Transjordan, Jerusalem, 18 July 1936, ISA 5076/4-2. While often ignored or dismissed, such reports did receive internal corroboration. A government welfare inspector, for example, reported to the chief secretary on 13 July that British troops had, a week earlier, killed an unarmed former policeman and father of five in the village of ‘Abud, which had “always been peaceful and [had] not even been searched by troops.” His sour commentary on the incident suggested that such episodes were not rare: “Instead of pacifying the country by these tactics, bitterness and resentment is [*sic*] rapidly increasing in the villages and elsewhere. Whereas at the beginning of the trouble the fellahin were our best friends, we are steadily turning them into our worst enemies by these methods of ruthlessly killing innocent people and destroying their possessions and their stores of food.” See: Government welfare inspector to chief secretary, 13 July 1936, Jerusalem and the East Mission papers, GB165–0161, Box 66, File 1, MECA. An internal Colonial Office memo dated 9 July noted “many instances of rash and dangerous shooting by Supernumerary Police,” a particularly troubling development given the number of Jews among their ranks. See: “Extract from report of Interview of H.E. with Messrs. Shertok and Ben Gurion,” 9 July 1936, CO 733/286/10. Testimony to continued British malfeasance turned up in private correspondence as well. Policeman Percy Cleaver wrote his aunt and uncle from Haifa on 6 July, “I’ve been on one or two of these [night] raids and it’s quite good fun, especially turning the contents of the houses into the street.” See: Percy Cleaver, Jerusalem and the East Mission papers, GB165–0358, MECA.

with forgers and thieves,” and made frequent reference to Jewish criminal conspiracies, often involving entanglements with world communism.<sup>318</sup> The same papers sought to shift the criminal label from the Arabs onto the British. *Al-Jami‘a al-Islamiyya* argued, “ ... the cases of the strike are not of the nature to which the criminal law is applicable, because criminal laws have been enacted ... where the offence is committed on account of criminal habits.”<sup>319</sup> The reality, declared *Filastin*, was that “the [British] policy alone is the criminal ... ”<sup>320</sup>

While prior to April 1936 political cartoons featured sparingly in the Arab Palestinian press, they began appearing frequently in both Arab and Jewish newspapers during the revolt. Their caricatures often implied the criminality of the other by way of subtle visual cues that played on well-known physiognomical and phrenological codes.<sup>321</sup> One cartoon from the 19 June edition of *Filastin* depicted a British authority accepting a Jewish bribe while simultaneously exhorting the government to employ “all types of force” against the “Arab robbers and scoundrels.” The official’s deep-set eyes and compressed brow connoted his delinquency according to physiognomical conventions.<sup>322</sup> A second cartoon was more blunt. It depicted John Bull standing before a judge and flanked by two wives, one Arab and one Jewish. The judge advises him, “If you are sincerely looking for peace you must divorce your second wife [the Jewess], because your marriage to her is illegal.”<sup>323</sup>

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<sup>318</sup> Kabha, *The Palestine Press*, 187.

<sup>319</sup> ISA 3060/6-5

<sup>320</sup> *Ibid.*

<sup>321</sup> Sandy Sufian, “Anatomy of the 1936 Revolt,” 23–25.

<sup>322</sup> *Ibid.*, 28.

<sup>323</sup> From the 23 July 1936 edition of *Filastin*. Noted in Bowden, *The Breakdown of Public Security*, 148.

The Arabs were turning the charge of criminality back upon their accusers, and thereby illustrating what one might call the crimino-logic of nationalism: the nation reserved to itself the right to name the criminal, whether s/he fell within or outside its ambit. To the extent that a “period of crime and disorder” was acknowledged by Arab nationalist groups (as it was by the Arab Women of Jaffa), it was a matter for the people to sort out—a process that began with diagnosing the underlying cause of the internal disorder, which was the long-standing, ongoing British and Zionist colonial penetration of Palestine.<sup>324</sup> Addressing internal crime required that the nation first confront the external crime giving rise to it. And, of course, much that the British designated as the former was not, in reality, “committed on account of criminal habits” or pathologies, but rather on account of national conviction. If such actions were criminal, then Arab Palestinian nationalism was criminal—and so, for that matter, was the British state in Palestine.

While the Arabs remonstrated against British policy and the means employed to enforce it, the mainstream British press continued to regard the revolt as a largely criminal affair, although this line of argument showed signs of faltering. The term “Arab revolt” appeared for the first time in *The Times*’ coverage on 20 June, but it made no difference with regard to the paper’s crime thesis; the same article marvelled at Lord Winterton’s minority opinion in a House of Commons debate that “the Arab revolt ... was a national movement, not mere banditry,” a view

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<sup>324</sup> The rebels also set up courts for the purpose of trying petty and other conventional criminals, in addition to cases of treason. See: Kabha, “The Courts of the Palestinian Arab revolt, 1936–39”



which led him to propose “the startling theory that nationalists were entitled to use all means, short of violence, to hold up the Government.”<sup>325</sup>

*The Spectator*'s coverage was more discriminating, partly because more of the column space it devoted to Palestine consisted of letters to the editor. Even its professionally authored “think pieces,” however, gave evidence of a working hypothesis approach to understanding the revolt. An important specimen of this genre was the 17 July article by William Blumberg, titled “The Arab and Zionist Policy.” Blumberg contended that it was “no use trying to make capital out of Arab lawlessness as the Zionists do.” “Revolutions,” he continued, “have their own logic.” He thus pointed up what *The Times* had ignored: once the language of revolt and revolution was in play, talk of criminality became much more complicated. But the “proof of good will” that he suggested the Arabs rightly required was not that of the British, but rather that of the Zionists. For the British could not “concede demands raised at the point of the revolver” (a standard requiring no qualification with respect to Arabs).<sup>326</sup> Rather, Blumberg pressed the burden of surrendering to violence onto the Jews. The British position with regard to force was, once again, essentially invisible in its moral dimension. The very idea of the illegitimacy of British force was excluded in advance, even by one who was capable of articulating the Arab case quite well in other regards, and who in fact sympathized with it. The dearth of analyses of the British presence

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<sup>325</sup> “Firm hand in Palestine,” 20 June 1936, *Times of London*. As it was, *The Times* was skeptical about the veracity of Arab nationalism in Palestine, although it tended to hedge its bets in this connection. In early July, it reported a “strengthening of the suspicion that Arab nationalism is still rather more religious than national.” The article went on to suggest that this supposition lacked foundation (thus repeating a charge only to deny it), then concluded: “... the Arab politicians have only themselves to blame for exciting [the belief]” (thus qualifying the denial in a manner that returned credibility to the original charge). See: “The State of Palestine,” 3 July 1936, *Times of London*

<sup>326</sup> “The Arab and Zionist Policy,” 17 July 1936, *Spectator*

in Palestine—and by extension of the legitimacy of the British use of force to maintain “law and order” there—was another instance of the discursive theme noted in the previous chapter; namely, the absence of the British from their own calculations regarding the course of events in the mandate.

The same proclivity characterized the opposite pole of the mainstream political spectrum. The liberal *New Statesman and Nation*, for example, consistently maintained that the British could only do so much to help in Palestine; it was up to the Jews and Arabs to put their intercommunal affairs in order. On 30 May, the paper editorialized that establishing peace in the mandate was

a formidable task, in which the British Government and British officials in Palestine can play but a secondary part. They can be policemen and judges, they can advise and encourage. They can even in desperation appoint Royal Commissions to investigate complaints, to expose sham grievances and propose remedies for genuine ones. But they cannot work miracles. It is the Jews and the Arabs themselves who must find the way of settling their differences and making a Palestinian nation.<sup>327</sup>

Setting aside its formal point of origin (the League of Nations), the mandate may have been a British creation through and through, but the British role in its most basic functioning had somehow become “secondary,” according to the writer. In a 13 June item, the paper repeated that the government could do no better than to restore “law and order” in Palestine; the rest was up to

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<sup>327</sup> “The Problem of Palestine,” 30 May 1936, *The New Statesman and Nation*

the “disturbers of the peace.”<sup>328</sup> “Law and order” was apparently a neutral state of affairs, which the British merely upheld, as a stage would actors.<sup>329</sup>

The letters to the editors of both *The Times* and *The Spectator* became a forum of less narrow debate during July, evincing a divide between orthodox professional opinion-makers and a heterodox section of their readership. John Poynder Dickson-Poynder (Baron Islington), the former undersecretary of state for the colonies and a man of known Arab sympathies, wrote *The Times* on 7 July, protesting, “[I]t is absurd and manifestly untrue to say ... that the recent outburst in Palestine is confined to a handful of Arab desperadoes and murderers.”<sup>330</sup> This did not stop the paper from continuing to refer to the rebels as “bandits” and “marauders,” but it did constitute visible dissent from this tendency within its pages.<sup>331</sup> Another letter, this one from House of Commons member Arnold Wilson, criticized those who “[referred] to the [Arabs] as terrorists” and who defamed “those ... who seek to do justice to the Arab inhabitants of Palestine

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<sup>328</sup> “The State of Palestine,” 13 June 1936, *The New Statesman and Nation*

<sup>329</sup> Traditional British accounts of the revolt take the same line. In his *The Colonial Police*, published in 1952, then-Deputy Undersecretary of State for the Colonies Sir Charles Jeffries wrote: “The British government sincerely desired and worked incessantly to establish Palestine as a peaceful country in which both communities should live together in friendly co-operation, but there was intransigence on each side[,] and eventually the mandatory power found itself in the unenviable position of Mr [*sic*] Pickwick between the rival editors, the target for attack from both contestants.” See: Jeffries, *The Colonial Police*, 156. Bernard Fergusson’s account of the revolt years positions the British similarly. Of his time in Palestine (which included the revolt years), he recalls: “Neither as a soldier nor, later, as a policeman, was I concerned with the rights and wrongs of the problem: only in the thankless task of holding the ring.” See: Fergusson, *The Trumpet in the Hall, 1930–1958*, 52.

<sup>330</sup> “The Palestine revolt: case for impartial tribunal,” 7 July 1936, *Times of London*

<sup>331</sup> See, for examples: “Result of drive in Palestine,” 8 July 1936, *Times of London*; “More shooting in Palestine,” 9 July, *Times of London*; “Arab intimidation in Palestine,” 14 July 1936, *Times of London*; “The Army: forces in Palestine,” 20 July 1936, *Times of London*

...”<sup>332</sup> Meanwhile, the letters section of *The Spectator* was serving as the arena for a war of words between J.M.N. Jeffries, the former Near East correspondent for the *Daily Mail*, and Blanche “Baffy” Dugdale, niece and biographer of Lord Balfour himself and “gentile Zionist” par excellence.<sup>333</sup> Where Dugdale objected to Jeffries’ apparent suggestion that the British “[yield] to the demands of the Arab extremists for the stoppage of immigration,” Jeffries did not mince words in specifying whom he regarded as the real extremists:

I am sorry for the Jews driven from their homes by the tyranny of the Nazis, but we must not impose them on Palestine and try to cure tyranny with tyranny. Let us find room for them in our own Empire, not add to our reputation for hypocrisy by giving them a warm welcome to the shores of another people.<sup>334</sup>

This triggered a counter-volley the following week, including letters from Dugdale and one Benjamin Levy, who reiterated the charge that the so-called “strike” was nothing but a criminal campaign.<sup>335</sup> Another writer cited from a private letter he had received from a mandatory official in Palestine, which claimed that government forces were “machine-gunning from aeroplanes those Arab patriots, called brigands by the Zionists, who are protesting on the hills ... ”<sup>336</sup> This prompted a repost in the 24 July edition from a man objecting to the testimony of any British functionary “openly sympathising with the law-breakers” and perpetrators of “murder, arson and wanton destruction.” While *The Spectator* thus gave voice to a broader spectrum of opinion on Palestine than most major papers, its editor nevertheless felt compelled to state in its last July

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<sup>332</sup> 21 July 1936, *Times of London*

<sup>333</sup> See N.A. Rose, *The Gentile Zionists: A Study in Anglo-Zionist Diplomacy, 1929–1939* (London: Frank Cass, 1973)

<sup>334</sup> 3 July 1936, *The Spectator*; “A Jew Recently in Palestine,” 10 July 1936, *The Spectator*

<sup>335</sup> 17 July 1936, *The Spectator*

<sup>336</sup> *Ibid.*

edition: “The policy of *The Spectator* has been, and is, to give a fair hearing to both parties ... We can neither defend nor condone the use of violence, whether by Arab or Jew.”<sup>337</sup> Or Briton, he might have added, but did not.

### **Arab attacks on non-combatants and their ramifications**

While peripheral voices challenging the conventional wisdom on the criminal nature of the revolt were becoming audible in the British press by July 1936, an undeniably criminal act at the end of the month rapidly replenished the credibility of the mainstream. On 23 July, a bomb was pitched into the playground of a Jewish dayschool on the Jaffa-Tel Aviv border, wounding seven young children. British intelligence immediately concluded that it was “unlikely that this isolated outrage was sponsored by any responsible Arab leader,” but added: “The Jews claim that the Arabs are responsible and it is unlikely that we have heard the last of the incident.”<sup>338</sup>

This was an accurate prediction. The Central PTA for Grammar Schools in Tel Aviv made a public appeal on the day of the bombing, which stated, “The government must put an end to this situation, in which gangs of murderers and savages have held this country for more than three months.” It ended with a plea for “all enlightened nations, people of science and learning, teachers and writers, [and] defenders of civilization and humanity” to raise their voices against such barbarism.<sup>339</sup> On 24 July, Shertok sent Lourie an urgent cable, wherein he insisted that the episode be “made [a] lever” in the effort to persuade influential officials that such actions

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<sup>337</sup> 31 July 1936, *The Spectator*

<sup>338</sup> Weekly summary of intelligence, Palestine and Transjordan, 31 July 1936, FO 371/20030

<sup>339</sup> CZA S25/4461 (Hebrew)

“disqualif[ied] Arabs for independence.”<sup>340</sup> Simultaneously, the Council of Jewish Women’s Organizations dispatched a telegram to a number of prominent Britons, including the colonial secretary and the president of the Women’s Suffrage Alliance in London.<sup>341</sup> It condemned the attempted murder, comparing its horror to that of an earlier attack on a Jewish nursery. Both incidents pointed to the same conclusion:

To such moral deterioration [has the] Arab community descended under [the] leadership [of] men who tell well intentioned people in London it is [a] peaceful strike [the] Arabs are conducting while they and their press do not utter one word [of] condemnation [regarding] these outrages.<sup>342</sup>

*The Palestine Post* made the link between the strike and the schoolyard bombing more explicit, proposing in a 24 July article that the indolence bred by the work stoppage had corroded Arab moral sensibilities. The paper also mentioned the “well-intentioned people in London”—echoing the language of the Council of Jewish Women’s Organizations, and thus suggesting that the Jewish Agency framing of the incident was rapidly making the rounds. The article went on to couple the attempted murder of children with attacks on British troops and police, asserting, “ ... no Arab should be left under the impression that political concessions [can] be wrung by

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<sup>340</sup> Shertok to Lourie, 24 July 1936, CZA S25/6326. The original document is mistakenly dated 24 June.

<sup>341</sup> The Council was an umbrella organization, which counted among its member groups the Zionist Women’s Organisation in Palestine (WIZO), the Council of Jewish Working Women in Palestine, the Women’s Equal Rights Association, and the Palestine Council of Hadassah. See CZA S25/6330.

<sup>342</sup> CZA S25/4460. This elicited a response from the Women’s Suffrage Alliance, which stated that the telegram had stirred its president to speak to the press about the assault. See: “Mary Aston to the Council of Jewish Women’s Organisations, 27 July 1936” in the same file.

employing boys to throw bombs at defenceless school children or men to conduct guerilla war against troops.”<sup>343</sup>

While eight Jews lost their lives to Arab assailants in July, thirty would be killed in August, a number of them in incidents that quickly became notorious.<sup>344</sup> On the evening of 13 August, a group of Arabs snuck into the Jewish quarter of Safad from an adjacent cemetery. One family, fearing just such a scenario, had huddled together in a single room of their home, where they lay asleep on mats near an open window when some of the assailants approached. Spotting the opening, the men lobbed an explosive into the room, following it with a volley of rifle fire. The device detonated, blasting 36-year-old Walter Unger’s head off. Bullets meanwhile cut down two of his three children—a boy and a girl, ages five and eight.<sup>345</sup> The number of Jewish children slain in the course of the revolt was thus raised to four.

Shertok met with Wauchope two days later—by which time the third Unger child had succumbed to her wounds in hospital—and pled with him again to place responsibility for Arab terrorism on the mufti. Wauchope had, by then, begun considering more drastic measures, such as exiling Amin al-Husayni from the country.<sup>346</sup> Shertok telegraphed Lourie in London on 16 August, demanding that several members of the House of Commons, who on 30 July had publicly pledged to prevent “Zionist influence in Parliament and the Press” from derailing the

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<sup>343</sup> “Does Savagery Pay?” 24 July 1936, *Palestine Post*

<sup>344</sup> *Sefer Toldot Hahaganah*, Vol. 2, 650.

<sup>345</sup> “Jewish Family in Safad Victim of Arab Attack,” 14 August 1936, *Palestine Post*; “Murder of Father and His Three Children,” 16 August 1936, *Davar* (Hebrew)

<sup>346</sup> Shertok to Bengurion and Brodetsky, 16 August 1936, CZA S25/6326; “Murder of Father and Three of His Children,” 16 August 1936, *Davar* (Hebrew)

recommendations of the newly appointed Royal Commission, be challenged to retract their statement in light of the murders of the Jewish children.<sup>347</sup>

The following evening in Jaffa, an Arab shot and killed Martha Fink and Nechma Tsedek, 19-year-old Jewish nurses who worked at the government hospital in the Arab quarter of the city.<sup>348</sup> The government immediately issued a communiqué condemning the killings, adding that the high commissioner was “confident that with the exception of some murderous individuals the whole people of Palestine share his detestation of these horrible crimes ... ”<sup>349</sup> Both the mayor of Jaffa and the city’s National Arab Committee did shortly decry the murders, the former taking the opportunity to “[denounce] every act of this sort in which women fall victims” and the latter claiming that “such an act proceeds only from men who are devoid of all human pity.”<sup>350</sup> Lourie reported back to Shertok on 18 August, detailing his and others’ attempts to “get into touch with a number of prominent people including some of the Bishops with a view to writing a joint letter of condemnation [regarding the attacks on children] to *The Times*.”<sup>351</sup> In subsequent days, Lourie and the preeminent British historian Lewis Namier brought their concerns to representatives of

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<sup>347</sup> Shertok to Lourie, 16 August 1936, CZA S25/6326; Letters to the Editor (Royal Commission on Palestine), 30 July 1936, *Times of London*. The 19 August edition of *The Times* featured Shertok’s desired challenge to the House of Commons members. It appeared in a letter to the editor by P.L.O. Guy, who claimed that the killers in Safad had wittingly targeted their young victims.

<sup>348</sup> CID periodical appreciation summary no. 14/36, 18 August 1936, ISA 1058/21-ג; “Martha Fink, Nechma Tsedek,” 18 August 1936, *Davar* (Hebrew)

<sup>349</sup> “Telegram from the High Commissioner Palestine [*sic*] to the Secretary of State for the Colonies,” 18 August 1936, FO 371/20034

<sup>350</sup> “Statement by the National Committee at Jaffa” (18–22 August 1936) and “[S]tatement given by Asim Bey Al Said” (18 August 1936), CO 733/310/5. Humphrey Bowman noted other instances of Arabs denouncing the murder of the nurses. See: Humphrey Ernest Bowman, 22 August 1936, GB165–0034, Box 4B, MECA

<sup>351</sup> Lourie to Shertok, 18 August 1936, CZA S25/6326



*The Times*, *The Morning Post*, *The Daily Mail*, *News Chronicle*, and *The Yorkshire Post*, in addition to meeting with the prime minister and a number of high-level politicians.<sup>352</sup> Ben Gurion and Weizmann, meanwhile, held a lengthy meeting with Ormsby-Gore, his private secretary, E.B. Boyd, and Deputy Undersecretary of State John Shuckburgh. The two adopted a hostile posture towards their British interlocutors, refusing to offer any input on Iraqi foreign minister Nuri al-Said's recent diplomatic interventions with the Arab Palestinian leadership, and stating in no uncertain terms that the Jewish Agency had lost all faith in Wauchope, who had yet to reckon with the fact that the "real government in Palestine [were] terrorists," among whom they included the mufti and Awni 'Abd al-Hadi.<sup>353</sup> On 20 August, Ben Gurion telegraphed former prime minister David Lloyd George suggesting that, in light of the "barbarous outrages being committed against Jewish women and children" in Palestine, he and Winston Churchill write their own letter to *The Times*, this one aimed at dissuading the government from "even a temporary suspension of Jewish immigration before the royal commission [*sic*] ... reported" its findings.<sup>354</sup>

The cabinet did, indeed, shortly decide against a temporary suspension of immigration, despite the AHC's having agreed to call off the strike as a quid pro quo. The Jewish Agency received a report from London, the author of which regarded this as a fatal, if predictable, error on the part of the Arabs, who in insisting that the suspension *precede* the termination of the strike had succumbed to that "Oriental exuberance which the ordinary Englishman cannot stomach."

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<sup>352</sup> Ibid.

<sup>353</sup> Ben Gurion to Shertok, 31 August 1936, CZA S25/6326; "Interview at the Colonial Office on August 31st, 1936, at 3 p.m.," CZA S25/6329; Rose (ed.), *Baffy: The Diaries of Blanche Dugdale, 1936–1947*, 27.

<sup>354</sup> Ben Gurion to David Lloyd George, 20 August 1936, CZA S25/6326

But the Agency member reviewing the report took little note of this passage, instead underlining a section which read, “Government circles in England ... are opposed only to Arab methods ... but as far as the [Arab] claims themselves are concerned, the tide in England is running strongly in the direction of the Arabs.”<sup>355</sup>

Regardless of the truth of this characterization of the state of opinion in London, it accurately conveyed the view of a large number of troops in Palestine. With four British regiments stationed in Jerusalem, Humphrey Bowman was afforded the opportunity to hear the thoughts of many soldiers. He recorded on 22 August, “ ... every officer I have spoken to believes the Arabs have a case, and admit the bravery of the Armed Bands in the Hills [*sic*].”<sup>356</sup> Such murmurings reinforced the Agency’s concern and anxiety regarding the need to shore up pro-Zionist voices in the British press and government.

A key strategy in this connection was that of complaint and restraint. In August, a joint statement of the Histadrut and Poale-Zion, directed to the Yishuv, declared: “We must repeat emphatically: Protest must be expressed responsibly, without intemperate outbursts that will do more harm than good.”<sup>357</sup> The policy of non-retaliation or *havlagah* had been observed fairly consistently by all elements of the Jewish community since late April. These included the underground Jewish army, the Haganah, and its Revisionist competitor, the Irgun Zvai Leumi (although the latter preached against restraint).<sup>358</sup> As events in the 1940s would make clear, the Yishuv was by no means above employing violence as a last resort to advance its nationalist

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<sup>355</sup> “After the cabinet decision,” Undated, CZA S25/4509

<sup>356</sup> Humphrey Ernest Bowman, 22 August 1936, GB165–0034, Box 4B, MECA

<sup>357</sup> Union of the Jewish Socialist Labour Confederation Poale-Zion (united with Z. S. Federation) and of the Zionist Labour Party, 9 August 1936, CZA S25/4525 (Hebrew)

<sup>358</sup> Bauer, “From Cooperation to Resistance: The Haganah 1938–1946,” 184.

objectives. In 1936, however, the Jewish Agency and others calculated that their ability to frame the revolt as a crime wave would be compromised by any Jewish action that reinforced the impression that Palestine was in the grips of a civil war between two national communities. Alternatively, observing *havlagah* enabled the Jewish community to effectively juxtapose its own passivity with Arab aggression, especially on occasions when Arabs struck the softest of Jewish targets. The Council of Jewish Women's Organisations in Palestine illustrated the rhetorical benefits of *havlagah* in an August open letter, which declared:

We Jews do not throw bombs at Arabs in the streets nor snipe at them along the roads, we do not burn Arab crops, nor uproot Arab orchards because we hold human life sacred and the fruits of human labour dear.

Apart from characterizing the revolt as an outbreak of unprovoked aggression against Jews, the statement also touched on the other two perennial Zionist premises, claiming that the Jews were creatively developing “a long neglected country” whose present Arab inhabitants had “destroyed ... hundred[s] of thousands of pounds[’]” worth of capital directed to that end, and that the Zionists’ real enemies were “those who purport to speak in the name of the Arabs of Palestine,” as opposed to the Arab population as a whole.<sup>359</sup>

Exploiting the rhetorical force of *havlagah* became all the more imperative as reports of British officials’ deliberations over the Palestine question—which seemed increasingly to ponder

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<sup>359</sup> “An open letter from the Council of Jewish Women's Organisations in Palestine,” August 1936, CZA S25/4518. When British policy in the mandate appeared, for a moment, to favor the Arabs instead of the Jews, the Arab leadership began promoting its own version of *havlagah*. After the strike's termination in October, a representative of the AHC visited Nablus and encouraged its residents to observe a policy of non-retaliation when the inevitable Jewish acts of violence occurred in response to the government's recent compromise with the Arab leadership. Word soon spread to neighboring villages that “such outrages would result in the Jewish cause being looked upon with disfavour by the Royal Commission while [the Arab] position would be strengthened.” See: “16th Inf Bde. Situation Report No. 24,” 22 October 1936, WO 191/67.

the legitimacy of Arab means and ends in isolation from one another—trickled into the Jewish Agency and its affiliates, who sought in response to drive home the intimate and necessary connection between Arab methods and objectives. Henrietta Szold, speaking for the Council of Jewish Women’s Organisations in Palestine, wrote the high commissioner on 18 August arguing that the “wanton cruelties” which the Arabs continued to inflict upon the Jews had “sprung from the seed of baseless hatred sown by irresponsible leaders.” As the violence of the revolt had emerged organically from the same leaders who rallied the population to continue the strike, so too was Jewish *havlagah* “the outflow of [the] inherited Jewish way of life which demands respect for the soul and the life of others ... ”<sup>360</sup>To separate Arab means from ends, even in theory, was to misapprehend the elemental difference between the Arab and Jewish communities in Palestine. It was, indeed, to mistake a crime wave for a national revolution. As Rabbi Blau of Agudath Israel, the largest Orthodox organization in Palestine, expressed to the high commissioner in a meeting in late August, whereas Orthodox Jewry was “founded on the principles of the Torah,” including “the commandment ‘Thou shalt not kill’ ,” the Yishuv’s enemies in Palestine were “bands of brutal and bloodthirsty men,” perpetrators of “murder and robbery” who did not “pity women and children” and “destroy[ed] the lives of peaceful and learned men ... ”<sup>361</sup>The Hebrew daily *Davar* lamented that the Jews of Palestine, in light of the murder of the young nurses, were self-evidently bereft of a negotiating partner in the Arab community:

To whom should we speak? Should we turn to the murderers? To those who cannot be distinguished from predatory animals? To those

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<sup>360</sup> Henrietta Szold for Council of Jewish Women’s Organisations in Palestine to high commissioner, 18 August 1936, CZA S25/6330

<sup>361</sup> “Notes of interview granted by the High Commissioner to representatives of the Agudath Israel at Government Offices at 11.30 a.m. on the 31st August, 1936,” CO 733/311/1

at the core of whose souls have always dwelt sadism and slaughter, blood and the blade, but who appear now as teachers, priests, and leaders, donning the garb of heroes and nobles and holy men?<sup>362</sup>

The chairman of the Jerusalem Jewish Medical Society likewise indicated in a letter to Wauchope that the same “assassins” who had been rebelling for the previous four months were now “shooting down indiscriminately women, old men, children and even nurses ...” He beseeched the high commissioner to “[destroy] the nests of the murderers and the councils of agitation who are responsible for these acts of savagery.”<sup>363</sup> While such pleas by no means fell on deaf ears, many British officials were increasingly disinclined to adopt the reductionist view of the revolt that they entailed, which implied that the rebellion was devoid of political significance, and amounted to a crude campaign of murder, theft, and mayhem.

#### **“Soldier-bandits” and “the better type of band”<sup>364</sup>: The British awakening to the military nature of the rebellion**

As of August, British intelligence had begun to emphasize the problem of Arab “terrorism” in the country, a term which, though common in the British press, appeared in a RAF intelligence summary for the first time on 7 August. The word was employed ambiguously, but included threats to British officials. The same report was the first to speak of “murders” having been committed, among which it included the killing of two policemen, two Jewish watchmen, and one supernumerary constable, thus counting (as had Wauchope) attacks on British security

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<sup>362</sup> “Martha Fink, Nechma Tsedek,” 18 August 1936, *Davar* (Hebrew)

<sup>363</sup> Chairman Jerusalem Jewish Medical Society to high commissioner, 19 August 1936, CZA S25/4462

<sup>364</sup> See footnote 385.

personnel as ordinary crimes.<sup>365</sup> It did distinguish these “individual murders” from deaths resulting from “long range sniping or ambushes.”<sup>366</sup>

Although an intelligence report of 18 August observed that “villagers have been forced to contribute towards the maintenance and shelter of gangs, frequently unwillingly,” the notion that the British were stamping out banditry in Palestine was losing credibility.<sup>367</sup> In the rebel bastion of Nablus, the CID found that “although battenning on the villagers for foodstuffs, etc., is tolerated when it comes from genuine armed ‘patriots’, any robbers or others who wish to take advantage of the people for private gain or revenge are given short shrift by the rebels themselves.”<sup>368</sup> (It is noteworthy that even when the CID could explicitly exclude traditional banditry from the equation in the case of given rebels, it continued to disparage the idea that they could be patriots.) RAF intelligence likewise concluded on 28 August, “Throughout the present trouble the Arabs have obtained singularly little pecuniary gain, either by robbery or by looting.” It attributed recent “minor raiding” in the Jordan Valley to “a few unscrupulous persons, inspired less by patriotic than personal motives ...”<sup>369</sup> An 11 September intelligence report anticipated that, with the arrival of non-Palestinian fighters in the country, looting was likely to increase. But it also acknowledged, “The whole emergency [i.e. the entire revolt] has been characterised by the absence of looting.”<sup>370</sup>

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<sup>365</sup> Royal Air Force Summary, Palestine and Transjordan, 7 August 1936, FO 371/20030

<sup>366</sup> Ibid.

<sup>367</sup> CID periodical appreciation summary no. 14/36, 18 August 1936, ISA 1058/21-ג

<sup>368</sup> CID periodical appreciation summary no. 15/36, 1 September 1936, ISA 1058/21-ג

<sup>369</sup> RAF summary, Palestine and Transjordan, 28 August 1936, FO 371/20030

<sup>370</sup> Headquarters, British Forces in Palestine & Transjordan, “Weekly Summary of Intelligence, Palestine and Transjordan,” 11 September 1936, FO 371/20030

Such confidential admissions cleared the cobwebs from the British criminological perspective on the revolt, bringing Arab violence and “terror” (as opposed to “banditry”) into clearer focus as the government’s central concern. On 8 September, the Colonial Office published a statement of policy on Palestine. Its thrust was contained in a single passage:

... [A]fter a careful review of the whole situation His Majesty’s Government are satisfied that the campaign of violence, and threats of violence, by which the Arab leaders are attempting to influence the policy of His Majesty’s Government cannot be allowed to continue, and that more rapid and effective action must now be taken in order to bring the present state of disorder to an end with the least possible delay.<sup>371</sup>

It went on to announce the imminent arrival of another division of soldiers (bringing the total number of troops in the country to 20,000) and the transfer of military command in the mandate to Lieutenant General J.G. Dill.

While the public statement placed the blame for the “campaign of violence” directly on the Arab leadership, the high commissioner took a different tone privately. He wrote the colonial secretary on 4 September: “The Arab leaders have done little to help and ... nothing to calm public opinion, quell resistance or assist Government to end disorder by any means except by force.”<sup>372</sup> This depiction of a passive and uncooperative leadership was quite different than that offered in the 8 September statement, which implied that the AHC was actively directing the revolt. Wauchope’s private view hewed much closer to the findings of British intelligence, as we have seen. As the secretary of state for air reminded the cabinet in a 2 September meeting, the Arab leaders were “not ... those who control the actual terrorists” and were in no position to act

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<sup>371</sup> “Palestine: Statement of Policy,” 7 September 1936, CO 733/297/5

<sup>372</sup> HC to CS, 4 September 1936, CO 733/297/5

as their proxies in negotiations with other parties.<sup>373</sup> Quite the contrary, the mufti began wearing a bulletproof jacket that month, so concerned was he that the rebels might assassinate him.<sup>374</sup>

That the official policy statement directly implied that the Arab leaders *were* in control of the rebellion was significant for two reasons. First, it marked a new point of convergence between the Zionist and British discourses vis-à-vis the revolt. Private convictions aside, the British, like the Zionists, were now insisting that the AHC were directing the revolt and should therefore be held responsible for its continuation. Secondly, this very fact disclosed an important feature of the criminological dimension of both the Zionist and the British discourses: the plausibility of the criminal charge depended on its specificity. It could not be applied to the entire Arab population, for this would inevitably prompt an unwelcome question: If the objectives of the rebels and those of the Arab population at large were the same, how did the British differentiate Arab nationalism from Arab criminality in Palestine?<sup>375</sup>

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<sup>373</sup> Cabinet meeting of 2 September 1936, CAB 56 (36). In its “Military Lessons of the Arab Rebellion in Palestine, 1936” report, the War Office would acknowledge: “The aims of the Arab leaders had been freely stated and there is little doubt that every Arab in Palestine would have liked to see them realized, though it is probable that the majority disliked the methods chosen to attain them. But every Arab was either secretly or openly in varying degrees of sympathy with the rebels ...” The report continued a little further on, “In semi-official and unofficial circles nearly every Arab gave the rebellion practical support in some form or other.” See WO 191/70, pp. 28–29 of the report.

<sup>374</sup> Mattar, *The Mufti of Jerusalem*, 79.

<sup>375</sup> The military mapping of “the enemy,” as disclosed in Operation Instruction No. 23, regarded “armed bands” as just one of eight “hostile elements” among the Arab population. The others were: leaders and agitators, intelligence organization, intimidators, saboteurs, terrorist gunmen or bombers, signalling organization, and finally, “those engaged in a purely passive attitude.” Including the latter group amounted to declaring the entire Arab population “the enemy,” as the War Office admitted in a classified report: “There was probably no Arab in Palestine who did not come under one of those headings ...” See: “Military Lessons of the Arab Rebellion in Palestine, 1936,” General Staff, Headquarters, The British Forces, Palestine & Trans-Jordan, February 1938, WO 191/70, p. 114–15.



The British were, moreover, poorly positioned to draw on the stale imperial trope of the benighted natives (with their invariably criminal proclivities) given that the mandates—and “A” mandates such as Palestine in particular—were premised on the idea that their inhabitants stood already on the brink of national autonomy, and simply required a last interval of British assistance in order to come to civilizational bloom.<sup>376</sup> That the British had granted nominal independence to the Arabs of Iraq by this juncture made it all the more problematic for them to suggest that the Arabs of Palestine were at a fundamentally earlier stage of development, of a

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<sup>376</sup> Article 22 of the Covenant of the League of Nations, which laid out the terms of the mandate system, stated: “Certain communities formerly belonging to the Turkish empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.”

kind that entailed their general criminality.<sup>377</sup> It was, therefore, a structural necessity of British imperial discourse in Palestine that it isolate a minority of individuals as the “criminals” with which the British contended, and cast the remaining Arab population as two-dimensional, scenic figures, devoid of volition or political insight and mere pawns of their nefarious leaders and their proxies.

Zionist discourse conformed to the same logic. While fonder than the British of emphasizing the civilizational distinction between the Arab and Jewish communities in Palestine, the Jewish Agency and Jewish press in Palestine generally drew short of suggesting that the Arabs at large were criminals. Zionist discourse tended to unpack the structure of the Arab political community in Palestine from the AHC down to the level of the national committees and

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<sup>377</sup> The connection between crime and modernity (the latter being the basic premise of and justification for British imperial expansion) was a recurring theme of the British criminological tradition. While historians typically divide the development of this tradition into Victorian and post-Victorian terms, these two periods may also be characterized in terms of their continuities. In Victorian fiction and political writings, for example, the criminal threat was cast in civilizational terms, with criminals (and the poor from whom they emerged) equated with the benighted races the British Empire attempted to enlighten in the course of its foreign ventures. See: Wiener, *Reconstructing the Criminal*, 30–33, and Cannadine, *Ornamentalism: How the British Saw Their Empire*, 5–6. While late- and post-Victorian intellectuals would come to stress the biological and cultural determinants of criminality—thus undermining the traditional Victorian emphasis on character and free will—they too presented the eradication of crime as a key index of modernity and order, and thus of civilizational development. Havelock Ellis, the highly influential author of the first English book on criminology (*The Criminal*, published in 1890), bound criminality definitionally to modernity by characterizing it as a phenomenon entirely relative to one's stage of historical development. Such stages were glimpsed in the “lower races,” for whom much that moderns regarded as criminal (killing strangers, infanticide) was perfectly sensible. A criminal, according to Ellis, was simply a person in modern society who, for reasons of genetics and environment, behaved as though he were from an earlier stage of human history. He was, like the “lower races,” a kind of fossil. J. Bruce Thomson, a surgeon at the General Prison for Scotland, put the point more forcefully in an 1870 article in the *Journal of Mental Science*: “The moral sense is absent in certain races of men, as the Bosjesman and the Australian, who simply follow their desires and objects of interest; and not only in certain races, but persons in the best races are moral idiots.” See: Nicole H. Rafter (ed.), *The Origins of Criminology: A Reader*, 96, 184–85.

the “gangs,” all of which it consistently characterized as criminal enterprises. By contrast, mainstream Zionists typically presented the broader Arab public either as passive or, if involved in criminal activities, as the hapless patsies of their devious leadership, which stirred them to crimes of misguided passion against the British and the Jews.

For the British, this framing of the revolt solidified in early September, when it became evident to military planners that more severe measures would be required to restore calm in Palestine. Given the already rampant charges of military and police brutality in the country, officials were concerned “to avoid anything in the nature of ‘frightfulness’,” as the secretary of state for air cautioned in the 2 September cabinet meeting. Having said that, he advised granting “wide discretion” to “military authorities on the spot,” whose prerogatives should include “bomb [ing] the houses of criminals or their sympathisers.”<sup>378</sup> The latter were identifiable by the fact that the “criminals” firing on British planes used their homes for cover. Such attacks had succeeded in downing and otherwise damaging British aircraft.<sup>379</sup>

Shooting planes out of the sky signalled the rebels’ ascent to yet another level of military professionalism, which British intelligence registered, along with other indices of the same. On the night of 6 August, for example, Arab gunmen staged an audacious raid on the El Hamme police post, overtaking the officers on duty and relieving them of their weapons.<sup>380</sup> Such sophisticated attacks reflected the excellent quality of the insurgents’ military intelligence. Rebel

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<sup>378</sup> “Extract from proceedings of Cabinet,” 2 September 1936, CO 733/315/6. The high commissioner approved this recommendation. See: CS to HC, 7 September 1936, in the same file.

<sup>379</sup> CS to HC, 4 September 1936, CO 733/315/6; Air officer commanding to Air Ministry, 3 September 1936, CO 733/315/6; Danin, *Te‘udot u-demuyot mi-ginze ha-kenufiyot ha-‘Arviyot bi-me’ore‘ot 1936–1939*, 5.

<sup>380</sup> CID periodical appreciation summary no. 14/36, 18 August 1936, ISA 1058/21-ג. As ever, the report referred to the attackers as “bandits.”

agents had thoroughly penetrated the mandatory government. Military actions not executed within 24 hours of their initial planning were vulnerable to prior detection. Planners had to carefully shepherd any intelligence furnished to translators or police guides, and assumed grave risk in discussing operations over the telephone, even in code. Troops movements were invariably detected by the rebels, who employed an “extensive ... signal organization” consisting of “lights in houses, bonfires, and smoke signals,” which British pilots could see flickering across the landscape.<sup>381</sup> In a September report, the CID remarked that “the bandit movement” was displaying “more determination and better tactics,” as well as “superior” marksmanship. It also offered a sketch of the larger, integrative structure emerging among the different rebel groups, naming six “principal leaders,” only two of whom were Palestinians. The other four were Syrians, including the most important leader, Fawzi al-Qawuqji, who was a former high-level officer in the Iraqi military.<sup>382</sup>

Qawuqji entered Palestine from Transjordan in August with a contingent of 200 men, mostly from Syria and Iraq.<sup>383</sup> By mid-September, his reputation was such that British civilian administrators in Palestine regarded him as the lone commander of the revolt.<sup>384</sup> A RAF assessment from 4 September put the total number of foreign militants in the country at between

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<sup>381</sup> “Military Lessons of the Arab Rebellion in Palestine, 1936,” General Staff, Headquarters, The British Forces, Palestine & Trans-Jordan, February 1938, WO 191/70, pp. 51–52.

<sup>382</sup> CID periodical appreciation summary no. 16/36, 28 September 1936, ISA 1058/21-ḡ

<sup>383</sup> Laila Parsons, “Soldiering for Arab Nationalism: Fawzi al-Qawuqji in Palestine,” 39.

<sup>384</sup> Humphrey Ernest Bowman, 13 September 1936, GB165–0034, Box 4B, MECA. Military leaders believed the same. John Evetts, whom Dill appointed to head the 16th Infantry Brigade in 1937, recalls that in 1936, Fawzi was “the man we were after as the head of the whole of the Arab rebellion.” See: Testimony of John Evetts, IWM, Catalogue No. 4451. See also point twelve of the summary of Peirse’s report in WO 32/4177, which states that, on arriving in Palestine on 20 August, Qawuqji “at once assumed control of the armed bands.”

50 and 300 men, and claimed that Qawuqji (whom it elevated to the curious rank of “soldier-bandit”) and a Syrian named Muhammad al-Ashmar were “the leaders.”<sup>385</sup> By the next week, however, RAF intelligence was focused entirely on Qawuqji, whom it largely credited with the “greater organisation and leadership” of the rebels, and who it claimed was “endeavouring to reorganise the gangs on a military footing.”<sup>386</sup> The Haganah acquired more specific intelligence: the heads of the six largest rebel groups met with Qawuqji on 2 September in the vicinity of Kafr Bal’a, and there pledged loyalty to him as their commander-in-chief.<sup>387</sup> It appears that they had anticipated and previously agreed to his arrival.<sup>388</sup>

Qawuqji’s “command” of the revolt, however, was never complete. He had no contact with armed groups in Jerusalem or south thereof, and was unable to exercise real control over the Palestinians under his ostensible supervision.<sup>389</sup> He did set up a regional command of sorts north

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<sup>385</sup> Headquarters, British Forces in Palestine & Transjordan, “Weekly Summary of Intelligence, Palestine and Transjordan,” 4 September 1936, FO 371/20030. The Muhammad al-Ashmar in question was likely a Syrian mujahid and qabaday from Upper Maydan who had also organized resistance to the French during the Great Syrian Revolt in 1925–27. See: al-Hafiz and Abaza, *Tarikh ‘ulama’ Dimashq fi al-qarn al-rabi’ ‘ashar al-hijri*, 540–42. Haganah had learned as early as 10 August that “Syrian military figures” were meeting with “gang leaders” with the intention of organizing them along military lines. See: Gelber, *Growing a Fleur-de-Lis*, 154.

<sup>386</sup> Headquarters, British Forces in Palestine & Transjordan, “Weekly Summary of Intelligence, Palestine and Transjordan,” 11 September 1936, FO 371/20030. It was apparently Fawzi’s men who furnished the anti-aircraft guns that took down the British plane in early September. See: Danin, *Te‘udot u-demuyot*, 2. The War Office, in its retrospective account of the first phase of the revolt, drew a distinction in this period between the “bandit” tactics of the Palestinian fellahin and the more advanced tactics of the foreign fighters, whom it deemed “the better type of band.” See: “Military Lessons of the Arab Rebellion in Palestine, 1936,” February 1938, WO 191/70, p. 160.

<sup>387</sup> Arnon-Ohanna, “The Bands in the Palestinian Arab Revolt,” 235.

<sup>388</sup> Danin, *Te‘udot u-demuyot*, 2.

<sup>389</sup> Arnon-Ohanna, “The Bands in the Palestinian Arab Revolt,” 236; Porath, *Riots to Rebellion*, 191–92.

of Nablus, and drew on a network of hashish smugglers, among others, to acquire arms from Syria and elsewhere for his men.<sup>390</sup> Needless to say, the British perception of the situation was as consequential as the reality, and the idea that something closer to a “war” was underway between British soldiers and Arab rebels under military command was in the air. Bowman wrote in his journal on 13 September, “It is not an easy kind of war, but it *is* a war now—a real revolution of Arab Palestine versus the Jews and the British forces.”<sup>391</sup>

The British could not publicly acknowledge this, however, and the reason was obvious. If what was transpiring in Palestine was a war, then British soldiers were fighting an Arab army, and not repressing a gang of Arab criminals. They were not managing disorder, but crushing an

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<sup>390</sup> “Military Lessons of the Arab Rebellion in Palestine, 1936,” February 1938, WO 191/70, pp. 159–160.

<sup>391</sup> Bowman, 13 September 1936, MECA. Emphasis in original. In his 1936 memoir, retired Palestine police inspector Douglas Duff recounts a conversation with one of his former constables (by then a sergeant), in which the latter comments, “The dear old, grandmotherly Palestine Government has woken up to the fact that there is a war going on.” See: Duff, *Palestine Picture*, 205–206. Thomas Hodgkin, Wauchope’s private secretary and, somewhat amazingly in retrospect, also a communist (as well as a future historian of Africa), deduced as early as June—by which time he had retired from the government in protest of its Palestine policy—that the British, in any case, were waging a war against the Arabs. He wrote to his brother early that month: “It’s a bloody *war* alright in so far as the civil chaps make no attempt to control or administer anything any more [*sic*] but leave it to the local Colonel & his Loyals to beat up the village & loot & destroy the houses.” Hodgkin, it is worth noting, was early attuned to the significance of the British and Zionist criminological discourses vis-à-vis the Arabs, and referred with subversive pleasure to “Hooligan Allenby and Bandit Lawrence.” See: Hodgkin (ed.), *Thomas Hodgkin*, 171. Emphasis in original. The War Office also came quietly to admit that the distinction between war and rebellion in Palestine was negligible. Buried in its report on the 1936 phase of the revolt was the following remarkable analysis: “Rebellion is after all only one form of War [*sic*], and in war the aim is defined as ‘overcoming the will of the enemy to continue the struggle by forcing him to realize that his aim is impossible of attainment or beyond the effort that he is prepared to make.’ (F.S.R.III, 1935, Sec.1). One of the ways of doing this is to deny him the means of conducting his national life and, though it will seldom be politic to apply this in full to rebellion, it must surely be illogical to use armed force to *maintain* the national life, which of course includes that of the entire rebel population.” See: “Military Lessons of the Arab Rebellion in Palestine, 1936,” February 1938, WO 191/70, p. 127.

emerging order—one, moreover, that represented the interests of the majority of the country's inhabitants. The mandates system had been founded on a compromise born of Woodrow Wilson's post-WWI democratic idealism (to oversimplify) and the real politik imperialism of the British and other European colonial powers. The British had at least to feign support for the national aspirations of the inhabitants of their Middle Eastern mandates, and declaring war on them would fatally undermine any such pretense. It was, again, a discursive necessity that the revolt in Palestine be a criminal matter, first and foremost.

**“The rule of a conqueror”: confronting the question of the legality of the British presence in Palestine**

This created a dilemma for the mandatory government. As the rebellion spread and the rebels came increasingly to resemble an integrated army (even if more in the British imagination than in reality), the default imperial solution—martial law—became a matter of more urgent discussion. A number of top officials expressed concern bordering on anxiety about the legal consequences of actions taken by military authorities under such a regime. In the absence of a clear definition of martial law—a century-long desideratum in the British juridical tradition—judicial prerogatives vis-à-vis martial law remained a point of some confusion. On one view—that advocated by the legal advisor to the Colonial Office, H. Grattan-Bushe, who strongly opposed martial law—the key variable was war. If a state of war existed in Palestine, then the actions of military authorities under martial law would not be subject to judicial review. If, however, a state of rebellion existed, retroactive immunity would not necessarily apply to the same actions. Moreover, the decision regarding whether a state of war did or did not obtain was, in the final analysis, a legal one; that is, the high court itself could effectively decide whether or

not its authority applied to the state of affairs.<sup>392</sup> This was of particular concern to military leaders in Palestine because the British high court there had shown itself to be less than sympathetic to some of their bolder actions.<sup>393</sup>

A second view, however, treated this supposed judicial supremacy with far less reverence. This was the position of the judge advocate general and of GOC Dill, both of whom considered the critical variable vis-à-vis the high court's role in martial law to be the latter's breadth of application. If the government declared martial law over the whole of Palestine, as opposed to some section(s) of it, the court's say in the matter would thereby be negated.<sup>394</sup> This dispensed with the need to declare a state of war.

On 15 September, the colonial secretary circulated a document entitled "Proposal to proclaim martial law in Palestine" to the cabinet. It addressed the 2 September cabinet conclusion that "at an appropriate moment Martial Law should be applied to the whole of Palestine or to selected parts thereof." The document underscored and endorsed the view of the chief of the imperial general staff and the high commissioner that any martial law declaration should be applied to the whole of the mandate (including Transjordan), although it did not mention the rationale for this requirement. Indeed, it effectively split the difference between the two views mentioned above, suggesting that because circumstances in Palestine had clearly not

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<sup>392</sup> "Memorandum by Legal Adviser to the Secretary of State for the Colonies," [i.e. Grattan-Bushe to Ormsby-Gore], 9 September 1936, CO 733/315/2. See also: Attorney general to chief secretary, 1 September 1936, CO 733/315/2

<sup>393</sup> Most famously—or infamously, from the perspective of much of the British government—the chief justice of the supreme court in Palestine had issued a scathing and very public rebuke of the British decision to demolish a section of Jaffa on a "public works" pretext.

<sup>394</sup> See: Ormsby-Gore's handwritten note on the 5 September memo; Judvocate London to Palforce Jerusalem, Undated (responding to message of 31 August 1936); and handwritten note beginning "Mr. Williams ... ," undated. All are in CO 733/315/2.



brought the civil government (which included the courts) to a standstill, the high commissioner should be “given all the legal powers necessary ... to enable disorder to be suppressed”—“without a resort to martial law,” however.<sup>395</sup> This would preserve Wauchope on his perch at the apex of the political structure of the mandate, and thus avoid the legal complications of handing power over entirely to the military. But Wauchope himself had, as of 8 September, come around to the opposing position advocated by the War Office, according to which martial law had become indispensable to the restoration of order in Palestine, and should be applied regardless of the legal complications.<sup>396</sup> The Air Ministry concurred.<sup>397</sup> On the other hand, Grattan-Bushe received confirmation of his position from the attorney general for England and Wales, Donald Somervell, who regarded it as “wholly foreign to our law and our methods to hand over the whole administration to the military ...” Somervell reasserted the view that the military could not bypass the courts by way of a mere declaration of martial law. Its actions would still be subject to judicial review.<sup>398</sup>

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<sup>395</sup> “Memorandum by the Secretary of State for the Colonies,” 15 September 1936, CO 733/315/2

<sup>396</sup> Wauchope to Parkinson, 8 September 1936, CO 733/315/2; Adam to Williams, 10 October 1936, CO 733/315/2. Wauchope’s rationale for the view that the military should simply take over administration of the mandate temporarily (i.e., for martial law) was that it preserved the legitimacy of the civilian government by directing the inevitable Arab bitterness towards the British military alone.

<sup>397</sup> Pirie to Williams, 12 September 1936, CO 733/315/2

<sup>398</sup> Somervell to Bushe, 11 September 1936, CO 733/315/2. Consciously or not, Somervell’s argument echoed the renowned nineteenth century jurist Albert Venn Dicey, who claimed: “We have nothing equivalent to what is called in France the ‘Declaration of a state of siege,’ under which the authority ordinarily vested in the civil power for the maintenance of order and police passes entirely to the army (*autorité militaire*). This is unmistakable proof of the permanent supremacy of the law under our constitution.” Yet, as Nasser Hussain notes, Dicey’s statement was belied by British actions in the colonies—actions taken “in his own lifetime.” See: Hussain, *Jurisprudence of Emergency*, 21, 103–104.

In a conference that he chaired at the Colonial Office on 19 September, Somervell insisted that the wisest course was for the government to “confer greater powers on the military ... in such a way as could not be challenged in the courts,” something martial law would not accomplish.<sup>399</sup> Against this, Lieutenant-Colonel Henry Shapcott—speaking, along with Major-General Haining, for the War Office—argued that “the [military] commander [under martial law] could order the courts to close,” to which Somervell replied that “the commander would be committing a crime if he did so”; indeed, “the idea that the civil courts could be closed by the military was quite unknown to English Law.”<sup>400</sup> Shapcott’s rejoinder failed to persuade the attorney general, but it was nonetheless significant; he “suggested that martial law was law as the military commander makes it.”<sup>401</sup>

This articulated well one side of the ongoing quarrel over martial law; namely, that which furnished a conceptual space for “the power of real life” to “[break] through the crust” of anachronistic legal convention, as the German legal theorist Carl Schmitt put it.<sup>402</sup> Law, on this

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<sup>399</sup> “Note of Conference at the Colonial Office on Saturday the 19th September, 1936, at 10.30 a.m.,” CO 733/315/2. See also: “Note on conclusions of legal sub-committee set up by the cabinet to advise of the best methods of vesting emergency powers in the commander-in-chief in Palestine,” 21 September 1936, FO 371/20026

<sup>400</sup> Ibid. Thus did the attorney general place the threat of criminalization on either side of General Dill. For he claimed in a meeting of the cabinet’s sub-committee on emergency measures that the same courts which Dill could not legally shut down would be positioned not only to review his behavior, but also to find him “guilty of a criminal offence.” See: “Note on conclusions of legal sub-committee set up by the cabinet to advise of the best methods of vesting emergency powers in the commander-in-chief in Palestine,” 21 September 1936, FO 371/20026

<sup>401</sup> Ibid. A day prior, the secretary of state for war had made the same point as Shapcott regarding the courts. He sought to ease the colonial secretary’s worries over the behavior of the chief justice under conditions of martial law by reassuring him that “Lieutenant-General Dill’s powers should be sufficient to enable the closing down of the Civil Courts.” See: “Conclusions of a Meeting of Ministers held at No. 10, Downing Street, S.W.1., on Friday, September 18th, 1936, at 10.30 a.m.,” FO 371/20025

<sup>402</sup> Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, 15.

understanding, was stretched to the breaking point of abstraction when conceived in a manner that dichotomized the juridical and sociopolitical domains. Juridical models that fell prey to this fallacy posited an objective legal order to which everyone, great and small, was accountable, including those constituting the state. The problem, according to Schmitt, was that the very idea of a free-standing, “objective” legal order gave one no traction in accounting for the discernment of said order. Such discernment required an act of intellectual engagement that immediately yielded the question of *how* the individual differentiated a mistaken order from the supposedly actually existing order. Political situations, hermeneutic interpretations, and other lived human realities were invariably bound up in and constitutive of any legal order. One could never succeed in extracting oneself from these processes so as to survey a legal order from a disinterested standpoint.<sup>403</sup>

There were circumstances under which a perennial truth—that law was, in the end, a human creation, and not an abstract “system of ascriptions to a last point of ascription”—shone through the tissue of egalitarian myths in which modern legal discourse came swathed. The notion that, under martial law, the law was whatever the commander said it was, took cognizance of this fact.

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<sup>403</sup> Ibid., 20–35. That political situations and hermeneutic interpretations were constitutive of any legal order was arguably demonstrated by the anxiety of the colonial secretary and others regarding the possibility that military actions under martial law in Palestine would be subject to the scrutiny of the chief justice. This concern was clearly less rooted in the office of the chief justice than it was in his person, as revealed when Ormsby-Gore “warned the [18 September] Meeting [of the cabinet] that there could be no doubt that the Chief Justice of Palestine would use all his legal powers as Chief Justice to give the Government and the Military Authorities the maximum amount of trouble and embarrassment.” The colonial secretary was “very apprehensive of the serious legal and constitutional reactions that might be expected to result from the *attitude* of the Chief Justice.” See: “Conclusions of a Meeting of Ministers held at No. 10, Downing Street, S.W.1., on Friday, September 18th, 1936, at 10.30 a.m.,” FO 371/20025. My emphasis.

The nagging suspicion on the other side of the argument was that this was dangerously wishful thinking. Objective law lingered like an unwelcome apparition in the juridical imagination of the attorney general and many others. It could not be gotten rid of, even temporarily. Its many houses, the courts, could not simply be closed and then reopened, as though justice slumbered and awoke in a cycle of imperial convenience. Some course that navigated the imperishable legal order while simultaneously allowing for extraordinary repressive measures—“a kind of legal martial law,” to quote the telling words of the solicitor general—would have to be charted.<sup>404</sup>

Somervell and others’ concern over the criminality of the military’s negation of judicial oversight tracked with a narrower preoccupation concerning the legality of the actions of soldiers during martial law. The difficulty was that the latter was a misnomer—specifically the “law” part. As O.G.R. Williams at the Colonial Office divulged in the midst of the internal controversy over martial law:

Martial law does not involve, as I understand it, supersession of one legal code by another, but the substitution of an arbitrary regime for the regime of law. There would appear, therefore, to be no particular point in taking steps with a view to giving an appearance of legality to the arrangements existing during the period of martial law.<sup>405</sup>

This did not worry everyone. Colonel H.J. Simson, GOC Dill’s chief of staff, was a firm advocate of martial law in Palestine, which he readily admitted was “not real law” but “the rule of a conqueror.”<sup>406</sup>

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<sup>404</sup> For the solicitor general’s remark, see: “Conclusions of a Meeting of Ministers held at No. 10, Downing Street, S.W.1., on Friday, September 18th, 1936, at 10.30 a.m.,” FO 371/20025

<sup>405</sup> Undated, CO 733/315/2

<sup>406</sup> Simson, *British Rule in Palestine*, 99–100.

In so declaring, Simson drew on a long, if somewhat confusing, British jurisprudential tradition. As Charles Townshend documents, as early as the first decade of the 19th century, acts invoking martial law in British domains were “explicitly designed to prevent the ordinary law from inhibiting the operations of the army or protecting ‘rebels’,” though martial law itself remained a poorly defined legal concept throughout the century. One widely cited authority defined it as “the suspension of civil jurisdiction,” which entailed “the sacrifice of the legal rights of a few.” An influential opinion following the 1838 Canada emergency adumbrated Simson’s language, holding, “Martial law is stated by Lord Hale to be in truth no law ...” Indeed, writes Townshend, “The whole drift of English legal thinking was towards banishing martial law from the confines of law properly understood—to say, in effect ... that it was ‘no law at all’.”<sup>407</sup> This was the view articulated by Ormsby-Gore, who advised the high commissioner in June:

Martial law, in effect, means no law, and is the suppression of the operation of the ordinary law so as to give the Government and the military forces unrestricted power to suppress rebellion. The acts of both under a state of martial law would, to a great extent, be illegal ...<sup>408</sup>

But this could only be true if martial law was not “law as the military commander makes it.” That Ormsby-Gore and Colonel Simson both acknowledged the lawlessness of martial law should not distract from the fact that Simson was in agreement with Shapcott, not the colonial secretary. The absence of the law under martial law was complete, for Simson, because “the rule of a conqueror” was the foundation of the rule of law. It always lay back of law and order, and only misguided democratic idealists (of which there were many) had lost touch with this

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<sup>407</sup> Townshend, “Martial Law: Legal and Administrative Problems of Civil Emergency in Britain and the Empire, 1800–1940,” 167–95.

<sup>408</sup> CS to HC, 3 June 1936, CO 733/297/2

fundamental reality.<sup>409</sup> As Dill would lament of the high commissioner's reluctance to declare martial law: "... Wauchope loves greatly, administers with knowledge and imagination, but he does not *rule*."<sup>410</sup> Wauchope had forgotten that the British, in the final analysis, *were* law and order, and they need not have been deterred from swift and decisive violent action by the nonsensical notion that they were subject to a law which the forces of chaos were busy destroying. Ormsby-Gore, by contrast, conceived of a free-standing legal order, which martial law simply ignored. The order, therefore, could come back to haunt the British, who thus required a guarantee of retroactive immunity for their actions under martial law.<sup>411</sup> The immunity did not make British actions legal; it made them unprosecutable. By Simson's lights, the rebels had demonstrated their unwillingness to play by the rules, and the British were therefore entitled to set them aside in order to re-establish the conditions of their possibility. Arab violence was criminality, British violence its corrective.

The military leadership thus formed the spearpoint of the criminalization of Arab national protest. Simson was adamant that the revolt was a criminal affair, a veritable "career of crime."<sup>412</sup> Dill, likewise, lamented the government's ultimate decision to refrain from imposing martial law upon what he regarded as a "rebellion against law and order" itself and a "so called

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<sup>409</sup> As with the broader debate over martial law, the line dividing Simson and his ideological kin from Ormsby-Gore and his extended back many decades in British history. Wittingly or not, in promoting the ethics of conquest, Simson drew on a tradition of British political thought which insisted that British conquests, when undertaken for the good of the conquered, were lawful. Such actions, notes Nasser Hussain, were "part of the legal sovereignty of the state itself," on this understanding. This logic failed to persuade many, however, who maintained that the British claim to rule by law in the colonies was vacuous absent the existence of a law binding both British rulers and their subjects. See: Hussain, *Jurisprudence of Emergency*, 5.

<sup>410</sup> Fergusson, *Trumpet in the Hall*, 32. My emphasis.

<sup>411</sup> CS to HC, 3 June 1936, CO 733/297/2

<sup>412</sup> Simson, *British Rule*, 248.

strike.” The Arabs, according to Dill, made poor soldiers but “good murder[ers].”<sup>413</sup> Simson, too, downgraded Arab attacks on British troops from military actions to criminal deeds—murders, specifically.<sup>414</sup> For Simson, Dill, and the other advocates of martial law, criminal behavior on a sufficiently broad scale in a given territory created a situation in which the rule of law itself had to be introduced (or, in the case of Palestine, re-introduced) to that area. This introduction required, paradoxically, the law’s initial suspension vis-à-vis British troops. Disorder would give birth to order. The British would destroy the law in order to save it.<sup>415</sup>

Jewish organizations across Palestine had been pushing the British to declare martial law for many months, and their calls for harsher repressive measures against “law breakers” continued in September. They put up fliers to this effect in Tel Aviv and elsewhere, and some Jewish newspapers reported that a declaration of martial law was imminent.<sup>416</sup> Blanche Dugdale, a key source of secret government information for the Jewish Agency, met with Lord Cranbourne at the Foreign Office on the 1st of the month and tried to persuade him that martial law was the most sensible course forward in Palestine.<sup>417</sup> When it became known that the government, rather than actually declaring martial law, had opted to announce merely that the high commissioner

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<sup>413</sup> “Address by G.O.C. to 6 Squ R.A.F. Ramleh and 33 Squ Gaza,” 5 November 1936, and “Letter from G.O.C. to Gen. Sir Henry Jackson,” 26 February 1937, both in WO 282/1

<sup>414</sup> Simson, *British Rule*, 92, 98.

<sup>415</sup> The British had long applied this logic throughout their colonial domains. For an Australian example, see Julie Evans, “Colonialism and the Rule of Law: The Case of South Australia,” 59. See also Nasser Hussain’s analysis of the *Indian Minority Report* in the “Martial Law and Massacre” chapter of his *The Jurisprudence of Emergency*.

<sup>416</sup> CID periodical appreciation summary no. 16/36, 28 September 1936, ISA 1058/21-ג. Such reports were widely believed. Arthur Ruppin, for example, recorded in his diary on 7 September, “Apparently, martial law is to be proclaimed.” See his *Memoirs, Diaries, Letters*, 281.

<sup>417</sup> “Note of Mrs. Dugdale’s Interview at the Foreign Office on the 1st September 1936,” CZA S25/6327

had the power to declare martial law, the *Palestine Post* urged, “If it is realized that the bandits will only yielded [*sic*] to punitive measures [as it was, implied the paper] these should not be delayed a moment.”<sup>418</sup> But as Awni ‘Abd al-Hadi contended in response to the 8 September government statement, the original law-breakers were the British, whose mandate for Palestine was itself “an illegal instrument.”<sup>419</sup>

His sentiment was widely echoed. Douglas Duff, the former Palestine police inspector whose harsh treatment of the Arabs in the 1920s rendered his surname an epithet for police brutality (e.g., “Duff them up”), recorded many of his conversations with Arabs during the revolt in his 1936 memoir. In one such exchange, Duff suggested to “one of the most senior of the Arab Government officials” that it was “the riff-raff who are making the trouble”:

He looked at me, staring fixedly at my face. “Is that your opinion?” he said quietly ... “Make no mistake,” he said, “there is not an Arab in the land who is not a Nationalist. I do not wish to deny it; I am one myself.”<sup>420</sup>

Speaking to another Arab acquaintance, a notable, Duff inquired presciently: “Aren’t you afraid that the Government will copy the tactics of Dublin Castle ... Concentration camps for you people, and Black-and-Tan methods for the population. [*sic*]” The man replied, “ ... by the time they arrest the last Committee of us they will have all the Arab population in jail.”<sup>421</sup> If real nationalism, the kind a people would fight for, was a crime, then the Arabs of Palestine were all criminals. Others of Duff’s interlocutors made the positive case that the British were the

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<sup>418</sup> “Reflections,” 29 September 1936, *Palestine Post*

<sup>419</sup> CO 733/297/5

<sup>420</sup> Duff, *Palestine Picture*, 105–106. The tone of this statement—which suggests that being a “nationalist” is something one *denies* or *admits*—is further evidence of the crimino-national horizon in the Palestinian political imagination detailed above.

<sup>421</sup> *Ibid.*, 126.



criminals, as their “assassin” police were “paid to murder” the Arabs.<sup>422</sup> Traveling through Lydda, Duff and a comrade received “cat-calls of ‘British murderers’ ... ”<sup>423</sup> A woman in the village of Bireh called Duff and his companions “English murderers.”<sup>424</sup> Even talk of rebels offended some of those with whom Duff spoke. “Rebels?” asked one man indignantly, “I am a soldier of the fatherland, fighting foreign tyrants.”<sup>425</sup>

The rebels themselves quite consciously invoked legal arguments in their ideological exchanges with British authorities, which sometimes took the form of published refutations of British official statements. On 11 September, Khidr al-‘Ali Mahfouz, writing “under the banner of Qawuqji” and in the name of the “General Command of the Arab Revolution in Southern Syria–Palestine” (the chosen moniker of Qawuqji’s group), issued his own rebuttal of Wauchope’s 8 September statement. Mahfouz offered a nuanced legal critique of British policy in Palestine, in which he invoked the terms of the mandate instrument, citing a specific article and arguing that the British had neglected to meet their legal obligations to the Arabs as disclosed therein. He reasoned that the most sensible interpretation of the failure of Article 6 even to mention the political rights of the Arab inhabitants of Palestine was to assume that such rights went without saying, as it were. The instrument therefore legally bound the British to uphold the political rights of the Arabs, a duty which the government had entirely ignored.<sup>426</sup> As Awni ‘Abd al-Hadi had claimed, the British broke the law first, although where ‘Abd al-Hadi suggested that the text of the mandate instrument itself violated a higher law, Mahfouz took the

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<sup>422</sup> Ibid., 174–78.

<sup>423</sup> Ibid., 191.

<sup>424</sup> Ibid., 260–61.

<sup>425</sup> Ibid., 283.

<sup>426</sup> Kayyali, *Watha’iq al-Muqawama*, 442–43.

instrument on board and then offered a correction to the British and Zionist interpretations of it. Both, however, took up the legal gauntlet thrown down by their opponents and articulated a criminological narrative that countered and subverted that of the British and the Zionists.<sup>427</sup>

Moreover, this narrative intrinsically engaged the issue of martial law by challenging the basis for the British claim of emergency that would inevitably ground any resort to martial law rule. For the claim of emergency, as Nasser Hussain notes, depended on “an interruption in the otherwise smooth functioning of lawful politics.”<sup>428</sup> While rebel actions undoubtedly undermined this “smooth functioning,” the rebel criminological critique defied the notion that British politics in Palestine were lawful.

### **The Climbdown**

With the Arabs and the British vying to script themselves as the guardians of justice and one another as law-breakers, neither was particularly well positioned to pull back from the brink of an unrestrained military showdown. This was true of the Arab leadership, for whom saving face meant not yielding to the British demand to call off the strike. A *request* to do so from Arab heads of state was another matter, however, and the precedent for this eventuality was already in place. Over the preceding months, first Ibn Sa‘ud of Sa‘udi Arabia, then ‘Abdullah of

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<sup>427</sup> That the legal ground of their respective challenges differed merely reflected the juridical hybridity of the time, to which the very existence of the mandates system—a perfunctory compromise between competing conceptions of national sovereignty—bore testimony. As Natasha Wheatley details, both Arab and Jewish jurisprudential arguments in the mandate period drew on an ever-shifting hierarchy of legal entitlement, which found its ground first in the mandate instrument, then in historical and religious pedigree; first in a narrow reading of the text, then in the text’s spirit, which no literalistic rendering could smother. See: Wheatley, “Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations”

<sup>428</sup> Hussain, *Jurisprudence of Emergency*, 109.

Transjordan, and finally Nuri al-Sa'id of Iraq had all intervened in the affairs of the AHC. Each had his own ulterior motives and strategic rationale for attempting to resolve the conflict in Palestine and thereby bring the revolt to an end. None had succeeded, but the pattern of foreign involvement had been set, and it allowed the Palestinian leadership to call on the Arab kings (Ghazi, Ibn Sa'ud, and 'Abdullah) for advice in September. By this time, the AHC's dwindling resources, coupled with the broader Arab public's fatigue and the onset of the agricultural season, motivated the Committee to find a graceful means of exiting the stage before a full-scale confrontation with the British commenced.<sup>429</sup>

Their opportunity emerged in the form of a British-brokered appeal to the AHC from the Arab kings, which requested that the Committee call off the strike. The Arab leaders quickly consented, and both the kings' appeal to the AHC and the AHC's appeal to the Arab public of Palestine were published on 11 October. The following morning, Arab and Jewish buses began running in Jerusalem, shops opened there and in Nablus, and life in Safad, Nazareth, and even Tiberias (where massive rioting had recently occurred) returned to normal seemingly overnight.

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<sup>429</sup> Porath, *Riots to Rebellion*, 211–12.

Jews and Arabs appeared in the streets of both Tel Aviv and Jaffa, the cradle of the conflagration that had ravaged the country for six months.<sup>430</sup>

The British, too, sought a face-saving egress from all-out war against the Arabs. Dill, Simson, and their partisans did not win the day, but their opponents recognized that the rumors of imminent martial law made it politically impossible for British authorities to simply back away from declaring it. It was for this reason that the government titled the new order in council that it published on 26 September the “Palestine Martial Law (Defence) Order in Council.” While including the term “martial law” in the order was “inaccurate,” as the colonial secretary acknowledged, it was nevertheless desirable

in view of the expectation of the declaration of Martial Law which has been aroused and of the possible impression (which would be quite false) that in not declaring Martial Law Government were weakening in determination to suppress the disorders ...<sup>431</sup>

Although the British no doubt intended to stamp out further agitation, they were also anxious regarding the legality of this course of action, as the entire controversy surrounding martial law revealed. They could not afford to divulge as much, however, and thus intentionally obscured the

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<sup>430</sup> Weekly summary of intelligence, Palestine and Transjordan, 16 October 1936, FO 371/20031. This same intelligence report reveals that the British concluded, in light of the rebels’ heeding the AHC’s 11 October call and halting their military operations, that their activities were likely “controlled by the High [*sic*] Committee.” It is far more probable, given the broader base of available evidence, that the rebels’ “obedience” was actually agreement, as their objectives had converged with those of the AHC. The Arab leadership had generated the expectation that the British would, in exchange for the cessation of hostilities and the strike, suspend Jewish immigration until the Royal Commission issued its findings. At least one important Arab objective therefore appeared to have been met, making it easier for the rebels to lay down their arms—especially as doing so implied nothing more than a cease-fire, as opposed to an admission of defeat. See: Weekly summary of intelligence, Palestine & Transjordan, 30 October 1936, FO 371/20031

<sup>431</sup> CS to HC, 22 September 1936, CO 733/315/2

issue of martial law before the public, rather than simply neglecting to declare it.<sup>432</sup> Both sides, then, sought a dignified means of withdrawing from the edge of the precipice.

Many Zionists looked upon this development with despair. Colonel Fredrick Kisch—the Jewish Agency’s valued liaison with the British military—captured their concern in his notes to the Zionist Executive on 2 October: “I feel that never again will there be such an opportunity for dealing radically with the Arab question, with England both willing and equipped to take strong measures ... ”<sup>433</sup> On 12 October, someone at the Agency (probably Shertok) wrote Philip Graves—the famed Irish journalist and entomologist who had exposed the *Protocols of the Learned Elders of Zion* as a hoax in 1921—bemoaning at length the manner in which the revolt had been brought to a (no doubt temporary) conclusion. The writer was especially bitter that the “scoundrel-in-chief” (the mufti) had succeeded in “presenting himself ... to the outside world as the representative leader of a suppressed people fighting for its national freedom.” The “criminal acts” of the previous six months had, by virtue of the government’s refusal to crush the strike and revolt, been “glorified as noble deeds of national heroism.” When the high commissioner issued the government statement in early September, it appeared that the British were finally coming to their senses and “placing the responsibility for the disturbances on those who were guilty of them.” Alas, the Arabs had, in the end, been permitted to script their revolt as a national uprising, rather than the prolonged period of “anarchy and crime” that it was.<sup>434</sup>

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<sup>432</sup> A writer to *The Times* picked up on this. In a 9 October letter to the editor, he suggested that the title of the order in council was both “legally inaccurate and politically undesirable,” as martial law implied “the negation of all law.” Mention of it therefore “obscure[d] the whole object of the Order—namely, to provide a legal substitute in times of emergency for the *prima facie* illegality of a régime under martial law.” See: “‘Martial Law’ in Palestine,” 9 October 1936, *Times of London*

<sup>433</sup> Private notes of Colonel Fredrick Kisch, 2 October 1936, CZA S25/4391

<sup>434</sup> “Dear Mr. Graves ... ,” 12 October 1936, CZA S25/4509

For their part, the Arab leaders were concerned to erase whatever criminal taint the rebellion had acquired. In their first post-strike meeting with the high commissioner on 24 October, the AHC began by requesting the release of political prisoners.<sup>435</sup> Prior to the termination of the strike, they had likewise expressed to Ibn Sa‘ud their wish that the rebels in the hills receive amnesty.<sup>436</sup> As Wauchope explained to Ormsby-Gore on 16 October, in spite of the hardship of the strike, the Arab population at large regarded “those Arabs who attacked our troops ... as warriors in a holy cause, not as bandits or evildoers ... ”<sup>437</sup> Interestingly, British intelligence belatedly (and tacitly) acknowledged a kindred distinction in the weeks after 11 October. In directly adjacent passages in its report of 16 October, the RAF concluded that there had been “no rebel activity since the calling off of the strike” and, in the same breath, that “small gangs of desperadoes” and “gangsters” (“neither more nor less than common bandits”) continued to wander the country.<sup>438</sup> In December, the high commissioner would state to the colonial secretary (by way of arguing against Dill’s proposal to outlaw the Higher Committee) that the revolt ended not on account of the AHC’s public plea of 11 October, but rather because “all Arabs *except regular outlaws* were bound to obey the call of the [neighboring] Arab rulers.”<sup>439</sup>

Prior to his withdrawal from the country, Fawzi al-Qawuqji sent GOC Dill a note, in which he spoke admiringly, one old soldier to another, of the review of British troops the general had

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<sup>435</sup> “Note of an interview granted by His Excellency the High Commissioner to the Arab Supreme Committee at Government Offices at 12 noon on the 24th October, 1936,” CO 733/311/1

<sup>436</sup> Headquarters, British Forces in Palestine and Transjordan, Jerusalem, Weekly Summary of Intelligence, Palestine and Transjordan, 2 October 1936, FO 371/20030

<sup>437</sup> C.P. 272 (36), 22 October 1936, FO 371/20028

<sup>438</sup> Weekly summary of intelligence, Palestine and Transjordan, 16 October 1936, FO 371/20031

<sup>439</sup> HC to CS, December 1936, WO 32/4178. My emphasis.

conducted before the King David Hotel in Jerusalem earlier in October. The rebel leader claimed to have been on hand, watching.<sup>440</sup> For a man of Dill's resolute convictions regarding the criminal nature of the rebellion, this was no doubt the height of insolence. But Qawuqji's departure from Palestine well illustrated the difficulty the British faced in taking too firm a line in this connection. A situation report of the 16th Infantry Brigade divulged that when British troops began closing in on his small army between 23 and 25 October,

[H]is supporters came to his aid in cars from as far afield as Hebron and Khanyunis [*sic*]. There is *no* doubt, however, that the Palestinians look upon Fawzi El Kawakji much more as a national hero than as a brigand chieftan who goes round terrorising villages.<sup>441</sup>

Capturing Fawzi had become a political liability, and he and his men were therefore allowed to cross back into Transjordan in the early hours of 26 October.<sup>442</sup> The Jewish press was incensed. *Davar* observed bitterly that the British had arranged for “the head of the bandit gangs”—the “top commander,” it noted parenthetically and in scare quotes—to depart the country without incident.<sup>443</sup> *Hadashot Aharonot* and *Haboker* demanded Qawuqji's extradition.<sup>444</sup>

If political literature directed to a young audience embodied the “big picture” or thrust of Zionist discourse regarding the nature of the revolt, *Davar Leyeladim* (*Davar for Children*) was a bellwether of the times. Its 22 October edition explained that the Arab leaders had not “one representative among the working masses” and had carried out the rebellion by organizing

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<sup>440</sup> Simonds, IWM, 08/46/1. Pictures of Qawuqji inspecting his own troops emerged shortly thereafter. See: Keith-Roach, *Pasha of Jerusalem*, 187.

<sup>441</sup> “16 Inf Bde Situation Report No. 30,” 28 October 1936, WO 191/62. Emphasis in original.

<sup>442</sup> Weekly summary of intelligence, Palestine and Transjordan, 30 October 1936, FO 371/20031

<sup>443</sup> “The Situation of the head of the gangs in Transjordan,” 4 November 1936, *Davar*

<sup>444</sup> Royal Air Force summary, Palestine and Transjordan, 6 November 1936, FO 371/20031

“gangs of robbers—most of whom were criminals—murderers and bandits who had fled from their own countries to escape the arm of the law.”<sup>445</sup>

As noted, military leaders such as General Dill were similarly aggravated by the government’s having drawn back from a decisive contest with the rebels at the last minute. In doing so, Dill observed acidly months later, British authorities had merely postponed the inevitable.<sup>446</sup> In lieu of having his way with regard to martial law, the general attempted to have the last word on the revolt. He prepared a “special order of the day” for 12 October, which credited British forces with having brought the “campaign of murder and banditry” to an end via the infliction of “many severe blows” against the rebels.<sup>447</sup> Wauchope, however, forbade its publication.<sup>448</sup>

Pillars of the mainstream British press, in the meantime, effected a quiet (if not complete) reversal in the waning days of the strike and after. With little fanfare, *The Times* acknowledged in late October that “the rapidity with which most of the armed bands have dispersed” indicated that they “were actuated by political motives and were not brigands.”<sup>449</sup> As of September, the liberal *New Statesman and Nation* had, in the midst of averring that “order must be restored” in Palestine, conceded that the “Arab nationalists” could “[no] longer be dismissed as a handful of extreme malcontents.”<sup>450</sup>

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<sup>445</sup> Black, *Zionism and the Arabs*, 54–55.

<sup>446</sup> “Letter from GOC to Gen Sir Henry Jackson,” 26 February 1937, WO 282/1

<sup>447</sup> “Special Order of the Day by Lieutenant-General J.G. Dill, C.B., C.M.G., D.S.O.,” 12 October 1936, WO 191/74

<sup>448</sup> Porath, *Riots to Rebellion*, 215.

<sup>449</sup> “A Skirmish in Palestine,” 26 October 1936, *Times of London*

<sup>450</sup> “The Strong Hand in Palestine,” 12 September 1936, *New Statesman and Nation*



But *The Times* and *New Statesman* would have less influence on the immediate course of events in the mandate than military leaders such as Dill, whose conviction regarding the folly of having refrained from quelling the revolt would come, in the following years, to seem prophetic. And while the Jews were embittered by al-Qawuqji's escape from Palestine and that of many rebels from punishment, they had achieved important economic gains over the previous six months and had largely succeeded in hewing to the principle of *havlagah*.<sup>451</sup> Their attention, in any case, soon shifted to the importance of persuading the Royal Commission—whose investigation into the causes of the rebellion was shortly to commence—of the Zionist case.

One exception to the adherence to *havlagah*, however, illustrated that another struggle—that for discursive ascendancy in Palestine, the victor of which would succeed in criminalizing the other's national aspirations—was proceeding as before. Early one morning in mid-October, two men on bicycles sidled up to a taxi on Eliezer Ben Yehuda Street in Tel Aviv. They fired three shots through the windows, wounding two of the four Arabs sitting inside. Before racing away, the assailants dropped some leaflets, which declared in Hebrew: "There is no right of way for murderers in Tel Aviv. No Arabs shall be seen in the streets of Tel Aviv." The incident occurred in the light of day, and on a crowded street, but the would-be assassins fled without interference, and the 257 Jews that police interviewed afterward were of little help to them.<sup>452</sup> They had apparently seen no evil. For the cyclists were killers of killers, the forces of order vanquishing those of chaos. The volatile question of whom the real criminals were continued to

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<sup>451</sup> Habas, *Sefer Meora'ot TRZ"V*, 312; Black, *Zionism and the Arabs*, 52–53; Waines, "Failure," 232; Hurewitz, *The Struggle for Palestine*, 70. Hurewitz also notes some of the negative economic consequences of the revolt.

<sup>452</sup> HC to CS, 18 November 1936, CO 733/311/1

flicker across the political landscape of mandate Palestine. General Dill was not alone in suspecting that some future disturbance would reignite the country.

## CHAPTER THREE

### **Towards a Rebel Parastate: The Arab Rejection of Partition and the Effort to Institutionalize the Revolt, 1937–38**

#### **Introduction**

1937 was the year of the famous Palestine Royal Commission, whose unpopular July proposal to partition Palestine into two states (one Arab and one Jewish) created the immediate preconditions for a renewed Arab rebellion. This chapter argues for a revised understanding of these preconditions, one taking into account the policy of “vicarious punishment” that the British initiated in the aftermath of the report’s publication. It also argues for a revised understanding of the most prominent British critic of partition, the Foreign Office’s George Rendel. Rendel’s posthumous reputation has suffered dearly at the hands of Elie Kedourie, who has characterized his anti-partitionist stance, as well as his critique of the British criminalization of the revolt, as the peculiar preoccupations of a delusional mind. I suggest, on the contrary, that Rendel was among the least deluded of British high officials in 1937–38. While his estimation of regional Arab loyalty to Palestine proved erroneous, his judgment regarding the folly of British repression in Palestine proved sound. As the chapter goes on to demonstrate, the primary consequence of increased British repression in 1937–38 was the strengthening of popular Arab support for the revolt. In the second half of 1938, the rebellion flourished to the point that its institutions took on the aspect of a nascent Arab Palestinian state, whose ultimate collapse—as explored in chapter four—resulted as much from the British effort to crush it as it did from the Arab factionalism so often emphasized in the scholarship on the revolt.

## **Prelude to Peel: the political dynamics shaping the popular response to the report of the Royal Commission**

As of January 1937, in which month the Palestine Royal Commission concluded its hearings, the British government had succumbed to a rather pessimistic mood with respect to Palestine. On the first day of the new year, Colonial Secretary Ormsby-Gore presented to the cabinet a brief summary of the sobering state of affairs. Among his observations were the following points. First, “non-political” crime—and highway robbery in particular—was trending upward. While the high commissioner claimed that he expected as much, given that many rebels were newly unemployed, he also stated that such activity mostly victimized Arabs and was “contrary to the wishes of the Arab political leaders.” (The Jewish press nevertheless adopted a “policy of exaggerat[ing]” these incidents, apparently with the intention of “impress[ing] the Royal Commission with the lawlessness of Arabs.”) Second, Ormsby-Gore commented on a letter he received from the commission chair, Lord Peel, which he regarded as mostly unobjectionable, with one exception: Peel contended that “nobody makes any attempt to bring about a reconciliation between Arabs and Jews.” Surely, the colonial secretary averred, the commission chair would agree that “no one could have done more than Sir Arthur Wauchope ... to bring about an improvement in the relations between the two races.” Yet, despite the labors of the British, and thirdly, intercommunal tensions were intensifying, making “the prospects for the year ... very gloomy.”<sup>453</sup>

While thus persisting in the illusion of Britain’s playing the disinterested arbiter in Palestine (and thereby laying the blame for political instability in the mandate entirely on the Arabs and the Jews), both Ormsby-Gore and Wauchope remained, for the moment, clear-eyed

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<sup>453</sup> “Palestine situation,” 1 January 1937, CAB 24/267

regarding the truth of the Zionists' strategic conflation of the Arab leadership with criminal elements. At the upper echelons of the Colonial Office, private convictions regarding the AHC's minimal role in stoking criminal activity had not changed. The same held with respect to these officials' views on the matter of the Higher Committee's responsibility for the revolt. On 6 January, a government official met with Selig Brodetsky, the well-known mathematician and head of the WZO's political department in London. Brodetsky complained about Wauchope's kid-gloves approach to the Arabs, suggesting that the high commissioner should have dissolved the AHC. "I knew, however," the official recorded,

that the High Commissioner held the view (and this was accepted here also) that the disturbances were not an artificial movement organised by one or two leaders, but something much deeper and widespread throughout the Arab people in Palestine; hence, the apparently simple procedure of removing the Mufti and a few others at the top would not have put an end to the outbreak.<sup>454</sup>

Waging war on the Arab population of Palestine (that is, imposing martial law) might have accomplished this, but as detailed in the last chapter, both the Zionists' and British military officials' arguments for this course of action failed, in the end, to persuade the government. By late January 1937, even civilian officials' compromise solution—the deceptively titled Palestine Martial Law (Defence) Order in Council of September 1936—had come back to haunt British authorities. One of their own courts of criminal appeal found that the order in council had rendered a tranche of prior emergency regulations inoperative, thus suggesting, in the words of one official, that "there must ... be a number of people in prison who ... ought not to be there."<sup>455</sup>

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<sup>454</sup> "Note of a talk with Dr. Brodetsky, 6th January, 1937," CO 733/332/11

<sup>455</sup> HC to CS, 24 January 1937, and 75528/55/36, Part III, Downing Street, January 1937, CO 733/315/4

Indeed, argued Arab spokesmen. In his 13 January testimony before the commission, Awni ‘Abd al-Hadi maintained that British policy in Palestine “was based on force.”<sup>456</sup> The large numbers of Arabs imprisoned in the course of the revolt, including ‘Abd al-Hadi himself, were undeniable evidence of this fact. ‘Abd al-Hadi was nevertheless willing to hear Wauchope’s concerns about Arab violence in the country and, along with the mufti and Ragheb Nashashibi (head of the moderate National Defense party [NDP] and the mufti’s perennial rival on the AHC), he agreed in early February to sign a public repudiation of “recent assassinations and crimes of violence” on the part of some Arabs.<sup>457</sup> Despite sensationalist reports and a general focus on Arab violence in the British press, however, violent attacks were in fact declining.<sup>458</sup>

Nevertheless, by March, Wauchope had become concerned about a possible “sudden recurrence of crime and murder.”<sup>459</sup> At the request of the chief secretary, the AHC issued another statement “expressing their abhorrence of all acts of terrorism and assassination” on 18 March, going so far as to refer to the perpetrators of said acts as “enemies of the nation.”<sup>460</sup> Two looming realities overshadowed this otherwise welcome proclamation, however.

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<sup>456</sup> “The Arab case in Palestine: Auni Bey’s evidence,” 14 January 1937, *The Times of London*. His point was repeated in the AHC’s published rejection of the Peel Report in July, which protested the British government’s having “[met] our rightful protests with armed force instead of the spirit of honest and impartial enquiry into the reasons therefor.” See: Statement of the AHC, 23 July 1937, FO 371/20810

<sup>457</sup> “For the Press,” 9 February 1937, CO 733/311/2

<sup>458</sup> “It is reported in *Daily Herald* ...” 19 February 1937, CO 733/311/2; “More shooting in Palestine,” 5 February 1937, *Times of London*; “Acts of violence in Palestine,” 8 February 1937, *Times of London*; “More shooting in Palestine,” 16 February 1937, *Times of London*; “Another murder in Palestine,” 27 February 1937, *Times of London*; No. CF/72/37, 15 February 1937, CO 733/311/2

<sup>459</sup> HC to CS, 27 March 1937, CO 733/333/2

<sup>460</sup> Despatch No. SECRET, Reference No. CF/67/37, 24 March 1937, CO 733/311/2

First, Arab-Jewish friction showed no sign of dissipating. In February, Ben Gurion had reached such heights of magnanimity as to concede, for the first time, that the “Arab inhabitants of Palestine should enjoy all the rights of citizens and all political rights, not only as individuals, but as a national community, just like the Jews.”<sup>461</sup> His sentiment, however, was fleeting and, more importantly, shared by few mainstream Zionists. As the chief secretary lamented on 11 March, the Zionist papers had adopted a “highly undesirable [tone] for some weeks past,” to the point that on 8 March he suspended the widely read, and typically moderate, *Haaretz*. The paper had implied “that Government [was] assisting murderers and agitators” and “that British and Arab officials [were] supporting rebellious people.”<sup>462</sup> Only the previous day, Hall had suspended the Arabic daily *al-Liwa* ‘ because of “an editorial which in unvarnished terms congratulated the Arab Community in Tiberias for the part they had taken in the disorders which occurred in that town on the 19th February.”<sup>463</sup> Wauchope wrote the colonial secretary in April, observing that “our political troubles at the moment ... are concentrated in mixed [Arab-Jewish] areas not, as during the troubles, mostly in purely Arab areas.”<sup>464</sup> He bemoaned “the continuous growth of bitterness and inter-racial feeling” between Arabs and Jews.<sup>465</sup> *The Times* reported in May that an Arab café in the Old City of Jerusalem was prominently displaying a picture of

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<sup>461</sup> Teveth, *Ben-Gurion and the Palestinian Arabs*, 170. He had expressed a kindred sentiment to the Peel Commission, stating: “If Palestine were uninhabited we might have asked for a Jewish state, for then it would not harm anyone else. But there are other residents in Palestine, and just as we do not wish to be at the mercy of others, they too have the right not to be at the mercy of the Jews.” See: Chomsky, *Middle East Illusions*, 34.

<sup>462</sup> Hall to Parkinson, 11 March 1937, CO 733/316/3

<sup>463</sup> Ibid.

<sup>464</sup> HC to CS, 8 April 1937, CO 733/333/2

<sup>465</sup> “Cabinet: maintenance of order in Palestine,” CP 109 (37), 2 April 1937, CO 733/333/2

Hitler, alongside images of King Ghazi and Mussolini. The article related, “The Arabs explain that they naturally acclaim ... Herr Hitler because he dislikes the Jews.”<sup>466</sup>

The second ominous fact that diminished the value of the AHC’s condemnation of violence was the Committee’s evident lack of control over the armed groups, to say nothing of ordinary criminals. Regarding the latter, Wauchope observed in late March the rising sense of insecurity in the country, mainly due to the actions of “small parties of bandits” and (a first) “anarchists.” But the high commissioner’s own analysis left doubts as to the true identities of these actors. He claimed, for example, that the difficulty in capturing such persons resulted in part from the fact that “the [rural] Arab population is in general sympathy with the criminal ... ” This sympathy was hard to square with his unqualified assertion in the same report that these very “bandits” were “attacking law-abiding citizens in the country districts ... ” Wauchope also considered the “strong National feeling existing throughout the Arab population” inimical to

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<sup>466</sup> “The Prophet’s birthday in Palestine: Arab Nationalist displays,” 22 May 1937, *Times of London*. This was not the first display of popular Arab sympathy for the Nazis. As early as 21 April 1936, a man in western attire managed to spare himself a beating (or worse) at the hands of an Arab mob in Tulkarm only by shouting “Heil Hitler” and giving the Nazi salute. Despite such episodes, however, popular Palestinian political discourse was largely anti-Nazi. As Mustafa Kabha notes, “Most of the Arab newspapers in Palestine (including *al-Difa’* and *al-Jami’a al-Islamiyya*, accused of affiliation with the Axis powers) gambled on Britain and its allies and hoped for their victory, despite the relationship between Haj Amin and the rulers of Rome and Berlin.” See: Kabha, *The Palestine Press*, 194, 250.



British policing of the country.<sup>467</sup> Crime and Palestinian nationalism were again converging.<sup>468</sup> As for the Higher Committee's ability to control the armed groups, the entire subject should perhaps have been considered from the opposite perspective; that is, the issue in 1937 was less the AHC's influence over the bands than it was the bands' influence over the AHC.<sup>469</sup> In April, a Qassamite group sent menacing letters to the mufti, one of which included a death threat. Similar warnings were issued to other Committee members.<sup>470</sup> Prior to the coronation of George VI in May, Nablus city councilmen received threats of execution, should they take part in the celebrations.<sup>471</sup> The rebels were both unruly and seemingly ubiquitous. A British constable stationed in Jerusalem mentioned in a 27 April letter home that "the whole country is honeycombed with [Arab] secret societies [*sic*]," whom he regarded as "terrorist[s]."<sup>472</sup>

Neither the persisting intercommunal antagonism nor the AHC's inability to control the array of rebel formations boded well for British "law and order" in the mandate. And a third factor exacerbated the situation further; namely, the British themselves. The same constable who

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<sup>467</sup> HC to CS, 27 March 1937, CO 733/333/2

<sup>468</sup> Arguably, this renewed convergence commenced months earlier, in the immediate aftermath of the Royal Commission's departure from the country. In February 1937, *Filastin* ran an editorial protesting the government's "policy of revenge against Palestinian officials, particularly now that the Investigative Commission has completed its work and left the country ..." The writer proceeded to detail a case in which authorities "dismissed six rural teachers accused of 'national activities'" and cautioned officials that "such vengefulness" was likely to upset "the country's peace and quiet." See: Kabha, *The Palestine Press*, 230.

<sup>469</sup> As Lachman points out, in late 1937, when "the Mufti and his associates sought to organise and control the rebels' movement in Palestine," their ability to actually do so was "very slight." See: Lachman, "Arab Rebellion," 82.

<sup>470</sup> *Ibid.*, 80.

<sup>471</sup> Cohen, *Army of Shadows*, 121.

<sup>472</sup> Private letters of British constable Sydney Burr, IWM 88/8/1

wrote of terrorist secret societies in April had, as of late May, concluded that “most of the trouble out here is caused by the police and the army.”<sup>473</sup> He referred to their brutality. As he would comment in a subsequent letter, “Most of the information we get is extracted by third degree methods, it is the only way with these people.”<sup>474</sup> Meanwhile, in the cramped central prison at Acre, the British were holding nearly fifty prisoners in each of the cells—an “appalling number,” one official remarked.<sup>475</sup> In June, airborne attacks on villages re-commenced.<sup>476</sup> All of these actions fueled Arab enmity towards both the British and the Jews on whose behalf they acted. *The Times* reported on 13 May: “The Arabs are making no public observation of the Coronation: no prayers for the King and Queen have been said in the mosques and even the Arab Anglicans are not holding services.”<sup>477</sup> Although some Arab notables may have been persuaded by the above-mentioned threats to forego the coronation festivities, British officials were aware of the low esteem in which the Arab public then held His Majesty’s Government.

While it was also true that many Zionists viewed the government—and particularly its failure to deal more harshly with the Arabs—with hostility, this must be understood in the context of certain institutional realities that were intrinsically advantageous to the Jews. Most importantly, as Yehuda Bauer relates, the Haganah had, by 1937, “become a de facto partner of

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<sup>473</sup> Ibid.

<sup>474</sup> Ibid.

<sup>475</sup> CO 733/328/10. OAG Battershill would report in early July that “the maximum number of prisoners confined in a single cell has been reduced to less than thirty.” See: OAG to CS, 2 July 1937, ISA 622/9-2

<sup>476</sup> Shepherd, *Ploughing Sand*, 205.

<sup>477</sup> “Jewish immigration into Palestine,” 13 May 1937, *Times of London*

the army in Palestine.”<sup>478</sup> This was a year, moreover, in which “most able-bodied young Jews in Palestine were working under orders of the [Haganah].”<sup>479</sup> The Yishuv therefore stood in radically different relation to the mandatory government than did the Arab community. The closest that the latter came to institutional imbrication with governing structures in Palestine was in the employment of Arabs in government service. This was an increasingly dangerous business, however. Typical of the predicament faced by Arabs working for the British was the plea of Mursi ‘Ali Ibrahim, who wrote Prime Minister Neville Chamberlain from Palestine in June 1937:

During the last strikes and disturbances that took place in Palestine I worked in connection with His Majesty’s Forces against the wish of the Palestine Arab Public and I was the main factor in keeping Haifa port working ... I am at present in a very bad state of poverty and unable to obtain any employment to earn my living as the Arabs will never tolerate me.<sup>480</sup>

Indeed, the circumstances of Arab government workers were quite often more dire than penury. On 18 May, for example, unknown Arab assailants attempted to assassinate an Arab police sub-inspector named Eissa Ghorani in Jenin.<sup>481</sup>

While the officer administering the government (OAG) concluded in late June that “there is nothing to be gained by pursuing the suggestion that a number of Jews should be trained in order to replace Arab personnel who might become disaffected,” the fact that such a proposal

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<sup>478</sup> Bauer, “From Cooperation to Resistance,” 187. As Naomi Shepherd writes: “Contacts between Jewish and RAF Intelligence began in 1937. Arab documents detailing the identity and plans of the rebels captured during British raids were handed over to the Hagana, while the Jewish Agency, which had its own Arab informers, provided information on the internal discussions of the Arab Executive and Arab Higher Committee.” See: Shepherd, *Ploughing Sand*, 202.

<sup>479</sup> Leonard Mosley, *Gideon Goes to War* (London: Arthur Barker, 1955), 50.

<sup>480</sup> Mursi ‘Ali Ibrahim to PM Chamberlain, 2 June 1937, ISA 622/1-n

<sup>481</sup> HC to CS, 1 June 1937, ISA 622/4-n

was tabled spoke powerfully to the difference between the Yishuv's and the Arab community's respective institutional relationships with the mandatory state.<sup>482</sup> This disparity shaped both communities' responses to the release of the Peel report. For the Arabs, its injustice provoked outrage at the report's partition proposal. For the Jews, its reality inspired the confidence to negotiate with the government for better terms.

### **The Peel report**

Originally appointed in July 1936, the Palestine Royal Commission conducted its investigation in Palestine from November of that year into January 1937, and published its findings that July. It was the last of three commissions headed by Lord Peel, the twice former secretary of state for India and one-time lord privy seal, by whose name it became known. A cursory glance at the Peel Commission's report might cause one to doubt one of the key assertions of the previous two chapters; namely, that British officials and opinion-makers tended not to see the mandatory government as a causally primary factor in the unfolding of events in Palestine. The commission's very terms of reference, after all, placed the actions of the mandatory front and center. These were to

ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to enquire into the manner in which the Mandate for Palestine is being implemented in relation to the obligations of the Mandatory towards the Arabs and the Jews respectively; and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances on account of the way in which the Mandate has been or is being implemented; and if the Commission is satisfied that

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<sup>482</sup> OAG to HC, 24 June 1937, WO 32/4176

any such grievances are well-founded, to make recommendation for their removal and for the prevention of their recurrence.<sup>483</sup>

Among the underlying causes mentioned at the outset, the commission's findings persuaded it to include "Arab distrust in the sincerity of the British Government" and a "general uncertainty as to the ultimate intentions of the Mandatory Power."<sup>484</sup>

As indices of the British perspective on the causal implication of His Majesty's Government in the revolt, however, such general observations were less significant than the report's more specific assertions. The latter were reminiscent of the assessment of the *New Statesman and Nation* quoted in chapter two, which located final responsibility for the state of the mandate in the inability of Jews and Arabs to come to terms, despite the best British efforts to facilitate this outcome. The commission likewise concluded:

The sincere attempts of the Government to treat the two races impartially have not improved the relations between them. Nor has the policy of conciliating Arab opposition been successful. The events of last year proved that conciliation is useless.<sup>485</sup>

The report thus reproduced in its findings the standard British discourse on the revolt. Absent from its calculations vis-à-vis "impartial[ity]" and "conciliation" was the perennial British refusal to grant any of the primary Arab demands, regardless of whether they were advanced peacefully or forcefully. Among the commission's key criticisms of the "execution of the Mandate" were the claims that the British state in Palestine should have employed fewer Arabs (given their dubious loyalty) and more Britons, and that the government ought to have declared martial law. Significantly, given what we have documented in previous chapters, the commission

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<sup>483</sup> *Palestine Royal Commission Report*, vi.

<sup>484</sup> *Summary of the Report of the Palestine Royal Commission*

<sup>485</sup> *Ibid.*

also suggested that more “punitive” police posts should have been stationed in Arab villages, in order to enforce the collection of fines.<sup>486</sup> In a word, had the British presence in Palestine (with its accompanying violence) been augmented, the revolt might have been averted. It had not, however, and the only feasible solution under the circumstances was therefore to partition the mandate into two independent states, one Arab and one Jewish.

Despite the above-noted political disparity between the Arab and Jewish communities’ respective institutional relationships with the mandatory state, signs of discontent with the Peel report were conspicuous among both groups even prior to the report’s release. While Ben Gurion and Weizmann favored a partition scheme on the condition that it met certain criteria, they faced substantial opposition in the broader Zionist community.<sup>487</sup> Weizmann in particular came in for caustic criticism. In a 27 June letter to Va’ad Leumi member Abraham Katznelson, he remarked acerbically, “I can see ... that the floodgates of demagogic eloquence are wide open and the zealots are gnashing their teeth and clenching their fists. I suppose I’m the ‘traitor’, etc. etc.”<sup>488</sup> In reality, the WZO president was exceedingly apprehensive regarding the particulars of the partition proposal, which he did not know.<sup>489</sup> On 1 July, he was informed that Ormsby-Gore had opted not to furnish him a copy of the report until three days before its publication. Weizmann

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<sup>486</sup> Ibid.

<sup>487</sup> Bar-Zohar, *Ben-Gurion: A Biography*, 90–91; Rose, *Gentile Zionists*, 135; Cohen, *Retreat from the Mandate*, 37.

<sup>488</sup> Litvinoff and Klieman (eds.), *The Letters and Papers of Chaim Weizmann, Volume XVIII, Series A, January 1937–December 1938*, 125–26.

<sup>489</sup> Ben Gurion, too, was in the dark. He wrote his wife on 12 June: “I am extremely concerned. We’ve been told that the Commission’s conclusions were adopted unanimously—and I can’t believe that all the members of the Commission would agree on something that is good for us.” See: Ben Gurion, *Letters to Paula*, 119.

reacted by launching a red-faced tirade, refusing to speak to Wauchope, proclaiming, “They shall not strangle us in the dark,” and threatening the colonial secretary with non-cooperation from the Jewish Agency.<sup>490</sup> The Arab community expressed equally grave misgivings regarding the Peel report. On 7 July, the day the report was published, the postmaster general of Palestine sent a memo to his regional subordinates, advising them to be vigilant for “a large number of most seditious pamphlets [which] have been prepared for despatch through the post in case the report of the Royal Commission is unfavourable to Arab interests.”<sup>491</sup> As Wauchope would relate to Undersecretary of State Cosmo Parkinson two weeks later, “large numbers” of Arabs opposed the partition scheme “quite apart from the Mufti.”<sup>492</sup> The mufti, in the meantime, had come to hopeless loggerheads with his longtime adversary, Ragheb Nashashibi, who officially departed the AHC in early July.<sup>493</sup> But even Ragheb opposed partition, having buckled, it would appear, under popular pressure. General Dill proposed that the NDP leader be bribed into reversing his position (which he had done once already, according to the high commissioner). Wauchope

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<sup>490</sup> Rose, *Baffy*, 48–49.

<sup>491</sup> P.T. 65/1, 7 July 1937, ISA 4159/8-2

<sup>492</sup> C.P. 200 (37), 23 July 1937, FO 371/20811

<sup>493</sup> Numerous near-fatal attacks had been launched on members of Ragheb’s NDP in June, as Hillel Cohen documents. Cohen concludes, “The message was clear: anyone who leaned toward compromise [vis-à-vis partition] or disputed Hajj Amin’s leadership was a traitor whose life was forfeit.” See: Cohen, *Army of Shadows*, 122. It is not entirely clear, however, that the attempts on the lives of the NDP members he mentions traced back to supporters of the mufti, as opposed to mere opponents of partition, some of whom had also threatened the life of the mufti.

cautiously concurred, noting “there is little doubt that [Ragheb] could be bought.”<sup>494</sup> A British intelligence agent likewise regarded both Ragheb and King Abdullah as “men of straw,” and divulged to Wauchope: “I am led to believe that there are few Arabs who cannot be bought and that the price is not usually very large. If that be so it seems that now is the time to spend money in a righteous cause.”<sup>495</sup> That the discussion had turned to buying Arab support for partition spoke volumes.<sup>496</sup> The colonial secretary wrote Wauchope in late July, “It now appears from what you report that all Arab Parties in Palestine oppose partition and that no ‘moderate’ body of opinion has yet emerged.”<sup>497</sup>

While the Colonial Office pondered the utility of “buying” Ragheb, as well as planting pro-partition articles in *Filastin*, it also began considering more seriously the possibility of ridding itself once and for all of the partition plan’s most prominent critics, the mufti and the AHC.<sup>498</sup> This would require a plausible pretext, however, and as Wauchope acknowledged, while the mufti was indeed “the fomenter of discord, agitation and ‘reprisals’ ... no one has ever

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<sup>494</sup> C.P. 193 (37), 19 July 1937, FO 371/20811. There had already been talk of bribing “the opposition” (i.e., Ragheb and the NDP) in a 2 July communication to OAG Battershill, in which the writer (possibly the colonial secretary himself—the handwriting is unclear) suggested that Battershill burn the letter after reading it! See letter beginning “My dear Battershill ... ” in WO 191/86.

<sup>495</sup> Headquarters, British Forces, Palestine & Transjordan, Jerusalem, 15 July 1937, WO 191/86

<sup>496</sup> The British apparently adopted the same strategy for shoring up Arab support of the Peel Report in Syria. In correspondence with eastern department head George Rendel, the British consul in Damascus subtly boasted that his judicious spending was responsible for the fact that “the two papers which carry the most weight in Arab politics, ‘Al Kabbas’ and ‘Alef Ba’, have not joined in the general condemnation” of the Peel proposals. See the two 10 July letters from Gilbert Mackereth under No. (1486/1486/2) in FO 684/10.

<sup>497</sup> CS to HC, 30 July 1937, FO 371/20811

<sup>498</sup> “Palestine: Royal Commission Report,” 19 July 1937, FO 371/20811



produced any proof of his instigating assassinations, or indeed any evidence.”<sup>499</sup> In a particularly revealing telegram, the colonial secretary, after making passing reference to the “Government’s attempted coup on 17th July” (that is, its attempted arrest and deportation of the mufti), laid out the dismal state of affairs:

The [coup] attempt failed and now we have a new situation to deal with. If [the] Mufti were arrested now or later, [the] question of justification would assume much greater importance, but ... I understand that [the] behaviour of [the] Mufti and his party since [the] publication of [the] Report has not been such as to justify drastic action ... <sup>500</sup>

Wauchope’s reply was equally telling, particularly his conclusion that it was “[un]necessary to declare the Arab Higher Committee an illegal organisation at present.”<sup>501</sup> Not legally unjustified, but simply unnecessary from the perspective of British objectives in the mandate. The law, that is, was not the issue.

Nor, for that matter, was the legitimacy of the Arab case against partition. In its published response to the report of the commission, the AHC protested:

The Royal Commission recommended the establishment of an autonomous Jewish State. They propose that its limits should include the most important and fertile plain lands ... the coastal region and the large agricultural area bounded by the northern frontier. In the section so delimited there are some 300,000 Jews and 325,000 Arabs. In the Northern sector of this area there are districts which are entirely Arab. An instance is the Acre district where there are 50,000 Arabs and 63 Arab villages, but only one Jewish village with 300 inhabitants ... It appears to us in the highest degree anomalous that the Royal

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<sup>499</sup> Wauchope to Dill, 15 July 1937, WO 191/86. The high commissioner was careful to note, incidentally, that while the “fomenter of discord” in Palestine, the mufti was nevertheless “not the begetter of feelings ... either against the Zionists or against the government ... ”

<sup>500</sup> CS to HC, 30 July 1937, FO 371/20811

<sup>501</sup> HC to CS, 31 July 1937, FO 371/20811

Commission, while finding it impossible that a Jewish minority should be placed under the rule of an Arab Majority, should yet find no difficulty in the reverse process or even in placing an Arab majority under a Jewish minority.<sup>502</sup>

Even the director of the Jewish Agency's settlement department, Arthur Ruppin, could see the problem. "The difficulties of putting [the partition proposal] into effect seem—in light of the large number of Arabs in the Jewish state—almost insuperable," he noted in his diary.<sup>503</sup>

Wauchope and Dill themselves were both of the opinion that "the sacrifices entailed by [the] terms of the Report, particularly Galilee and Acre, are soaking in among all Arabs to the detriment of the principle of Partition."<sup>504</sup> Not only was this portentous development occurring "independent of ... the Mufti," but it was also sweeping up a hitherto quiescent section of the Arab population. The colonial secretary summarized the contents of a private letter he received from a commission member in June:

The Jews, he says, have a very old traditional contact with Galilee and until recently the Arabs of that region have never been stirred up against them, but he thinks, nevertheless, that there is bound to be violent feeling at the first intimation that the Arabs in Galilee are to come under Jewish rule ...<sup>505</sup>

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<sup>502</sup> Statement of the AHC, 23 July 1937, FO 371/20810

<sup>503</sup> Ruppin, *Memoirs, Diaries, Letters*, 285.

<sup>504</sup> Wauchope to Dill, 20 July, WO 191/86

<sup>505</sup> CS to HC, 29 June 1937, WO 191/86. *The Times* reported on how the Peel plan's Galilee provisions had stimulated popular Arab opposition to partition: "Before the publication of the Royal Commission's proposals to include Galilee in the Jewish State, the plan to give the Jews an autonomous canton or independence for predominantly Jewish areas would probably have found wide acceptance outside the Higher Arab Committee and its immediate supporters; but since then Arab opinion has become much stronger, and any form of partition is now entirely rejected by all parties." See: "Future of Palestine," 23 September 1937, *Times of London*

All of this was to say nothing of the commission's proposed solution to the demographic fiasco its partition scheme entailed; namely, an "exchange" of populations between the Jewish and Arab areas. While registering important points of difference between the two cases, the commission explicitly invoked the forced transfer of populations between Greece and Turkey as the model to emulate in Palestine:

The numbers involved were high—no less than some 1,300,000 Greeks and some 400,000 Turks. But so vigorously and effectively was the task accomplished that within eighteen months from the spring of 1923 the whole exchange was completed. Dr. Nansen was sharply criticized at the time for the inhumanity of his proposal, and the operation manifestly imposed the gravest hardships on multitudes of people. But the courage of the Greek and Turkish statesmen concerned has been justified by the result.<sup>506</sup>

The AHC's response is again worth quoting at length:

How this came to be considered a feasible suggestion is past comprehension. The Royal Commission admits that as against 1250 Jews owning a negligible quantity of property in the proposed Arab area, there are resident in the suggested Jewish State (according to the Royal Commission's own report) some 225,000 Arabs, in addition to the 100,000 Arabs who are resident in the towns of Haifa, Acre, Tiberias and Safed. Since no 'exchange' is possible from the Jewish side we cannot but take it that this means the more or less forcible expulsion of the Arab inhabitants of the Jewish State and the expropriation of their property.<sup>507</sup>

The Arab leadership suspected British and Zionist representatives of acting in bad faith, again. Had they known of the plans key Zionist figures were formulating behind closed doors—which would culminate in what Benny Morris has deemed the post-1937 "virtual consensus" among Zionists in favor of "transfer" of the Arabs out of Palestine—it would only have deepened this

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<sup>506</sup> *Palestine Royal Commission Report*, 390.

<sup>507</sup> Statement of the AHC, 23 July 1937, FO 371/20810

impression.<sup>508</sup> In a 14 August letter, Weizmann assured Pierre Orts, the president of the League of Nations' Permanent Mandates Commission, that while the Peel Commission's "transfer" proposal was of "the greatest importance" to the Zionist leadership, it should be implemented "without recourse to constraint, or ... any coercion whatsoever: only those who wish will be transferred ... ." The latter eventuality, he then acknowledged, was likely to apply to many of the Arabs residing in the proposed Jewish area.<sup>509</sup> But Weizmann's allusions to transfer were often less qualified. In another letter, he referred simply to the desirability of "a partial removal of Arabs, say from Galilee and Judea (even though the process is a slow one)," and in yet another to the "crucial importance of transfer for the success of a partition scheme."<sup>510</sup>

Such statements must also be interpreted in the context of Weizmann's vision of a future, Jewish Palestine. As he wrote the head of the American Jewish Congress, Stephen Wise, in June 1937: "It is our destiny to get Palestine, and this destiny will be fulfilled someday, somehow. Our present task is to get a fulcrum on which to place a lever ... leaving the problems of expansion and extension to future generations."<sup>511</sup> Ben Gurion said much the same thing at the twentieth World Zionist Congress in Zurich on 15 August, arguing that partition was the most sensible short-term step towards the long-term goal of a Jewish Palestine.<sup>512</sup> While in New York in

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<sup>508</sup> Morris, "Revisiting the Palestinian exodus of 1948," 48.

<sup>509</sup> Litvinoff and Klieman, *Letters and Papers, Volume XVIII*, 185–87.

<sup>510</sup> Ibid., 179–180, 206–207. As Nur Masalha points out, "... although references to 'compulsory' transfer were studiously avoided [by the Jewish Agency leadership], statements of Ben-Gurion and Shertok showed their awareness that the Palestinian Arabs were unlikely to remove themselves to Transjordan voluntarily." See: Masalha, *Expulsion of the Palestinians: The Concept of 'Transfer' in Zionist Political Thought, 1882–1948*, 54.

<sup>511</sup> Ibid., 131–36.

<sup>512</sup> Bethell, *The Palestine Triangle*, 32.

September, he told some Jewish labor leaders that the Jewish state's borders would "not be fixed," and wrote his son Amos the next month of partition's "boost to our historic efforts to redeem the country in its entirety."<sup>513</sup> He used the same language in an October letter to his wife.<sup>514</sup>

By then, important elements of the British government had become aware of the mirage-like quality of the partition scheme, given its role in the strategic calculations of leading Zionists. George Rendel, head of the eastern department at the Foreign Office, wrote in a 13 October memo:

Since the issue of the [Peel] Report ... evidence has been accumulating to show the overwhelming difficulties in the way of a solution by partition. Not only has the whole Arab world reacted violently against the suggestion, but it has become clear that partition will not mean what we at first imagined—i.e. a separation of the Jewish and Arab spheres—but will mean the creation of a new jumping off place for the Jews ... The Jews make no secret of this, and it has become clear that it is one of the main objections of the Arabs to the partition proposals.<sup>515</sup>

Thus, as August got underway, things were not as they appeared. The World Zionist Congress's "acceptance" of partition depended in part on the assumption that the designated Jewish territory would, in future, expand into the designated Arab territory.<sup>516</sup> This, along with concerns regarding an Arab-Jewish population "exchange" and the scheme's delegation of the country's most fertile lands to the Jewish state—not to mention the basic and long-standing

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<sup>513</sup> Teveth, *Ben-Gurion and the Palestinian Arabs*, 188.

<sup>514</sup> Ben-Gurion, *Letters to Paula*, 154.

<sup>515</sup> "Palestine: policy of His Majesty's Government," 14 October 1937, FO 371/20816

<sup>516</sup> Masalha, *Expulsion of the Palestinians*, 67–80; Bar-Zohar, *Ben-Gurion*, 92.

conviction that Palestine should retain a permanent Arab majority—underlay the AHC’s unequivocal rejection of partition.

Unfortunately, British policy failed to engage with such niceties. Instead, in the face of a relatively modest uptick in intercommunal violence in the wake of the Peel Report, the government resorted to the ham-fisted tactic of “vicarious punishment,” which willfully incarcerated innocent persons, both Arabs and Jews, in lieu of the British ability to identify and apprehend the actual perpetrators of various violent actions. As in 1936, the British attempted to compensate for feeble intelligence with brute repression, finally outlawing the entire Arab Palestinian political establishment—including the AHC and the local national committees—in September 1937. And, as in 1936, such repression only nourished popular support for the revolt.

### **Vicarious punishment: the failure of British intelligence and the criminalization of Arab Palestinian nationalism (again)**

While partition’s detractors within the Arab community harassed and even assassinated Arabs suspected of sympathy with the Peel plan, as well as those accused of selling land to Jews, the AHC’s public position in August 1937 was that Arabs should refrain from acts of violence. Late in the month, after a spate of intercommunal killings, both the AHC and Va’ad Leumi published manifestos calling for peace.<sup>517</sup> Shertok made a similar appeal to the Yishuv, as did mosques to the Arab community. OAG Battershill informed the colonial secretary that he “doubt[ed] whether the Arab Higher Committee or the Jewish Agency can effectively control the extremists on their

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<sup>517</sup> OAG to CS, 11 September 1937, CO 733/341/20. The Higher Committee’s statement made a point to request “calmness and tranquillity” in the face of the “criminal attacks” of the “enemies of the country,” in fact. See: Statement of Arab Higher Committee, 31 August 1937, CO 733/341/20

[respective] sides.” As evidence, he listed several attacks that “were perpetrated *after* the manifestos ... had been issued.”<sup>518</sup>

Mandate authorities had virtually no success in apprehending the responsible parties in either camp, but made arrests nonetheless. As one official stated bluntly:

The police action in connection with the recent series of murders and attempted murders has led to the arrest of nobody against whom there is any satisfactory evidence. On the other hand, certain Arabs and Jews from near the places where the murders were carried out have been consigned to twelve months’ preventive detention in Acre Gaol. The methods of ‘martial law’ could hardly be more arbitrary ... <sup>519</sup>

He nevertheless approved of these methods, and assumed they had the support of the colonial secretary. As another official pointed out, while handling Jews in this manner would not go unnoticed, “no one is likely to object to the vicarious punishment of Arabs.”<sup>520</sup> Arabs did object, of course, but the British ignored them. When Hassan Dajani, an Arab lawyer and member of the municipal corporation of Jerusalem, wrote Battershill complaining of the government’s routine resort to the collective punishment of Arabs and its simultaneous failure to employ the same tactic against Jews (offering many examples), Battershill suggested the colonial secretary politely acknowledge that he had received the complaint, as it was “unnecessary to attempt a

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<sup>518</sup> OAG to CS, 11 September 1937, CO 733/341/20 (emphasis in original); Mattar, *The Mufti of Jerusalem*, 82.

<sup>519</sup> CO 733/341/20

<sup>520</sup> Ibid.

detailed commentary ... ”<sup>521</sup> The AHC also objected to the “vicarious punishment” of Arabs, appealing directly to the prime minister via telegram on 19 August:

While [the] country enjoys tranquillity and political Arrab [*sic*] bodies urge for quietness a number of honest Arabs have been arrested or are menaced by arrest by [the] arbitrary decrees of local administration without any judgment or [the] slightest proof of culpability in any illegal act[.] [The] Arab Higher Committee considers [it] its duty to draw respectfully His Majesty[’]s Government[’]s attention to [the] regrettable consequences of such measures and to a policy of provocation and contempt to the feelings of an afflicted nation and honestly believes that such a policy ... may produce grave repercussions ... <sup>522</sup>

A policy of provocation. As in 1936, the Arab leadership placed repressive British actions—and the policy that actuated them—at the center of the instability plaguing the mandate, whereas all such actions were, from the British perspective, the inevitable response to said instability.

As ever, the latter conviction made crime a basic British preoccupation. Despite the flurry of intercommunal violence in August, the government’s own statistics did not indicate a particularly dramatic increase in crime during the month. Murders were up, from 15 in July to 19 in August. But they remained within the range established in the first half of the year. There had been 19 recorded murders in March as well, for example, and 17 in May. Likewise with attempted murders. There were 24 in August, as compared to 22 in July. But there had also been 24 attempted murders in May, and 34 in June. Manslaughter was down. Robberies and break-ins were up, but they had been higher in the first few months of the year. Serious assaults were down

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<sup>521</sup> OAG to CS, 18 December 1937, and Hassan S. Dajani to OAG, 15 November 1937, CO 733/333/7. Regarding Dajani’s charges, one official noted: “It is possible, I suppose, that the Police cannot escape having a different psychological approach to Jewish disorders and therefore a different manner with the persons concerned ... ”

<sup>522</sup> “Copy of a Telegram received by the Prime Minister, London, on the 19th August, 1937, from the Arab Higher Committee,” ISA 622/7-2



from the previous month, from 262 to 234. Possession of firearms cases were at a six-month low.<sup>523</sup> As Wauchope himself stated privately on 2 September, “... the country remains wonderfully calm.”<sup>524</sup> In testimony before parliament, the colonial secretary spoke of “a quiet August” in Palestine.<sup>525</sup>

The British press, however, featured headlines in August such as “Renewed crime in Palestine,” “More disorders in Palestine,” and “Lawlessness in Palestine: need for sterner punishments.”<sup>526</sup> In the latter article, *The Times* disclosed: “The authorities are trying to stem the decline in public security which has been evident in the past few weeks by interning under the emergency regulations persons suspected of encouraging lawlessness.” The article went on,

Recent crimes have been quite varied. In comparatively few cases have the objects of attack been Jews. There have been several deliberate attacks on the police, as, for instance, the murder of a police tracker in his house yesterday at Beisan and a volley fired from the dark at a party of police in a village near Nablus last night ...<sup>527</sup>

Needless to say, no mention was made of the fact, probably unknown to *The Times* reporter, that many of those interned had no known connection to any criminal activity. Also noteworthy was the fact that the paper referred without qualification to organized attacks on police as crimes and, when fatal, murders. The categories of rebel and criminal were again converging. Indeed, the full 13 August headline read: “Renewed crime in Palestine / Arab bands reorganizing.”

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<sup>523</sup> Office of Statistics, general monthly bulletin of current statistics of Palestine, September, 1937, ISA 4908/8-2

<sup>524</sup> “Extract from semi-official letter from Sir Arthur Wauchope to Sir Cosmo Parkinson, dated 2nd September, 1937,” CO 733/341/20

<sup>525</sup> “Palestine situation,” 28 October 1937, FO 371/20818

<sup>526</sup> From the 13, 31 and 18 August editions of *The Times of London*, respectively.

<sup>527</sup> “Lawlessness in Palestine,” 18 August, *Times of London*

As in May, the same convergence continued to feature in Wauchope's thinking. He wrote Parkinson on 25 August: "... I feel sure Police are taking all measures possible to prevent crime and to catch criminals, but catching criminals amid a sympathetic population is a hard job ..."<sup>528</sup> At a minimum, this suggested that the national convictions of Palestinian Arabs caused them to prefer criminals to the British authorities pursuing them. But it also left open the possibility that many of the "criminals" in question were, in fact, rebels enjoying the sympathy of those Arabs among whom they lived and moved.

Either way, the elements behind what politically-motivated violence there was continued to elude the British, as Wauchope's comment—and the policy of "vicarious punishment"—indicated. In the aftermath of the 26 September assassination of Lewis Andrews, the assistant district commissioner in Galilee—and the highest-ranking British official killed by rebels in Palestine—Deputy Undersecretary of State John Shuckburgh chaired a meeting at the Colonial Office, during which he acknowledged, "The difficulty in the present situation [is] that there [are] murders but no evidence [is] forthcoming and it [is] impossible to catch the criminals."<sup>529</sup> The Jewish Agency was convinced that regardless of the specific criminals in question, the persons ultimately responsible for their crimes were the same as those causing the trouble in 1936. In both cases, the mufti and the AHC were to blame. Prior to the Andrews assassination, Bernard Joseph, Shertok's deputy at the political department, wrote Weizmann that the mufti had, through force of terror, become the "master" of the Arab community in Palestine. Joseph claimed that the opponents of Amin al-Husayni were all agreed that, were the British to expel

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<sup>528</sup> "Extract from S.O. letter to Sir C. Parkinson from Sir A. Wauchope, dated 25th August, 1937," CO 733/341/20

<sup>529</sup> "Note of Conference at the Colonial Office on the 30th September, 1937," CO 733/341/17

him from the Supreme Muslim Council and strip him of his religious title, “the whole atmosphere [would] be changed.” Somewhat contradictorily, however, several of the same men also cautioned that driving the mufti out of the country might “make a greater national hero out of him.”<sup>530</sup>

The Andrews assassination swung British official opinion back in the direction of the Jewish Agency. Mandate authorities expanded the policy of “vicarious punishment” to include the AHC itself. Having approved an official declaration (to be issued on 1 October) outlawing the AHC and the national committees, the colonial secretary advised OAG Battershill to arrest the members of the Higher Committee, adding, “I do not think it practicable to make distinctions between individuals or to confine action to leading members only.”<sup>531</sup> Incarceration of prominent Arabs had already gotten underway, which prompted the mufti to write Battershill on behalf of the AHC, protesting the imprisonment of “notables, professional men and Sharia Qadis” and reminding him:

The Arabs have condemned the attack [on Andrews] instantaneously following its occurrence and expressed their deep sorrow for it, and the Palestine Broadcasting Service has announced the Supreme Arab Committee’s [i.e., the AHC’s] statement to that effect ... The Supreme Arab Committee wishes to intimate to Your Excellency that the entire Arab population of Palestine ... have been greatly astonished at the measures to which Government has resorted in arresting a large number of notables and Qadis, without any charge or guilt, because law and justice demand that the aggressors be sought and not that

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<sup>530</sup> Joseph to Weizmann, 22 September 1937, CO 733/332/11. Joseph partially reconciled these two perspectives by suggesting that downgrading Amin al-Husayni’s status, while simultaneously keeping him in Palestine, would place him on the level of an “ordinary politician,” to whom people would “dare to stand up.”

<sup>531</sup> CS to OAG, 29 September 1937, CO 733/332/11

innocent people and religious men be punished ... [S]uch arrests will make the situation more complicated ... <sup>532</sup>

The aggressors in question were, in fact, Qassamites operating independently of the AHC.<sup>533</sup>

(Recall that it was Qassamites who had earlier sent the mufti a letter explaining that they intended to kill him.)

Needless to say, the British did not heed the mufti's words, instead relieving him of his official duties and arresting and deporting his associates on the Higher Committee. Aware of his precarious circumstance as of mid-July, when authorities first attempted to arrest him, the mufti had, since then, taken refuge in al-Haram al-Sharif, on the understanding (correct, it turned out) that the British would not dare attempt to apprehend him there. When he absconded to Lebanon in mid-October 1937, it was a moment of truth for the Jewish Agency and the government, both of which anticipated that the mufti's absence from Palestine would deplete his political capital and have a calming effect on the Arab population. According to Yehoshua Porath, the mufti's departure did indeed diminish his "influence inside and outside Palestine since it was regarded as an act of cowardice ..."<sup>534</sup> Mustafa Kabha's careful survey of the Palestinian press from this period undermines Porath's claim, however. As Kabha writes, after the mufti's escape, his "traditional opponents ... in the press, headed by the newspaper *Filastin*, which was long

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<sup>532</sup> Mufti to OAG, 29 September 1937, CO 733/333/7

<sup>533</sup> Lachman, "Arab Rebellion," 81–82; Porath, *Riots to Rebellion*, 234. Porath suggests that it remains an open question whether Andrews' assassins were operating according to a decision reached by a minority faction of Syrian and Palestinian delegates to the 8 September "Arab National Conference" in Bludan, Syria, which had been organized to "mobilise Arab public opinion and organisations against partition." The decision was, in a word, to prepare for a violent struggle against the British. He does not suggest, however, that members of the AHC were privy to these "behind the scenes" discussions. See: Porath, *Riots to Rebellion*, 231–32.

<sup>534</sup> Porath, *Riots to Rebellion*, 236.

considered the journal of the mufti's opponents, displayed their support of him, stating that he was their sole leader and that his acts embodied the wishes of the Palestinian people."<sup>535</sup> British criminalization of Amin al-Husayni rallied Arab popular opinion in his favor, rather than undercutting him. The same held with respect to the armed bands, whose violent actions shortly surged in the mufti's absence, contrary to expectations. The British office of the censor had to compel Palestinian newspapers to stop printing admiring stories of the rebels' exploits, and force them instead to publish government accounts of incidents involving rebels, which referred to them as "'hooligans' (*ashqiya*), 'terrorists' (*mukharribun*) and law breakers."<sup>536</sup>

As Kabha documents, mandate authorities were quick to suspend the publication of Palestinian newspapers, making coverage of local politics in their pages conspicuously sparse and typically cautious. The papers' praise for the rebels was therefore remarkable in itself. While the Arab press made the more general case for the legitimacy (that is, non-criminality) of the national leadership, others completed the syllogism, charging the government itself with crimes. A group of notables from Gaza wrote Kings Ghazi, Ibn Sa'ud, and Farouk in early October: "The British government has applied the oppressive policy of terrorism in Palestine. Leading members of the nation have been arrested and deported ..."<sup>537</sup>

The former accusation began appearing more frequently in October, as illustrated in the following parliamentary exchange between Ormsby-Gore and the ardent left-wing MP Aneurin Bevan:

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<sup>535</sup> Kabha, *The Palestinian Press*, 209.

<sup>536</sup> *Ibid.*, 213, 215.

<sup>537</sup> "Translation of a telegram dated 2nd October, 1937, sent to King Ghazi, King Ibn Saud and King Farouk by a number of Gaza notables," FO 371/20817

**Mr. Bevan:** Has the right hon. Gentleman seen reports in the Press of reprisals carried out by the police authorities in Palestine? Is there any truth in these reports, and if so, does he condone that conduct?

**Mr. Ormsby-Gore:** Certainly the military authorities and the police will have my and the Government's full support in dealing with a campaign of murder and outrage.

**Mr. Bevan:** Does the right hon. Gentleman seriously suggest to the House that it is the policy of His Majesty's Government to carry out reprisals on innocent persons for misdeeds committed by others?

**Mr. Ormsby-Gore:** Certainly not. But the particular incident was that the local people burnt and destroyed the buildings and entire equipment of the civil airport at Lydda, and in my view the police and the military were quite right in destroying the houses of the people who committed that act.<sup>538</sup>

Vyvyan Adams then spoke up, changing the subject. One might infer, however, that the colonial secretary's last word on the matter did not satisfy Mr. Bevan, who had inquired regarding "reprisals" (plural) only to receive what sounded like a tacit confirmation, and then to hear details of a "particular incident."

Both the Zionist and the British press were, to be sure, in the corner of the colonial secretary, whatever reports of "reprisals" may occasionally have appeared in the latter's pages. In the second of two September articles titled "The Murder of Mr. Andrews," *The Palestine Post* acknowledged that the AHC had "not hesitated to denounce the murder of Mr. Andrews," but added: "Yet it stopped short ... of raising its voice against gangsterism and of calling upon the people within reach of its voice to cease offering shelter and comfort to the assassin." As a result of the British determination to "avoid ... repression," neither the terrorists nor those supporting them had "been given reason to fear just retribution."<sup>539</sup> British repression, then, to say nothing of Andrews' own harsh measures (see below), not only failed to feature in the *Post*'s analysis of

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<sup>538</sup> "Palestine situation," 28 October 1937, FO 371/20818

<sup>539</sup> "The Murder of Mr. Andrews," 28 September 1937, *Palestine Post*

the Arab resort to violence, but its alleged absence was granted causal primacy in accounting for said resort.

The mainstream British take on the state of affairs in Palestine in the aftermath of the Andrews assassination was well summarized by the right-wing *Spectator* when it wrote:

The recent assassination of Mr. Andrews and Constable McEwan at Nazareth, following other murders and attempted murders, brought things to a head. A government cannot rest upon conciliation alone when those whom it would conciliate take kindness for weakness or fear and simply redouble their criminal activities ... Crime must be punished.<sup>540</sup>

The rebels were murderers, insisted the *Spectator*. *The Times* wholeheartedly agreed. Its first headline regarding the Andrews assassination read, “Terrorism in Palestine: three murders at Nazareth.” In a 28 September article titled “The Palestine Murders,” the paper delineated “four classes” of murder: personal, racial, murder (by Arabs) of Arab policemen and notables, and murder of British officials. Slain administrators of the British empire—including those such as Andrews, an “energetic official” whose “active ... measures to suppress the disturbances in 1936” endeared him to the Zionists and won him the ire of many Arabs—were on a par with victims of street crime. Thus, in a 30 September article (“The Murders in Palestine”), *The Times* made mention of a “police inspector who was murdered recently,” “officials murdered on duty,” and “murdered officials.” The liberal *New Statesman and Nation* titled its 2 October article on the Andrews assassination “The Nazareth Murders,” and affirmed that “resolute measures must be taken for the maintenance of law and order and the protection of human life—whether it be the life of a British official or of the humblest Jewish or Arab citizen.”

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<sup>540</sup> “The Terrorists in Palestine,” 8 October 1937, *Spectator*

Unlike the other papers, however, *The New Statesman* made room for a minority report in the letters section of its 9 October edition. It issued from the pen of Thomas Hodgkin, Arthur Wauchope's private secretary of a year earlier, although he did not identify himself as such. His letter is worth quoting at length:

However much one may disparage killing for political ends, it is surely misleading to describe an action like the assassination of Mr. Andrews as a "dastardly murder." (The *Times*, in a leading article of October 2nd, describes it so). Would any liberal-minded person speak in such terms of the killing of some prominent Gestapo official by an opponent of the Nazi regime? Yet that is exactly the light in which the assassination of Mr. Andrews would appear to most Palestine Arabs. Mr. Andrews was a very competent official, who, because of his good knowledge of Arabic and wide contacts with influential members of the Arab and Jewish communities, was in the position of an unofficial secret service agent to the British Administration. From the point of view of the Administration he was a valuable and loyal officer: [*sic*] from the point of view of the great majority of Arabs he was a spy, who represented the hated British autocracy in its most objectionable form.

It must not be forgotten that the Arab villagers of the Galilee district have suffered severely at the hands of the British during the last eighteen months. Their young men have been shot; their houses destroyed; their crops and animals confiscated to pay heavy collective fines. And they are still no nearer than they were to the national independence which it is their aim to achieve. Partition would mean for them the alternative of leaving their homes and lands and being settled in Beersheba, the Jordan Valley, or Trans-Jordan, or inclusion within the frontiers of a Jewish State. These are the political conditions which give rise to terrorism. It cannot be cured by the deposition of the President of the Supreme Muslim Council and the transportation to Seychelles [*sic*] of some of the most respected Arab leaders on the charge that they are "morally responsible" for these terrorist acts.

While utterly radical, this defiant missive actually found support at high levels of the British government, where one group of officials—those working in the Foreign Office under eastern department head George Rendel—agreed with Hodgkin's contention that the equation of



rebellion with crime was simplistic.<sup>541</sup> Any policy premised on this equation, they believed, would require repression, and would therefore stir, rather than quell, the forces of rebellion.

### **Rescuing Rendel: the Foreign Office and its critics**

As noted in chapter one, after the 1921 creation of the Middle Eastern department under the Colonial Office, the Foreign Office was relegated to the second tier of British policymaking in the Middle East. Nevertheless, from the beginning of the revolt in April 1936, it became increasingly engaged in the Palestine issue. And by 1937, the Foreign Office had elevated its regional status such that its eastern department was in charge of foreign relations with Iran, Iraq, Syria, Saudi Arabia, and Turkey, in addition to managing the foreign policy of Palestine and Transjordan.<sup>542</sup> The department's head, since 1930, was George Rendel.

Rendel had been urging the government to consider more seriously the Arab perspective on British policy for much of 1937. Reading Hodgkin's *cris de cœur*, he commented, "I think this letter has a great deal of good sense in it, though it is, of course, written from a very 'Left' and 'anti-Imperialist' point of view." Another department official conceded, "There is unfortunately a lot of truth in this letter."<sup>543</sup> Rendel appreciated, for example, the dilemma giving rise to the "reprisals" about which the colonial secretary was briefly queried in parliament. It

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<sup>541</sup> As radical as Hodgkin's letter was, its main point received confirmation from another unexpected source. Andrews' replacement, Alec Kirkbride, recorded in his memoir: "I did not relish the prospect of working for a bureaucratic administration which was pledged to implement a policy hated by the majority of the people to whom it applied." See: Kirkbride, *A Crackle of Thorns: Experiences in the Middle East*, 99.

<sup>542</sup> Klieman, "The Divisiveness of Palestine: Foreign Office versus Colonial Office on the Issue of Partition, 1937," 425.

<sup>543</sup> "Palestine situation," 9 October 1937, FO 371/20818

resulted, he reasoned, from the universal Arab opposition to British policy in Palestine, which, as in Ireland, made it “impossible to obtain any evidence upon which to base any conviction.” The only response available to the authorities was “to carry out reprisals, which ... fall to a large extent on the innocent.” Such actions were, nevertheless, “necessary if we are to cow the population into some kind of acquiescence ... ”<sup>544</sup> He had drawn just short of full agreement with the Gaza notables; that is, of accusing the British of a “policy of terrorism in Palestine.” Rendel and others at the Foreign Office believed that the pro-partition elements of the government—including the War Office, the Colonial Office, and the Air Ministry—were “living in comfortable illusions.”<sup>545</sup> At an interdepartmental meeting on 29 October, Lieutenant-General Robert Haining, the director of military operations and intelligence at the War Office, claimed—as had Dill and Simson before him—that the “conditions under which [British] rule existed” in Palestine were “hardly relevant,” given the fact that said rule had been “challenged by a band of

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<sup>544</sup> “Palestine: question of martial law,” 20 October 1937, FO 371/20817. Cowing of the population did appear to be on the increase in October, as noted obliquely in various *Times* stories coming out of Palestine. An article from 21 October (“Palestine Quieter”) noted the “severe measures taken by Government against villages in the neighbourhood of which there has been sabotage or shooting.” Another from 27 October (“More Violence in Palestine”) mentioned “drastic measures ... against fellahin who are suspected of sabotage or sheltering armed bands,” which included “punitive police posts.” It mentioned specifically “the village of Dahariya, which was severely punished ... ” Porath notes that the government introduced “tougher measures” against the rebels in late September and early October, and that “District Commissioners were energetically using their powers to inflict punitive measures.” See: Porath, *Riots to Rebellion*, 238–39. Somewhat hyperbolically, but nevertheless tellingly, *al-Liwa* ‘accused the government of “[performing] acts that even Hulagu [Khan, grandson of Genghis] did not contemplate.” See: Kabha, *The Palestinian Press*, 232.

<sup>545</sup> “Palestine: attitude of the Colonial Office, War Office and Air Ministry,” 30 October 1937, FO 371/20818

criminals.”<sup>546</sup> The Air Ministry representative argued that “no nationalist movement against [the British] or even against the Jews” existed!<sup>547</sup> In reply to Rendel’s suggestion that “the distinction between criminal and nationalist elements was a very difficult one to establish,” the Air Ministry spokesperson asserted that the British were contending in Palestine only with “criminals” and “thugs.”<sup>548</sup>

As in 1936, the rebels themselves rejected such characterizations. Fawzi al-Qawuqji no doubt represented the thoughts of many Palestinian Arabs when he wrote in the 13 October edition of *al-Istiqlal*: “The Arabs are seekers of right and justice; they are not murderers.”<sup>549</sup> A rebel manifesto from 29 November declared that British claims to be upholding “law and order” in the mandate were merely a pretext for illegally attacking nationalists. It protested the incarceration and exile of those opposed to British rule, whose activities were “legal,” despite the British attempt to frame them as “ordinary criminals.”<sup>550</sup> Some Arabs suspected that the British were secretly aware of this fact. One erstwhile rebel sympathizer declared adamantly to researcher Zeina Ghandour: “... the English knew it was a rebellion. They knew very well that we were not criminals.”<sup>551</sup>

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<sup>546</sup> “Palestine: Colonial Office, War Office and Air Ministry Attitude,” 1 November 1937, FO 371/20818

<sup>547</sup> Ibid. He also advanced the curious view that the British government faced, in late 1937, bands of “professional murderers,” who were not to be confused with the “bands of Arab nationalist rebels such as had operated in the hills under Fauzi el Kawakji” in 1936.

<sup>548</sup> Ibid.

<sup>549</sup> “Local Press Extracts. ‘Al Istiqlal’ of 13th October, 1937,” FO 684/10

<sup>550</sup> “Formation of the Syro-Palestinian Executive Committee,” 10 December 1937, FO 371/20823

<sup>551</sup> Ghandour, *A Discourse on Domination in Mandate Palestine*, 105.

This was certainly true of Rendel, who made a point of keeping his views on the nature of the revolt classified, and suggested that others of his persuasion might do the same. In the course of a rather extraordinary correspondence with Gilbert MacKereth, the British consul in Damascus, Rendel suggested that MacKereth's "recent references to the Arabs as 'bandits', 'bad hats', and 'thugs'" glossed over the fact that "the Palestine problem is ... very far from being merely ... a rebellion by criminal elements against constituted authority as such ..." <sup>552</sup> His concern, however, was not so much the government's public portrayal of the rebels as criminals as the fact that the British were drinking their own bathwater:

It may, of course, be wise to continue to take the line in dealing with the Syrians that any Arabs who cross into Palestine to take part in the campaign are merely ordinary criminals. But I am not sure that it will help us to get over our difficulties if we are too ready ourselves to assume that this is the case. <sup>553</sup>

Despite his recognition of the misguided criminalization of Palestinian nationalism that British policy in the mandate made necessary, Rendel was quick to affirm that MacKereth "should not for one moment relax" his "efforts to ... prevent the nationalist Arabs of Palestine—who, after all, are fighting the British Government as well as the Jews—from receiving assistance from

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<sup>552</sup> Rendel to MacKereth, 28 October 1937, FO 684/10

<sup>553</sup> Ibid. MacKereth himself, meanwhile, was organizing the assassination and even burglarization of Arab rebels crossing into Palestine from Syria. See: Barr, *A Line in the Sand*, 168–69.

Syria.”<sup>554</sup> Thus, even Rendel, in the final analysis, affirmed the government’s unquestioned association with law and order.<sup>555</sup>

By November 1937, the eastern department had come decisively to oppose partition.<sup>556</sup> It is possible, as Elie Kedourie demonstrates, to paint Rendel as a man whose fevered imagination got the better of him and the department he led.<sup>557</sup> While acknowledging the intrinsic dangers of prognostication, Rendel did pontificate at some length (and with some implausibility) regarding the disasters likely to beset the British in the broader Middle East and ultimately Europe should the government press forward with partition.<sup>558</sup> It is nevertheless unfair and inaccurate to depict Rendel as simply deluded, while leaving untouched such figures as the above-mentioned Air Ministry representative, whose denial of an anti-British nationalist movement among the Arabs of Palestine would certainly give him an equal claim on utter confusion. Moreover, despite Rendel’s “lurid catastrophism” (quoting Kedourie), his voice, when placed in the broader context of interdepartmental exchanges on the topic of partition, often appears to be among the more

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<sup>554</sup> Ibid.

<sup>555</sup> Despite this, Rendel comes in for severe criticism from Elie Kedourie, who expresses astonishment at his having affirmed any aspect of the above-mentioned Thomas Hodgkin’s “fanciful and far-fetched” comparison of “[the] British administration (operating strictly under the rule of law and subject to Parliamentary scrutiny and to that of the League) with a secret, lawless, terrorist organization like the Gestapo.” Rendel’s evident “doctrinaire passion,” Kedourie maintains, somehow made “comprehensible” to him “the murder of a fellow civil servant.” Kedourie himself, unfortunately, never takes the time to scrutinize British “rule of law” in the mandate, treating it instead as an ontological endpoint, and thereby making those who defied it criminals by definition. In this regard, he echoes Col. H.J. Simson, whom he quotes approvingly. See: Kedourie, “Great Britain and Palestine,” 134.

<sup>556</sup> Sheffer, “Appeasement,” 389.

<sup>557</sup> See: Kedourie, “Great Britain and Palestine”

<sup>558</sup> “Palestine: suggested alternative policy,” 3 November 1937, FO 371/20819

sober. As seen above, this was especially so when the conversation turned to the “criminal” nature of Arab resistance to British policy.

Although Rendel failed to persuade those outside the Foreign Office of the error of equating Arab political agitation with crime, his arguments regarding partition’s likely fallout in the broader Middle East made substantial headway in London in December 1937. In a cabinet meeting on 8 December, Prime Minister Neville Chamberlain proposed that a new commission be dispatched to Palestine, and that its terms of reference be constructed so as to allow it to discard the partition scheme if necessary.<sup>559</sup> When the British government officially appointed the new commission (the Woodhead Commission) in January 1938, the Colonial Office looked upon it skeptically, regarding it as the Foreign Office’s anti-partition Trojan horse.<sup>560</sup> Zionist leaders had similar misgivings.<sup>561</sup>

They were right to worry. Rendel’s legacy vis-à-vis British policy in Palestine would lie, in fact, in his strategic arguments against partition, which lived on even after Charles Baxter replaced him at the Foreign Office in mid-1938. The Woodhead Commission arrived in Palestine in March 1938, shortly after the Anschluss, by which time London had begun viewing developments in Europe with unease.<sup>562</sup> With a European war looking more probable, the anxieties about alienating British allies in the Middle East to which Rendel had long given voice began resonating more broadly in official circles. They would contribute substantially to the British decision, later that year, to renege on partition. By contrast, Rendel’s concerns regarding

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<sup>559</sup> Sheffer, “Appeasement,” 389–90.

<sup>560</sup> Cohen, *Palestine: Retreat from the Mandate*, 44.

<sup>561</sup> *Ibid.*, 46–48; Rose, *Gentile Zionists*, 154–55.

<sup>562</sup> Sinanoglou, “British plans for the partition of Palestine,” 151.

British repression in the mandate left almost nothing in the way of a bureaucratic legacy. For while the government ultimately discarded the Peel proposal, it continued to regard the rebel movement as a criminal, rather than a political, problem, and dealt with it accordingly. In fact, a number of top officials ceased to limit the criminal charge to the rebels or their leaders, and began privately to predicate it of the Arab population at large.

### **Repression redux**

As detailed in chapter two, the British framing of the revolt in 1936 restricted charges of criminality to the Arab leadership. This was a function of British imperial discourse, which held that the Arabs of Iraq and Palestine/Transjordan were on the verge of national consummation, and that the *raison d'être* of the British mandates was to gently shepherd them across the threshold into the community of nations, an eventuality that had transpired already in the case of Iraq.<sup>563</sup> Any perception that the British were militarily targeting a popular national movement in Palestine was therefore unacceptable. The natural recourse, under the circumstances, was to disparage the “supposed” national leadership as demagogues who did not truly represent the

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<sup>563</sup> While technically the mandate instrument for Palestine did not mention the national autonomy of the Arabs—indeed, it did not mention the Arabs by name—by the time of the revolt, the issue was no longer *whether* the Arabs would achieve self-determination, both rather when and in what form. By endorsing the 1937 partition proposal, the government openly committed itself to the establishment of an Arab state. Although this state would consist of an expanded Transjordan, the British were nevertheless promising some form of political autonomy to Arab Palestinians, and thereby attempting (or, at a minimum, pretending) to meet the mandatory obligation to grant them statehood.

Arab masses, and to pin the criminal charge—that is, the reason for the repression—upon them.<sup>564</sup>

Awareness of the popular base of the revolt, however, as well as the far-reaching measures that would be required to repress it, had, by late 1937, taken its toll on this all-important pretext. As OAG Battershill—who was then standing in for the absent Wauchope—confessed in a private letter on 21 November 1937, “I doubt whether *any* Arab really has any ethical feeling against murder ... ”<sup>565</sup> This was, needless to say, quite a statement, implying as it did the existence of a pervasive criminal mentality among the Arabs. But such sentiments were hardly anomalous among top officials. In October 1937, the chief secretary opined that most Arabs were “prevented ... from expressing such feelings as [the Andrews assassination] may have ... touched” by their general “callousness for life and the absence of any word for murder in

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<sup>564</sup> John Marlowe comes close to appreciating this point. He writes, “From a military point of view an evacuation of certain areas followed by systematic reconquest would have had considerable advantages. But politically it was considered undesirable. It would have identified the Palestine Arab population as a whole with the rebellion ... ” Rather than so identifying the Arab population, the civil administration in Palestine, according to Marlowe, “tried to deal with the rebellion as if it were nothing more than an outbreak of crime on rather a large scale.” So far so good, but Marlowe then proceeds to misconstrue the implications of this fact. Under the civil administration, he continues, “A man was assumed to be a good citizen unless there was reason to believe that he was a rebel. Under military administration this viewpoint underwent a change. The military assumed that every Arab was an actual or potential rebel, until he showed himself to be otherwise ... ” This analysis reproduces the British archival depiction of the civil administration in the mandate, overlooking, *inter alia*, the policy of vicarious punishment officials instituted in the summer of 1937. The British move to effective martial law in late 1938 only intensified the already existing trend of willfully afflicting the innocent alongside the “guilty.” The mandatory, whether under civilian or military control, did not treat the rebellion as “an outbreak of crime” in order to refrain from employing draconian measures against the Arabs. Rather, it did so in order to deny that the British were waging war against a popular nationalist movement in Palestine. See: Marlowe, *Rebellion in Palestine*, 228.

<sup>565</sup> Battershill to Shuckburgh, private communication, 21 November 1937, CO 733/332/12. My emphasis.



their colloquial language ...”<sup>566</sup> Charles Tegart, whom the government brought to Palestine in December 1937 to advise on counter-insurgency, suggested in his January 1938 report that the Arab “public conscience” in Palestine was “undeveloped.”<sup>567</sup> Battershill “frankly admit[ted]” that the government was resorting to “most repressive” and even “distasteful” measures against the Arabs, but deemed them “essential.”<sup>568</sup> One can see why.

Thus, while the public statements of the mandatory government continued to adhere to the standard discursive framework of British imperialism, the private British assessment of law and order in the mandate began, from the Andrews assassination forward, to fracture. On the one hand, the obsession with Amin al-Husayni as the driving force of the rebellion persisted. On the other, claims of a pervasive criminality among Arab Palestinians in general became more frequent. A third view, of course, was Rendel’s, which remained at the margins of official thinking.

In November 1937, the Colonial Office recommended that the government in Palestine disregard Arab opposition to partition and employ whatever force proved necessary to see the policy through.<sup>569</sup> The force deemed necessary was considerable. There was a deluge of Arab testimony regarding repressive measures that very month. Ragheb Nashashibi himself denounced the government’s adoption of “most severe and stringent measures towards the Arabs,” which he characterized as “even more drastic” than those the British had employed in 1936.<sup>570</sup> The Arab

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<sup>566</sup> “Assassination of Mr. L.Y. Andrews, District Commissioner, Galilee, and Mr. P.R. McEwan, British Constable,” 9 October 1937, CO 733/332/10

<sup>567</sup> See the “Rewards” section of the Tegart report in CO 733/383/1

<sup>568</sup> Battershill to Shuckburgh, private communication, 21 November 1937, CO 733/332/12

<sup>569</sup> November 1937, CAB 24/273

<sup>570</sup> 15 November 1937, ISA 5076/4-2

Women's Committee protested "recent measures ... directed towards the Arabs with a view to intimidating them, and compelling them to agree to a policy which aims at their eviction from their country and their replacement by another people."<sup>571</sup>

As before, authorities were in no way deterred from these tactics by the fact that, as Battershill informed Shuckburgh, "The Government cannot trace the wrongdoers and bring them to justice."<sup>572</sup> Thus, in the village of Silwan, the suspected home of insurgents responsible for the killing of two British soldiers, members of the Black Watch regiment were permitted by their superior officers to conduct an eight-hour "search," during which they beat to death twelve Arabs.<sup>573</sup> Constable Sydney Burr wrote his parents from Haifa regarding a similar incident in December: "We nearly caught up with a band of the bad boys ... but they slipped across the border, we would have gone after them but had our D.S.P [*sic*] with us but he let us beat up a village where they stayed the night."<sup>574</sup> He also related, " ... any Johnny Arab ... caught by us now in suspicious [*sic*] circumstances is shot out of hand."<sup>575</sup> While in England in late November, the Anglican bishop in Jerusalem, George Francis Graham Brown, received a private note from a personal acquaintance, which included two letters from Britons in Palestine reporting episodes of

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<sup>571</sup> 17 November 1937, ISA 5076/4-2

<sup>572</sup> Battershill to Shuckburgh, private communication, 21 November 1937, CO 733/332/12. My emphasis.

<sup>573</sup> Hughes, "From Law and Order," 12. On p. 15, Hughes also observes: "Officers operating in the field seem to have accepted or even sanctioned a level of casual brutality by their men. Some level of personal pleasure in causing suffering also played its part. As the commanding officer of the Essex Regiment—a unit that acted very brutally in Ireland in the early 1920s—noted at the end of 1937, punitive search operations against Arab villages were 'enjoyed by all ranks.'"

<sup>574</sup> Private letters of British constable Sydney Burr, IWM 88/8/1

<sup>575</sup> *Ibid.* Not long after composing this letter, Burr wrote his brother, " ... running over an Arab is the same as running over a dog in England except we do not report it."

police and/or military brutality.<sup>576</sup> Official reports made no mention of such incidents, and the mandatory government forbid Arab newspapers to publish details of British repressive actions.<sup>577</sup>

Following the Andrews assassination in September, the British had announced the establishment of a military court system, as well as provisions making the mere carrying of arms a crime punishable by death and stripping condemned persons of a right to appeal.<sup>578</sup> Whereas the trend was towards commutation of death sentences in the first half of 1937, by the end of the year it had shifted back in the direction of implementation. On 3 January 1938, the BBC launched its first Arabic broadcast in Palestine. In a grim omen of things to come, its debut story concerned the hanging that day of an Arab convicted of weapons possession, and sent tremors through the region.<sup>579</sup> The left-wing MP Thomas Edmund Harvey wrote Ormsby-Gore a week later, suggesting that the British insistence on executing individuals for merely possessing arms was likely to strike the Arabs—a people with a “generation-old general habit of keeping arms in the house and on the person”—as “tyrannous and unjust.”<sup>580</sup> The colonial secretary reassured Harvey that sentences for arms possession were carefully vetted, but also essential given the

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<sup>576</sup> “Dear Lord Bishop ...,” 29 November 1937, JEM, GB165–0161, Box 65, File 5, MECA. The two letters are missing from the archive, and the note itself does not mention atrocities directly, but it appears in a file titled, “Correspondence re [*sic*] alleged brutality by British police & troops, 1936–1939.” The author of the note also requests that the bishop not mention her name, nor those of the letter writers, to British authorities, thus suggesting that the contents of the letters are sensitive.

<sup>577</sup> Kabha, *The Palestinian Press*, 231; Hughes, “From Law and Order,” 12.

<sup>578</sup> *Palestine and Transjordan Administration Reports 1937–1938*, 33–34.

<sup>579</sup> Boyd, “Hebrew-language clandestine radio broadcasting during the British Palestine mandate,” 104; Sabbagh, *Palestine: A Personal History*, 217–18; “Sabotage in Palestine,” 4 January 1938, *Times of London*; Fergusson, *Trumpet in the Hall*, 50.

<sup>580</sup> Harvey to Ormsby-Gore, 13 January 1938, CO 733/379/10. No less an authority than the general officer commanding conceded privately that the “large majority of folk [in Palestine] have always carried fire arms.” (CO 733/371/6)

“campaign of terrorism and murder” that the British faced in Palestine.<sup>581</sup> By their own lights, the British were at least partly successful in managing this campaign in January, during which murders were cut in half (from 23 in December down to 12).<sup>582</sup> Harvey, however, was not the only one wondering at what expense such short-term gains in security were achieved. After sitting in a military court in Nablus where two Arabs, a father and son, were convicted of weapons possession, a British expatriate wrote deplorably of the government’s tendency to “call the whole movement by such names as terrorists, bandits, robbers, and so on.” This approach, he was certain, would “only add fuel to the fire of hatred, and really encourage people to resist.”<sup>583</sup>

His was a voice in the wilderness, however. When Charles Tegart—the former head of the security service in India and newly appointed advisor to the Colonial Office on the rebellion in Palestine—handed his report on the security situation in the mandate to the colonial secretary in late January 1938, the recommendations contained therein made ample reference to Arab “gangs,” “terrorists,” and “criminals.”<sup>584</sup> Tegart’s proposals included the creation of an “irregular force” of men, more suited to the “rough work” of handling “gangs of banditry, armed with rifles” than were ordinary policemen. “What is required,” he wrote, “is the tough type of man, not necessarily literate, who knows as much of the game as the other side.”<sup>585</sup> Several people working in the Colonial Office were quick to note the implication. One warned that such a force

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<sup>581</sup> Ormsby-Gore to Harvey, 18 January 1938, CO 733/379/10

<sup>582</sup> Office of Statistics, general monthly bulletin of current statistics of Palestine, March, 1938, ISA 4908/7-2

<sup>583</sup> “Extracts from Daniel Oliver’s letter dated 3rd January to Walter H. Ayles - Re Hanging in Palestine,” CO 733/379/10

<sup>584</sup> See Tegart’s report in CO 733/383/1

<sup>585</sup> See the “Rural Mounted Police” section of Tegart’s report in CO 733/383/1

would be “rather like the ‘Black & Tans’, with some of the original personnel of that body, and might easily supply material for the same kind of reputation as they, rightly or wrongly, obtained in the Irish troubles.”<sup>586</sup>

Such worries were at least partially misplaced, however. For Tegart’s proposed “rural mounted police” would in no way introduce Black and Tan methods to British forces in the mandate, who were conversant with them already. Likewise, Palestine policemen and other elements of the existing British counterinsurgency apparatus proved more than capable of handling the “rough work” of which Tegart wrote. The other elements in question would come shortly to include the clandestine groups of Haganah men operating under the direction of the eccentric British general Orde Wingate. While the Colonial Office pondered the possibility of creating units comprised of “the tough type,” Wingate led nighttime raids into Arab villages, and put on coercive demonstrations for his men that would have made many a Black and Tan blush.<sup>587</sup> Soldiers and police, too, did not hesitate to don the mail of British repression in the first half of 1938, by which point the government’s village search policy of 1936 had been resurrected, this time with the sincere intent to recover weapons. The searches, however, were as brutal as ever. And while the British had eliminated the Arab political organizations that might have reported abuses to the authorities, they received ample evidence of them from reputable British sources. Charges of physical torture and pervasive destruction of property in the course of village searches reached the Colonial Office from a network of Anglican missionaries (including

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<sup>586</sup> CO 733/383/1. Another official wrote, “This ‘irregular’ force into which Sir C. Tegart wishes to import ‘the tough type of man, not necessarily literate’ is none too welcome from my point of view ...”

<sup>587</sup> On one occasion, for example, Wingate forced sand into an Arab captive’s mouth until he vomited, and then instructed one of his Jewish soldiers to shoot the man (which he did). See: Mosley, *Gideon*, 58.

the bishop in Jerusalem) who worked among the Arabs. They furnished officials with photographic evidence and testified in detail to the reliability of their sources. And unlike many of the Arabs reporting atrocities in 1936, these British expatriates regarded Arab resistance to British rule in Palestine as terrorism and criminality, which made them all the more credible from the government perspective.<sup>588</sup>

While Arab rebels continued to take the field in uniform, thus implicitly identifying themselves as soldiers as opposed to bandits, the British denied this identification with increasing assiduity, and ferocity.<sup>589</sup> Government statements were bowdlerized of any language suggesting that a state of war existed between troops and rebels, which might lend credibility to the enemy's attempt to portray itself as an army.<sup>590</sup> GOC Wavell (who replaced Dill in September 1937) advocated the death penalty for any Arab "wearing [a] uniform or equipment likely to be mistaken" for that of British police or soldiers.<sup>591</sup> While the government did not adopt this proposal, soldiers and police took it upon themselves to administer extemporaneous capital

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<sup>588</sup> See, for example: Newton to Pirie-Gordon, 12 March 1938, CO 733/370/8; Bishop in Jerusalem's letters to the archbishop of Canterbury, 26 February 1938, JEM, GB165-0161, Box 61, Files 1-2, MECA

<sup>589</sup> 24 February 1938 letter of British constable Sydney Burr, IWM 88/8/1. As in September 1936, some within the government privately conceded that the rebels more resembled battalions than gangs of bandits. Having reviewed a government report on military operations carried out between September 1937 and April 1938, one official noted: "One point which stands out in the report is the efficiency and discipline of the 'armed gangs' which renders them something approaching an organised military force rather than a troop of bandits ... " (CO 733/379/3)

<sup>590</sup> See, for example, the 29 March 1938 memo to John Shuckburgh in CO 733/383/3.

<sup>591</sup> HC to CS, 11 March 1938, FO 371/21870. In at least some cases, Arab rebels wore uniforms that not only resembled those of the British, but actually *were* those of the British. *The Times* reported rebels' theft of police uniforms. See: "More Shooting in Palestine," 20 December 1937, *Times of London*. The CID noted another such case. See: CID periodical appreciation summary no. 14/36, 18 August 1936, ISA 1058/21-n.

punishment to rebels in the field. Constable Sydney Burr wrote home in March 1938: “ ... the Ulsters and West Kents caught about 60 of [the rebels] in a valley and as they walked out with their arms up [as would surrendering soldiers] mowed them down with machine guns ... ” He added, “No news of course is given to the newspapers ... ”<sup>592</sup> Indeed, the majority of British journalists in Palestine rarely left Jerusalem, and received most of their information regarding military and police actions in the rest of the country from the government.<sup>593</sup> But while the British press dwelt at length on rebel atrocities, British residents of Palestine indicated in private letters home that “many more people have been killed by troops and police ... than have been killed by brigand bands in the hills.”<sup>594</sup>

Despite the minimal attention accorded such charges in the press, British authorities proved increasingly sensitive to them. The more allegations of police and military brutality that emerged, the more hotly the government denied them. Authorities in Jerusalem and London knew many of these accusations to be, at a minimum, plausible. The government itself had purchased Dobermans from South Africa for use in interrogations.<sup>595</sup> The bishop in Jerusalem personally informed the chief secretary that he “had been receiving an increasing number of very serious complaints regarding third degree methods practised by the Police Authorities on those arrested under Emergency Regulations.” These included reports of “physical torture.”<sup>596</sup>

According to the memoir of then-Governor of Jerusalem Edward Keith-Roach, the torture of

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<sup>592</sup> March 1938 letter of British constable Sydney Burr, IWM 88/8/1

<sup>593</sup> “Report on Military Control in Palestine, 1938/39,” April 1939, WO 191/90, p. 43.

<sup>594</sup> Margaret Travers to the colonial secretary, 16 March 1938, CO 733/370/8

<sup>595</sup> Barr, *A Line in the Sand*, 174.

<sup>596</sup> “NOTES: The Bishop’s Visit to the Chief Secretary,” 17 February 1938, JEM, GB165–0161, Box 61, File 3, MECA

Arabs was not only sanctioned but actually set in motion at the highest levels of the mandatory government. At some point between the death of Andrews in September 1937 and Wauchope's retirement in February 1938, "[Tegart] started what he called 'Arab investigation centres', at which 'selected' police officers were to be trained in the gentle art of 'third degree', for use on Arabs until they 'spilled the beans', as it is termed in criminal circles."<sup>597</sup> On 25 February 1938, the bishop wrote a letter to the chief secretary, in which he insisted that such actions could "[not] be hushed up indefinitely ..."<sup>598</sup> He met with the chief secretary (along with the inspector general) the next day, this time in the company of the Anglican chaplain in Haifa, David W. Irving. Irving, having personally surveyed the damage British forces inflicted upon the village of Igzim in the course of a search, reported, "It is not that ... some things are damaged: everything in most houses searched in Iksem [*sic*] was broken or destroyed."<sup>599</sup> According to several eyewitnesses to the same search, British soldiers shot a villager named Muhammad Shambur in cold blood, then split his head in two with a bayonet in front of his wife.<sup>600</sup> There were, as well, reports of Arabs being forced to stand for extended periods, a Russian technique that inflicted

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<sup>597</sup> Edward Keith-Roach, *Pasha of Jerusalem* (London & New York: The Radcliffe Press, 1994), 191. Keith-Roach goes on to say that one such "investigation centre" outside Jerusalem was shut down at his insistence, but does not discuss the fate of the others.

<sup>598</sup> Bishop in Jerusalem to chief secretary, 25 February 1938, JEM, GB165-0161, Box 61, File 3, MECA

<sup>599</sup> "Notes by D.W.I. on Interview with the Chief Secretary," 26 February 1938, JEM, GB165-0161, Box 61, File 3, MECA

<sup>600</sup> See report beginning, "The LOCALITY[:] The Village of Igzim on the slopes of Mount Carmel," in JEM, GB165-0161, Box 61, File 3, MECA



profound physical and psychological trauma upon its victim while leaving his body externally unscathed.<sup>601</sup>

Despite all of these facts, when confronted with a letter of protest from the Arab Ladies of Jerusalem, which charged that British policemen were torturing Arab detainees and British soldiers were “destroying house articles and food” in the course of searches, the Colonial Office insisted that there was “no ground for the allegations.”<sup>602</sup> When the London-based Arab Centre produced a tract detailing the same charges, the claims were fiercely disavowed at all levels of the British government, including the Foreign Office.<sup>603</sup> Under questioning in parliament regarding “Arab propaganda alleging ruthless and lawless behaviour of troops and police in Palestine,” Ormsby-Gore stated:

I consider that such propaganda is sufficiently discredited by its own obvious falsity and extravagance, and I do not propose to add to the many burdens of the Palestine Administration that of investigating each reckless and unsupported charge against British forces who are endeavouring to combat a campaign of murder and outrage.<sup>604</sup>

It appeared that the British had finally committed to the full-blooded crackdown that the Jewish Agency and press had long advocated, and were making no apologies for it.

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<sup>601</sup> See: “A Prisoner’s Story,” 18 February 1938, JEM, GB 165–0161, Box 65, File 5, MECA. Such testimony accords with that of a British soldier who served in Palestine from early 1938. He recalled of a retaliatory raid against a village in Acre, “The Police Inspector told the soldiers that they should not hit the villagers on the head where it would show, but only on the body where it wouldn’t be so noticeable.” See: Private Papers of H.H. Keeble, 03/57/1, IWM. For the Russian precedent of enforced prolonged standing, see: McCoy, *A Question of Torture*, 46.

<sup>602</sup> Arab Ladies of Jerusalem to high commissioner, 5 February 1938, and C.W. Baxter to the secretary-general, League of Nations, Geneva, 28 April 1938, FO 371/21875

<sup>603</sup> Miller, “The other side of the coin,” 203–204.

<sup>604</sup> “Arab propaganda regarding British troops in Palestine,” 23 March 1938, FO 371/21871

Developments in May 1938 also boded well for the Zionists. Malcolm MacDonald succeeded Ormsby-Gore as colonial secretary, an appointment Blanche Dugdale deemed “the best ... that could be made from the Jewish point of view.”<sup>605</sup> High Commissioner Harold MacMichael, who had succeeded Wauchope in February, communicated to Weizmann his support of the Zionist plan to secure a rump state and then expand into Arab territory. After all, he explained with reference to the Arabs, “[Y]ou can turn a goat into the desert and it will carry on.”<sup>606</sup> Wavell’s successor as general officer commanding, Colonel Robert Haining, offered Weizmann more encouragement, reassuring him that there was “no need to worry about Galilee.”<sup>607</sup> Haining also officially sanctioned the formation of “special night squads” (SNS), which would operate under the leadership of the above-mentioned Orde Wingate, and consisted mostly of Haganah men.<sup>608</sup> The machinery of British repression appeared to be advancing according to Zionist plan.

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<sup>605</sup> Rose, *Baffy*, 90.

<sup>606</sup> Rose, *Gentile Zionists*, 160; Litvinoff and Klieman, *Letters and Papers, Volume XVIII*, 385–86.

<sup>607</sup> *Ibid.*, 159. Weizmann and other Zionists were worried about the possibility that the British might abandon the partition scheme. But they were equally concerned that the government would table a compromise partition proposal that would renege on the Peel Commission’s allocation of Galilee to the Jewish state. See: Cohen, *Palestine: Retreat from the Mandate*, 46–48; Rose, *Gentile Zionists*, 154–55. *The Times* noted this aspect of the brewing controversy over the new commission in January, and predicted that the government’s rejection of the expulsion of the Arabs from the proposed Jewish state would have a “pacifying effect in Galilee, where Arab fears of compulsory eviction ... had been played upon by agitators” (never mind generated by the Commission). But it also reported Zionist “anxiety” over “the refusal of [the] British Government to contemplate the compulsory transfer of the Arabs from the Jewish Zone,” which might “reduce the area of the proposed Jewish State.” See: “A Palestine Dispatch,” 5 January 1938, and “The White Paper on Palestine,” 6 January 1938, *Times of London*

<sup>608</sup> Sykes, *Orde Wingate: A Biography*, 149.

Yet, as it did so, it generated still greater sympathy for the rebellion among the Arab population. Government reports indicated that, notwithstanding the coercion that rebels exercised over the Arab population in many parts of the country, Arab sentiment at large was in sync with rebel objectives. Even as the year wore on and the insurgents resorted to more brutal measures against their countrymen, Colonial Office personnel conceded the popularity of the rebels' ultimate aims. One such official cautioned against optimism

on the subject of 'moderates': the same hopes have been entertained, fruitlessly, since 1/10/37, and (as the [Royal Commission] point out) there are no 'moderates' on the major political issues, so that any who would be produced by the restriction of terrorism would be simply (a) personal enemies of the Husseinis or (b) neutral people tired of disorder. There is no great political function for the Army in Palestine to fulfill: only a police function.<sup>609</sup>

A British Quaker in charge of schools in the village of Hammana in Mount Lebanon, who was well-known in and moved freely among Arab communities in both Syria and Palestine, wrote the secretary of the British Commonwealth Peace Federation in August: "There is no such thing now as a moderate or loyalist party. The whole country of Palestine is entirely with the rebellion ... The situation in Palestine is an exact duplicate of what took place in Ireland."<sup>610</sup> The secretary passed these comments onto the Colonial Office, along with a Federation report concluding:

A new authority has been established among the Arabs in charge of operations and while a criminal element has attached itself to the

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<sup>609</sup> Note of J.S. Bennett, 16 December 1938, CO 733/379/3. Emphasis in original.

<sup>610</sup> Ayles to Downie, 19 October 1938, CO 733/372/16. While asserting that the Quaker in question (Daniel Oliver) was "a meddler and a busybody," the British consul-general in Beirut, G.W. Furlonge, nevertheless added, "I do not question his knowledge of Arabs, nor the sincerity of his patriotism and of his desire for peace between Great Britain and the Palestine Arabs." Lacy Baggallay at the Foreign Office minuted regarding another of Oliver's reports, "Mr. Oliver's views confirm the reports which are pouring in upon us from all sides." See: "Palestine: Lebanese attitude and views of Mr. Daniel Oliver," 5 September 1938, FO 371/21880

National cause, the Arabs—as a people—whether Moslem or Christian, are united. The Arab villages are heart and soul with the rebellion.<sup>611</sup>

By August 1938, it had become painfully apparent that the same was true of many Arab policemen. Hiring of Arabs into the Palestine police force therefore ceased, and the government initiated a process of shifting existing Arab police officers to unarmed work, as well as reducing their overall numbers.<sup>612</sup> At the same time, Tegart's proposed "rural mounted police"—consisting of "the tough type of man"—appeared increasingly attractive both to the high commissioner and the general officer commanding. MacMichael explained to the colonial secretary that this select force, should it come into being (a proposal he favored), would partially displace "the existing regular police" in the areas where it operated.<sup>613</sup> GOC Haining also endorsed the creation of a mounted police force, whose commanders he thought "should be soldiers who have learnt a little police work rather than police who have learnt a little soldiering," and suggested the employment of Circassian and other mercenaries for the force rank and file.<sup>614</sup>

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<sup>611</sup> Ibid. The British Commonwealth Peace Federation was established in 1932. Its leadership was comprised of British MPs, who "aimed to unite the empire for world peace and progress, to press commonwealth governments to initiate and pursue policies that would make for international co-operation and peace ..." See: Jones (ed.), *Britain and Palestine, 1914–1948: Archival Sources for the History of the British Mandate*, 147.

<sup>612</sup> Bowden, "Politics," 161–62.

<sup>613</sup> HC to CS, 4 August 1938, CO 733/371/6. As of August, Tegart's proposals had lain largely dormant, due, among other things, to the mandatory government's opposition to their implementation. This included senior members of the police force. Nevertheless, the Colonial Office asked him to return to Palestine from England in August 1938 in order to further advise on the security situation in the mandate. See: Kroizer, "From Dowbiggin to Tegart: revolutionary change in the colonial police in Palestine during the 1930s," 128.

<sup>614</sup> "Memorandum regarding a gendarmerie or a semi-military force for Palestine, General Staff Force H.Q., Jerusalem, August, 1939," CO 733/371/6

As at the time of Tegart's original report recommending the creation of a "rural mounted police" contingent, so too in August, voices within the Colonial Office noted the proposal's ominous implications, particularly vis-à-vis the British claim to be upholding law and order—as opposed to waging war—in the mandate. Haining's suggestion of hiring mercenaries struck J.S. Bennett as especially problematic:

... so long as these forces are British, it is at least open to us to maintain, with very great persuasive force, that they are the friends and servants of the law abiding section of the community, concerned simply in restoring order and protecting all and sundry against (Arab) terrorism. But draft in a force of mercenaries, and I gravely doubt whether any Arab could hesitate for a moment in concluding that the British had definitely 'declared war' on the Arabs ... <sup>615</sup>

He also expressed the fear that other officials had earlier in the year; namely, that the proposed force, especially if comprised of mercenaries, "might well be less scrupulous than British personnel about 'black-and-tan' methods in the villages ... "<sup>616</sup>

And, as earlier in the year, this concern overlooked the fact that British police and troops were already less than scrupulous regarding the use of Black-and-Tan methods in the villages and elsewhere. A British doctor working at St. Luke's Hospital in Hebron wrote up a report of the night of 20–21 August, in which he disclosed that "a great number" of Arabs had come in with cracked craniums, the result of blows delivered by British forces during a village search. There were, as well, six gunshot casualties. The doctor commented,

It would be difficult to argue that these casualties were inflicted on dangerous enemies or their allies ... [O]f those whom I saw in life, two

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<sup>615</sup> See Bennett's handwritten note of October–November 1938 in CO 733/371/6.

<sup>616</sup> Ibid.

were old men, three were children, and the only ‘shab’ [youth], if his story be true [sic], was shot from a distance, inside his own house.<sup>617</sup>

While mentioned in private reports, such accounts received negligible attention in broader forums. In August, British authorities notified all Palestinian newspapers that they were forbidden to mention military or police operations (or rebels) unless the details were furnished to them by the government.<sup>618</sup> The occasion for the decree appears to have been the assassination of the assistant district commissioner in Jenin, W.S. Moffat. While *The Times* referred to the assassination as a “terrorist’s crime,” Arab testimony indicated that Moffat himself was “known for his bad behaviour,” which reportedly included “[lining] up Palestinian villagers during the revolt and [shooting] every fifth man when hidden rifles were not produced.”<sup>619</sup> Constable Burr heard from a colleague returning from the border with Syria that British forces there had wiped a number of villages clean off the map.<sup>620</sup> Al-Bassa, where soldiers forced a busload of Arabs over a land mine before turning the village to ash, was a case in point.<sup>621</sup> On 8 September 1938, the British vice-consul in Damascus, Frank Ogden, sent Lacy Baggallay at the Foreign Office a note regarding “police atrocities in Palestine,” in which he divulged:

Third degree persuasion is used by a picked body of men, all British, who are sworn to secrecy. The victims are taken to a house outside Jerusalem which used to be the house of Spicer, the former Inspector-

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<sup>617</sup> “Personal impressions of the night of Friday, 20th August, 1938, and the morning of Saturday, 21st August, 1938,” JEM, GB165–0161, Box 61, File 3, MECA

<sup>618</sup> “Shot Palestine official,” 26 August 1938, *Times of London*

<sup>619</sup> “British official shot,” 25 August 1938, *Times of London*; Hughes, “Assassination,” 8.

<sup>620</sup> Letter of 9 September 1938, in IWM 88/8/1. The original letter is dated 9 September 1939, but its contents make clear that this was an error.

<sup>621</sup> Hughes, “From Law and Order,” 18; Keith-Roach, *Pasha of Jerusalem*, 194–95. Hughes writes, “Within twenty-four hours, al-Bassa was burned to the ground ... ”

General of the Palestine police. Here the G-men, as I am told they are called, are permitted to inflict every form of torture they can think of.<sup>622</sup>

MacMichael wrote MacDonald on 5 September: “I have been much concerned lately by occasional emergence of Black and Tan tendencies.”<sup>623</sup>

The extent to which such brutality resulted from score-settling on the part of British forces (as occurred in al-Bassa), on the one hand, or terrorism intended to generate greater Arab fear of the British than of the rebels, on the other, is difficult to determine. What is clear is that repressive measures failed to intimidate the rebels, whose audacity by late 1938, as detailed in the next section, had ascended to the level of state-building.

### **The emergence of a rebel parastate**

In late May 1938, the high commissioner sent word to the colonial secretary that in the area of the country north of a “line drawn due east from Tel Aviv,” there were “[constant] ... outrages against life and property.” The Galilee district, MacMichael elaborated, was under the control of “gangs,” who had succeeded in convincing the villagers that they, and not the government forces,

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<sup>622</sup> Ogden to Baggallay, “Police atrocities in Palestine,” 8 September 1938, FO 371/21881

<sup>623</sup> HC to CS, 5 September 1938, CO 733/367/1

were to be feared and obeyed. The rebels' executions of uncooperative mukhtars were particularly persuasive in this connection.<sup>624</sup>

Needless to say, such coercive tactics evinced a lack of political unity within the Arab community, which the exiled Arab leadership could do little about—chiefly because they were part of the problem. Village notables complained to Amin al-Husayni, then in Lebanon, about rebel atrocities. In consequence, the exiled AHC issued pamphlets denouncing the bands' maltreatment of fellow Arabs.<sup>625</sup> Likewise, the “Headquarters of the Arab Revolt in Palestine”

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<sup>624</sup> HC to CS, 25 May 1938, CO 733/367/1. The War Office account of the situation in Galilee was more discerning than MacMichael's. While equally inclined to refer to the rebels as “gangs” and “bandits,” it nevertheless suggested that many of the attacks on British police and troops in southern Galilee—where the “gang formations [were] smaller and less determined” than those in the northern part of the district—gave evidence of more spontaneous (and less coerced) resistance to British rule. The report stated plainly, “... the sympathy of the inhabitants is with the gangs and not with the British Government.” Things were calmer in areas such as Gaza and Jaffa, where “the Jew problem does not exist in practical form”; that is, where the Arab fear of imminent forced expulsion was negligible. Indeed, in the non-rural areas, “[the] trouble ... [could] be started by either Jew or Arab organizations.” “Report of the operations carried out by the British Forces in Palestine & Trans-Jordan, period 20th May to 31st July, 1938,” p. 8, WO 32/9497. British press coverage of Palestine confirmed this assessment. *The Times of London* reported on 25 May (“Reprisals in Palestine”): “Twelve Arabs and a Russian nun were wounded in Jerusalem to-day [*sic*] [24 May] in five early morning attacks, which were apparently concerted reprisals by Jewish fanatics, and one Jew was killed and five injured in Arab counter-attacks. This is the worst outbreak of interracial strife for almost over a year ... Eight revisionist Jews have been arrested on suspicion of being concerned in the outrages.”

<sup>625</sup> Those members of the AHC who managed to elude the British after the outlawing of the Committee in October 1937 (and thereby avoid deportation) eventually settled in Beirut and Damascus. See: Porath, *Riots to Rebellion*, 242.



sent out orders to band leaders forbidding them to execute traitors without prior authorization.<sup>626</sup> This prohibition was echoed by the prominent rebel commander ‘Abd al-Rahim al-Hajj Muhammad, who issued a series of instructions to local rebel leaders, including: “[You] do not have the authority to sentence a man to death, whatever the incriminating evidence.”<sup>627</sup> Neither the “Headquarters” nor any other coordinating body, however, succeeded in exerting control over the various rebel formations.<sup>628</sup> The above-noted “prior authorization” qualification hinted at part of the problem; the AHC itself had ordered the rebels to kill, for example, any Arab in contact with the Woodhead Commission.<sup>629</sup> Neither was local sanction of such deeds difficult to obtain. A blacklist of informers was posted in Haifa mosques, for instance, which included “a religious ruling permitting [the accused informers’] murder.”<sup>630</sup>

British officials were largely of the opinion that the mufti was orchestrating all of this villainy from his new residence in Junieh, outside Beirut. But they had great difficulty in gathering solid evidence for this supposition. Many of their Arab informants were of

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<sup>626</sup> CID periodical appreciation summary no. 3/38, 28 May 1938, CO 733/359/10. Writes Basheer M. Nafi: “It is clear from various rebel declarations, from August 1938 onwards, that the agreed name for the united command was Diwan al-Thawra al-‘Arabiyya fi Filastin (The Headquarters of the Arab Revolt in Palestine).” See: Nafi, *Arabism, Islamism and the Palestine Question, 1908–1941: A Political History*, 314 (footnote 68). In an undated statement, the same entity condemned a series of letters soliciting money from villagers and townsmen in its name. See: “Confidential: From the Headquarters of the Arab Revolution in Palestine,” Undated, JEM, GB165–0161, Box 61, File 3, MECA

<sup>627</sup> Kabha, “The Courts of the Palestinian Arab revolt,” 203.

<sup>628</sup> Porath, *Riots to Rebellion*, 243–45.

<sup>629</sup> Cohen, *Army of Shadows*, 127.

<sup>630</sup> *Ibid.*, 136.

questionable reliability.<sup>631</sup> And behind closed doors, officials ruefully acknowledged the paucity of “positive evidence of the mufti’s complicity in the plots of the Arab conspirators” and confessed they were “quite unable to produce any proof of his criminal activities.”<sup>632</sup> They were nevertheless convinced on the basis of circumstantial evidence that Amin al-Husayni sat at the center of the “criminal” network responsible for Palestine’s “inundation by propaganda, accompanied by money and arms, from over the [Syrian] border.”<sup>633</sup> The British consul in Damascus characterized the claim (made by the colonial secretary before parliament earlier in 1938) that the bulk of captured arms in Palestine came from Syria as “mere supposition, not to say invention.”<sup>634</sup> He was more concerned about anti-British propaganda, particularly in the local Syrian press, whose “sympathetic tone towards banditry in Palestine” he was at pains to modulate.<sup>635</sup> MacMichael produced several examples of this troubling tendency from Syrian newspapers, which included: mention of “rebel courts” (his scare quotes); an interview with Fawzi al-Qawuqji, which “glorifie[d] the acts of a dangerous brigand” (that is, Qawuqji); claims that the Palestine police were engaging in torture and extrajudicial killings; and one report in which “a man about to be hanged urged that the enmity shown by the British against the Arabs should never be forgotten.” The high commissioner concluded:

In spite of their obvious absurdity, these reports obtain wide credence and cause a disproportionate swelling of anti-British feeling as well as

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<sup>631</sup> “Extract from D.O. No. G.S.I. 27/1 dated 25.11.38, from H.Q. British Forces in Palestine & Transjordan,” CO 733/379/3

<sup>632</sup> “Activities in Syria of the ex-Mufti and his associates,” 27 May 1938, FO 371/21877

<sup>633</sup> HC to CS, 12 May 1938, FO 371/21877

<sup>634</sup> MacKereth to Baxter, 16 May 1938, FO 371/21876

<sup>635</sup> “Palestine: Syrian press attitude,” 7 May 1938, FO 371/21876

magnifying to the importance of a Holy War the relatively insignificant achievements of a few groups of brigands.<sup>636</sup>

MacMichael was seemingly unaware of the contradiction produced by his and other officials' positing of an elaborate rebel network—orchestrated by Amin al-Husayni and, evidently, expert at thwarting detection—and their simultaneous insistence that the courts, commanders, and patriotic zeal of said network amounted to little more than the paltry handiwork of a few criminals. From May 1938 forward, the sheer scale of rebel activities rendered the latter claim increasingly untenable.

As noted, Arab political unity as of mid-1938 was partly a function of rebel coercion of the Arab population, and the rebels themselves did not operate according to an integrated command structure. Nevertheless, rebel institutions had acquired substantial popular support—their courts, above all. As one War Office report disclosed:

... there can be no doubt that an anti-government feeling on the part of most of the populace developed throughout the rural districts during June and July, largely on account of what the Arabs considered to be the imminence and inevitability of 'Partition'. Symptomatic of this was the effort made in SAMARIA [*sic*] to set up independent Courts of Law, systems of tax collection, etc. These organizations were run by the gang leaders in the hills and have met with success in proportion as the anti-government attitude produced a more united front.<sup>637</sup>

Mustafa Kabha notes that at the high-water mark of the second phase of the revolt (typically identified as the summer of 1938<sup>638</sup>), the rebel courts implemented very few death sentences. Their popular legitimacy was such that they rarely felt compelled to resort to this extreme

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<sup>636</sup> "Palestine: Syrian press attitude," 13 May 1938, FO 371/21876

<sup>637</sup> "Report of the operations carried out by the British Forces in Palestine & Trans-Jordan, period 20th May to 31st July, 1938," pp. 2–3, WO 32/9497

<sup>638</sup> See, for example, Porath, *Riots to Rebellion*, 265.

measure.<sup>639</sup> In the same period, the courts operated as an integrated system, the nucleus of which was a central court whose “decisions were heeded by the various factions” and which “even the [rebel] commanders considered themselves bound by ...”<sup>640</sup> As with their use of military and police uniforms, the rebels both imitated British “courtly” attire and stole British equipment for use in their own courts. In July, armed men carried off the typewriters from the offices of the governor of Jerusalem.<sup>641</sup> The high commissioner reported in October:

The rebels conduct a continuous and largely successful propaganda to show that their courts are more just, and above all more speedy, than the King’s courts. Incidentally, it is no doubt for this quasi-administrative business that the gangs require typewriters: a considerable number of these machines have been stolen, chiefly from Government offices.<sup>642</sup>

A British schoolteacher observed first-hand a rebel court outside Ramallah, and “watched the judge producing news sheets on typewriters and duplicators, aimed at publicizing the alternative rebel regime.”<sup>643</sup> British troops in the Acre-Safad area “succeeded in capturing a Headquarters Group, complete with its banner and documents; and a Court of Justice, with wig, warders, and

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<sup>639</sup> Kabha, “The Courts of the Palestinian Arab revolt,” 209.

<sup>640</sup> Porath, *Riots to Rebellion*, 248. The War Office reported that as of September 1938, “The rebel grip on the countryside was reinforced by ... a wide network of ‘Rebel Courts’ ...” See: “History of the disturbances of in Palestine, 1936–1939,” WO 169/146

<sup>641</sup> Keith-Roach, *Pasha of Jerusalem*, 196. The direct implication of the theft is spelled out by Keith-Roach immediately after he relates the incident: “The Arab bands had established their own ‘courts’ and people were brought up for summary trials.” In September, *The Times* reported on a village search which turned up numerous stolen typewriters, and commented bemusedly, “the rebels seem to have need of typewriters.” See: “Air action in Palestine,” 17 September 1938, *Times of London*

<sup>642</sup> HC to CS, 24 October 1938, CO 733/366/4

<sup>643</sup> Shepherd, *Ploughing Sand*, 204.

witnesses.”<sup>644</sup> A British physician in Hebron also sat in on a rebel court, and wrote of his experience, “Their justice and common sense does not appear to me inferior, and their expedition is demonstrably many degrees superior to that of [His Majesty’s Government].”<sup>645</sup>

While Porath and others are right to note that the rebel courts became imperative in light of Palestinian Arabs’ increasing resolve to avoid contact with the mandatory courts, they fail to appreciate the symbolic import of these institutions. For the rebel courts were a manifest rebuke to the British self-identification with law and order. The British practice of placing all references to the courts in scare quotes betrayed their discernment of this fact. They were no doubt aided in this discernment by their experience with the Republican rebel courts, which began spreading across Ireland in June 1920, displacing and thus discrediting the crown courts.<sup>646</sup> Of all the forms of rebel protest, arguably none was more compelling than such institution-building. Should rebel “courts” become anything like courts—or rebel “armies” anything like armies—their power to thereby draw the legitimacy of British imperialism into question was immense. Put another way, so long as “law and order” were a British preserve, the *raison d’être* of British imperialism was self-evident; once Palestinian or Irish armies and courts materialized, the British role in tutoring

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<sup>644</sup> “Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan, Period 1st August to 31st October, 1938,” p.7, WO 32/9498. The same incident is mentioned in *Ibid.*

<sup>645</sup> Ghandour, *Discourse on Domination*, 101.

<sup>646</sup> Francis Costello, *The Irish Revolution and its Aftermath, 1916-1923: Years of Revolt* (Dublin: Irish Academic Press, 2003), 186–88.

Palestinians and Irishmen in state-building became, to all appearances, superfluous.<sup>647</sup> Courts, like uniforms, were an attack on British sovereignty. It is no accident that, in the period when the Palestinian rebel courts began flourishing, the British not only sought to repress them, but also took to marching the British flag through areas inclined to support them.<sup>648</sup>

Given the full record of High Commissioner MacMichael's statements on the state of affairs in the mandate in the summer of 1938, it is reasonable to assume that his characterization of the revolt as the work of "a few groups of brigands," although privately expressed, was in fact meant to be construed as a suggested public response to the pro-rebel reports of the Syrian press. Either this, or MacMichael was a man truly at odds with himself. For by mid-July 1938, as Tom Bowden notes, the high commissioner would observe:

It is notable that during the last three months the tactical skill of the armed bands has developed. They now operate according to plan and under leaders whose instructions they understand, trust and obey; they have, as is only natural, excellent "intelligence" and many of their schemes owe such local success as they have achieved to a discipline and sense of tactics which are, I am afraid, more marked today than

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<sup>647</sup> Costello's anecdote of a British raid on a Republican court well illustrates this point: "An account by [Republican judge, Conor] Maguire of a British military raid on a private session of a Republican court at Mullingar, presided over by Kevin O'Shiel [later Attorney General of the Irish Free State], is useful in demonstrating the awkward position in which the Government found itself: 'Suddenly the door at the end of the hall was flung open. A young officer appeared brandishing a revolver. "What's going on here?" he demanded. "This," said Kevin O'Shiel, "is a court of the Irish Republic. Who are you?" "You had better get out of this quickly, or you will be removed by force," came the reply. Turning to us, Kevin O'Shiel said quite calmly, 'Gentlemen, we must yield to superior force. It can now be judged, who wish to maintain law and order, and who are the disturbers of the peace!'" See: Costello, *The Irish Revolution*, 202.

<sup>648</sup> "Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan, Period 1st August to 31st October, 1938," p. 8, WO 32/9498; "Insecurity in Palestine," 26 July 1938, *Times of London*

they were, for instance, in the concluding stages of the disturbances of 1936.<sup>649</sup>

In September 1938, the colonial secretary put the point more bluntly: “I use the word ‘rebels’ advisedly because ... we have now passed the stage at which we can reasonably talk of brigands or bandits.”<sup>650</sup> Grattan Bushe, the legal adviser to the Colonial Office, said the same two months earlier. As Rendel had cautioned MacKereth in late 1937, so Bushe now warned Lord Dufferin, the undersecretary of state for the colonies:

I do not think that we have faced ... the realities of the situation. We invented a soothing phraseology to describe those who were fighting against us. They were bandits, or terrorists, or gunmen. That was comforting to the public, and it was adopted with alacrity by the press. The danger is lest we begin to believe it ourselves.<sup>651</sup>

Whether or not it was causally correlated with this new conviction among the top tier of Colonial Office personnel, the sudden and rapid erosion of *havlagah* within the Yishuv could not have been better timed by the Arab rebels themselves. In the month of July, the number of Arabs killed by Jews was over three times that of Jews killed by Arabs.<sup>652</sup> In ostensible retaliation for the first British execution of a Jew during the revolt, Revisionists hanged an Arab in Haifa. And on 25 July, they detonated a bomb in a bustling Haifa marketplace, killing 35 Arabs.<sup>653</sup> Although his own brother-in-law had been slain by Arab rioters two days prior, Weizmann wrote his family

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<sup>649</sup> Bowden, “Politics,” 156.

<sup>650</sup> Note by secretary of state beginning “You should read No. 15 before ...,” 28 September 1938, CO 733/371/1

<sup>651</sup> Bushe to Lord Dufferin, 26 July 1938, CO 733/372/1

<sup>652</sup> Keith-Roach, *Pasha of Jerusalem*, 196.

<sup>653</sup> Black, *Zionism and the Arabs*, 375.

on 8 July, “ ... at this terrible critical moment the Revisionists are our cruellest [*sic*] enemies.”<sup>654</sup> Their actions, moaned Ben Gurion, were hacking away at the all-important Zionist link with the mandatory government.<sup>655</sup>

As if in compensation for the Revisionist tarnishing of the Jewish reputation for self-restraint, the mainstream Zionist leadership stepped up their efforts to impress upon the British the imprudence of regarding Arab nationalism as akin to its civilized Western counterparts. Rebel actions in the course of July aided the Jewish case in this connection, but not as much as they might have. A few days before the Revisionist bombing in Haifa, for example, Arab attackers stabbed and shot to death two Jewish families in the village of Kiriath Horashtim, including an eleven-year-old boy and a two-year-old girl.<sup>656</sup> But the disparity in the July body count between the two communities—not to mention the Revisionist attacks in and of themselves—limited the extent to which these atrocities could redound to Zionist advantage. Weizmann therefore began pushing the strategic case for British support of the Zionists. He disparaged the broader Arab commitment to Palestine, suggesting to MacDonald in a 12 July letter that some of Amin al-Husayni’s closest collaborators in Syria were up for sale.<sup>657</sup> “Arab nationalism,” he wrote the colonial secretary, “is totalitarian in nature, shallow, aggressive and arrogant ... In quality it is inferior even to National-Socialism ...” He then came to the critical point:

Sooner or later the British Government will have to ask themselves whether they are going to rely on backward Arab populations, which

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<sup>654</sup> Litvinoff and Klieman, *Letters and Papers, Volume XVIII*, 414–15.

<sup>655</sup> Black, *Zionism and the Arabs*, 375–76.

<sup>656</sup> “Five murdered in Palestine,” 22 July 1938, *The Manchester Guardian*; “5 dead in Jewish settlement,” 22 July 1938, *The Daily Telegraph*

<sup>657</sup> Litvinoff and Klieman, *Letters and Papers, Volume XVIII*, 422.



are an easy prey to any political adventurers ... or whether they would rather rely on a progressive Jewish population, bound in loyalty to Great Britain, and depending for its security, and perhaps even for its existence, upon the strength and welfare of the British Empire.<sup>658</sup>

Testifying before the Woodhead Commission in the capacity of a “Zionist apologist,” Orde Wingate pressed the case more forcefully still. The Arabs, he claimed, were “ruled by either fanatical or cynical factions.” Their expulsion from Galilee was a necessity, and just the kind of “arbitrary procedure in the interests of those concerned” on which the British presence in Palestine was rightly predicated.<sup>659</sup> The fierce Zionist advocate and renegade Labour MP Josiah Wedgwood wrote *The Times of London* on 21 July complaining of the government’s pigheaded policy of “impartial[ity] between murderers and murdered” and failure to distinguish between “gangsters and their victims.” But even as this effort to discredit Arab Palestinian nationalism proceeded, the effort to construct an Arab Palestinian state advanced.

An accelerated, bird’s-eye view of events across the landscape of Palestine in August–September 1938 would reveal something more intriguing than a repetitive loop of skirmishes between British and Arab forces. For the Arabs were laying siege not only to British persons, but to every institutional ramification of the mandatory government; that is, they were systematically dismantling the infrastructure of the British state in Palestine, and attempting to supplant it with their own. By late August, rebel destruction of government property—including the telecommunications system, the postal service, police posts, banks, and prisons—was, as *The Times* reported, “of such common occurrence that it has almost ceased to be noted in the daily

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<sup>658</sup> Ibid., 425–26.

<sup>659</sup> Sykes, *Orde Wingate*, 162–65.

news ... ”<sup>660</sup> In a letter to GOC Haining, Shertok referred to the “creeping paralysis of [government] services ... ”<sup>661</sup> In mid-September, for example, in the face of relentless attacks, the government simply shut down post offices in Beersheba, Beit Jala, Bethlehem, Jericho, Khan Yunis, Ramallah, and several other locations.<sup>662</sup> It did the same with a number of police stations and police posts.<sup>663</sup> The rebel courts had rendered the crown courts superfluous in many areas, but authorities actually shuttered them in Nablus, where insurgents went about “fully armed in the streets ... without any hindrance.”<sup>664</sup> Indeed, the high commissioner reported in October, “ ... all the law courts except those at Jerusalem, Jaffa, Tel Aviv and Haifa had similarly to be closed.”<sup>665</sup> Humphrey Bowman recorded in his diary, “Palestine is worse than ever: the Arab ‘rebels’ now show great daring, and they attack police posts, and post offices and banks, robbing and killing and [illegible] up the work of the Govt. in a variety of ways.”<sup>666</sup>

Insurgents also laid waste to much of the transportation infrastructure. A Jewish engine driver with the Palestine Railways related to the Jewish Agency his experience of being held up at Bettir station, en route to Jaffa from Jerusalem. An armed group numbering 14 had stopped the train. They all wore the same khaki uniform, although one bore also a red stripe across his chest,

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<sup>660</sup> “Sabotage in Palestine,” 25 August 1938, *Times of London*

<sup>661</sup> Shertok to Haining, 9 September 1938, CZA S25/4951

<sup>662</sup> P.T. 408, 14 September 1938, ISA 4159/9-2; HC to CS, 24 October 1938, CO 733/366/4

<sup>663</sup> District Commissioner’s Offices, Southern District, Jaffa, 8 October 1938, “Monthly Report for the month of September, 1938,” CO 733/372/18; Bowden, “Politics,” 162; HC to CS, 24 October 1938, CO 733/366/4

<sup>664</sup> No. S/39/38, 10 October 1938, CO 733/372/18; Porath, *Riots to Rebellion*, 238.

<sup>665</sup> HC to CS, 24 October 1938, CO 733/366/4

<sup>666</sup> Humphrey Ernest Bowman, 21 September 1938, GB165-0034, Box 5, MECA

which signified his status as a bomb expert. On his eventual return journey to Jerusalem, the driver glimpsed one of the many infrastructural chess matches playing out all across the country:

... he saw at Kilo.14 a number of Arabs cutting telephone wires. At Kilos.15 and 16 a party of Post and Telegraph workers, guarded by troops, were repairing telephone wires. At Kilo.17 a band of Arabs was dismantling rails. This party of saboteurs [*sic*], numbering 10 to 15, were dressed in the uniform of railwaymen, presumably to avert suspicion of chance patrols.<sup>667</sup>

By the end of September, the trains had stopped running entirely.<sup>668</sup> In October, a visiting military official observed, “[C]ivil government has completely broken down, and civil administration is only in operation to a limited extent in certain towns.”<sup>669</sup>

While they could hardly supplant government transportation infrastructure, the rebels did partially displace the official postal system with a rudimentary system of their own, which operated through the rebel courts.<sup>670</sup> A November 1938 Jewish Agency intelligence report included a copy of a stamp which, the writer indicated, “the Arab masses have begun using in their exchanges of letters.” It was, he continued, “being distributed secretly by the people, who are in direct contact with the terrorists in every part of the country.”<sup>671</sup> The aesthetic particulars of the stamp made clear the need for secrecy, and likewise demonstrated beyond any doubt that

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<sup>667</sup> Shertok to Moody, 5 September 1938, CZA S25/4951

<sup>668</sup> Burr, 22 September 1938, IWM 88/8/1

<sup>669</sup> Townshend, “The First Intifada: Rebellion in Palestine 1936–39”

<sup>670</sup> Interview with Professor Mustafa Kabha, 22 April 2012, The Open University, Raanana, Israel

<sup>671</sup> CZA S25/7906 (Hebrew). In his history of the Palestine police, Edward Horne notes of this period (late 1938): “In some evacuated areas, so called provisional Arab governments claimed control and these imposed their own taxes and even issued their own stamps.” See: Horne, *A Job Well Done*, 225.

no letter bearing it would have passed through the tightly monitored official postal system.<sup>672</sup> An alternative system therefore must have been operative. The rebels also used stamps as receipts for villagers' tax payments to the burgeoning parastate.<sup>673</sup>

While the various rebel factions were not of a piece—and although their members often menaced the Arab population—the level of operational integration to which they had ascended by September 1938 impressed even the most skeptical British observers. GOC Haining insisted that “the damage and dislocation caused to government property and communications forbids their dismissal as trivial,” and were, he continued directly, “symptomatic of what is now a deep seated rebellious spirit throughout the whole Arab population ...”<sup>674</sup> MacMichael explained to MacDonald that while the insurgent movement was “not fully co-ordinated,” it was nevertheless “essential to realise its essential unity.”<sup>675</sup> A CID report indicated, “[T]he machinery for cooperation between the gangs is more efficient than it was and gives the rebel movement certain claims to the dignity and power of a national cause.”<sup>676</sup> *The Times* made reference to a rebel “Government by night.”<sup>677</sup> A trusted Jewish informant (whose “accuracy” had “been proved by

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<sup>672</sup> They include an Arab woman gripping an inverted dagger, from the quillion of which hang the scales of justice. In the background stands the Dome of the Rock, into which “*filastin*” is inscribed. Along the bottom of the stamp are written the words (in Arabic), “Justice is the foundation of peace.” Another such stamp appears in the files of the Jewish Agency, this one apparently used by the rebels for fund-raising. It reads simply (in both English and Arabic), “Palestine for the Arabs,” and also features an image of the Dome of the Rock. See: CZA S25/4405

<sup>673</sup> Swedenburg, *Memories of Revolt*, 135.

<sup>674</sup> “Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan, Period 1st August to 31st October 1938,” 30 November 1938, WO 32/9498

<sup>675</sup> HC to CS, 2 September 1938, FO 371/21863

<sup>676</sup> Ghandour, *Discourse*, 99–100.

<sup>677</sup> “Problems of Palestine,” 16 September 1938, *Times of London*

events,” in the view of the War Office) produced an intelligence report suggesting that the paper’s descriptive phrase was apt. The situation as of September, according to the information of this “most secret source,” was as follows:

1. ... except for the coastal strip of Jewish colonies there is no longer any British Government in Palestine. A state of war now exists ... 80–85% of so called Government officials are Arab and are now wholeheartedly in the service of the Mufti and pass all information to his agents. This applies to Post Office and Bank officials, who inform the terrorists of cash in transit, etc; to interpreters and to the Police who now, when engaged with Terrorists, only fire in the air and will soon cease even to do this.

2. The Mufti has now formed his own Government and a complete list of officials has been prepared. These are all ready to take their posts as soon as the time comes, and real prestige has already passed to this Government which gives direct orders that no Arab dare disobey. Seven important Arabs who tried to oppose this Government have already been put out of the way. Taxes are no longer collected nor may any demands be made for the payment of debts for which a moratorium has been declared.<sup>678</sup>

The report went on to concede that “present acts of violence ... may also be due sometimes to the independent action of local leaders actuated by jealousy of each other,” but its thrust was that a shadow rebel government, headed by Amin al-Husayni, now operated in Palestine. Significantly, the report also revealed: “The Terrorists are leaving telegraph lines standing as they intend to use them themselves later. They are well provided with field telephones.”

The rebels had thus succeeded, as of September 1938, in putting in place components of a rudimentary Palestinian state. These included an army, courts, systems of tax collection and telecommunication, and a postal service. British and Zionist primary sources, and the bulk of scholarship on the revolt, tend to denigrate these entities, typically via ironic reference to

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<sup>678</sup> Major C.F. Tod to H.F. Downie, 9 September 1938, CO 733/366/4

“courts,” “armies,” and “governments.” The implication is that such “infrastructure” was actually little more than a “thin but strong web of violence and terror which the rebels had spread all over Arab Palestine.”<sup>679</sup> Yet, it is remarkable that these and related institutions emerged on the scale that they did. One must recall that this country-wide institution-building occurred in the shadow of one of the world’s premiere counterinsurgency machines: the British empire. The rebel courts did struggle to maintain legitimacy, and ultimately lost it. No less could be said of the British courts, however. Likewise, rebel discipline frequently faltered, and unscrupulous elements—often operating in defiance of orders—resorted to robbery and brutality.<sup>680</sup> The same, however, was true of British police and soldiers.

Leading Zionists were, naturally, desperate to deny any such equivalence. Blanche Dugdale described the condition of Palestine in September 1938 as an “utter breakdown of law and order.”<sup>681</sup> Weizmann deemed it “tyranny and anarchy.”<sup>682</sup> Such assessments followed inevitably from the Zionist certainty, widely expressed in the mainstream Jewish press in Palestine, as to the “emptiness and superficiality of Arab nationalism.”<sup>683</sup> They followed just as inevitably from the British tendency noted in chapters one and two; namely, the habit of excluding the British state from basic causal calculations regarding the course of events in the mandate. Thus, in summarizing the state of affairs for MacDonald in September, MacMichael wrote,

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<sup>679</sup> Marlowe, *Rebellion in Palestine*, 226.

<sup>680</sup> Porath, *Riots to Rebellion*, 249.

<sup>681</sup> Rose, *Baffy*, 101.

<sup>682</sup> Litvinoff and Klieman, *Letters and Papers, Volume XVIII*, 455.

<sup>683</sup> Black, *Zionism and the Arabs*, 388.

The position is deteriorating rapidly and has reached a stage at which rebel leaders are more feared and respected than we are. The movement is definitely a national one, though financed in part by blackmail levied on a large scale in the country.<sup>684</sup>

Absent from this description was the fact that the rebel resort to “blackmail” and extortion was animated in substantial measure by the successful British effort to cut off legitimate sources of rebel income. When the second phase of the rebellion began, for example, the rebels could no longer rely on the funds raised by the national committees, because the government had destroyed them.<sup>685</sup> In September 1938, the British shifted control of an important fund—hitherto critical to sustaining the rebels—to a Nashashibi partisan.<sup>686</sup> As Swedenburg notes, they likewise “worked diligently to ensure that the flow of [foreign] monies, as well as the funds of sympathy, were choked off,” to the point that by May 1939, these revenue streams had run dry.<sup>687</sup> What is

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<sup>684</sup> Shepherd, *Ploughing Sand*, 209–210.

<sup>685</sup> Porath, *Riots to Rebellion*, 265–66.

<sup>686</sup> *Ibid.*, 249.

<sup>687</sup> Swedenburg, *Memories of Revolt*, 116.

more, the British were actively hiring Arabs to engage in extortionist practices while “pretend [ing] to be true rebels.”<sup>688</sup>

## Conclusion

Another episode, however, illustrates with almost poetic force the causal implication of the British with events in Palestine, particularly vis-à-vis the burgeoning parallel Arab government there. It occurred in September 1938, and its elucidation requires some background information, which follows. The report of the War Office’s “most secret source” proved accurate in numerous details, but it overestimated—as did the British generally—Amin al-Husayni’s influence over the Palestinian rebels. The ex-mufti and other members of the exiled AHC had attempted since late 1937 to exert control over the rebellion, initially establishing a “Central Committee” for this purpose and later—having failed to successfully direct rebel activities through the Committee—setting up a “Bureau of the Arab Revolt in Palestine” as an intermediary body between the revolt commanders and the Committee.<sup>689</sup> This, too, failed to achieve Amin al-Husayni’s ends, as the

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<sup>688</sup> Porath, *Riots to Rebellion*, 249. Porath goes on to add: “The authorities did not have to work too hard in this field [extortion, as well as “sowing dissension among the bands”] in order to be successful. From the outset, but mainly since Autumn 1937, the rebel bands were torn by political, family and regional dissensions, personal jealousies and criminal abuse. The Government’s activity only marginally contributed to this state of affairs.” He does not, however, justify the latter statement. It is hard to understand how a movement as utterly riven with factional disputes as Porath and many others suggest could have achieved the level of country-wide integration detailed above. As Zeina Ghandour argues, the organizational integration of the revolt in late 1938, notwithstanding the factional and other quarrels then plaguing the Arab community in Palestine, demonstrates that “the feral farmer [and] the barely armed, myopic rebels were presumably operating with some sort of cohesion, *savoir faire* and discipline ...” Nevertheless, as Ghandour also points out, “it is familial and clan lines of rebel (dis)organization, their localized and microcosmic understanding of politics, which is focused on.” See: Ghandour, *Discourse*, 95.

<sup>689</sup> *Ibid.*, 243–45.



various rebel commanders continued to operate largely independently of him in their respective regions. While the British played on inter-rebel rivalries in order to undermine the revolt, Amin al-Husayni did the same in an effort to commandeer it. He furnished greater financial support to the more obedient of two rival claimants to the title of commander-in-chief of the rebellion, ‘Arif ‘Abd al-Raziq.<sup>690</sup> Al-Raziq’s adversary was the above-mentioned ‘Abd al-Rahim al-Hajj Muhammad.<sup>691</sup> The antagonism between the two resulted not only from their contending ambitions and the ex-mufti’s meddling, but also from their membership in mutually hostile extended families. Despite all these factors—and in the face of British attempts to stir up animosity between the two commanders and their followers—‘Arif ‘Abd al-Raziq and ‘Abd al-Rahim al-Hajj Muhammad agreed to convene the various rebel chiefs in an effort to settle accounts and more fully unify the revolt. This conclave of hundreds gathered outside Ramallah on 13 September. But the question of whether the meeting might have culminated in greater military integration among the commanders would go unanswered. British intelligence received advance notice of the gathering, and the RAF bombed it from the air.<sup>692</sup> Few episodes demonstrate more starkly the role of the British state in shattering what was, to all appearances, a nascent Arab state in Palestine. As Zeina Ghandour has written, “The rebellion did not unavoidably self-implode, it was crushed.”<sup>693</sup>

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<sup>690</sup> Ibid., 246.

<sup>691</sup> According to the memoir of Geoffrey J. Morton, the assistant superintendent of police in Jenin in 1938, the two viable aspirants to the title of commander-in-chief of the revolt were ‘Abd al-Rahim al-Hajj Muhammad and the infamous Sheikh Yousef Said Abu Dorrah. The former, Morton reports, “was a man of comparatively high principles who sincerely believed in the cause for which he was fighting.” The latter, by contrast, “was a vicious and unscrupulous killer who showed no mercy to man, woman or child.” See: Morton, *Just the Job*, 65.

<sup>692</sup> Ibid., 247.

<sup>693</sup> Ghandour, *Discourse*, 98.

## CHAPTER FOUR

### **New Policy, New Crime: London's Reversal on the Balfour Declaration and the End of the Revolt, 1939**

#### **Introduction**

In October 1938, the revolt reached its apex. Although rebel factions jockeyed for influence and prestige, their differences no longer hobbled their ability to coordinate action on a broad scale. Indeed, as noted at the end of chapter three, they managed to put in place the building blocks of an Arab Palestinian parastate, including countrywide systems of justice, communication, and defense. Needless to say, this circumstance was an affront to British sovereignty in the mandate.

While London would not countenance a rebel government in Palestine, it was also alert to the looming possibility of another European conflagration. Should war with Germany become inevitable, it was essential that the government's overriding imperial interests in the Middle East—including access to the Mediterranean and an unobstructed overland route to India—not be made hostages to Palestinian fortune. The most sensible course forward was therefore two-fold. The British would militarily crush and politically undermine the revolt. The first task required only the augmentation of the existing machinery of counterinsurgency. The second, however, called for a reversal of British policy in Palestine. For only by abandoning the Balfour Declaration could the government drain the rebels' reservoir of popular support, and thus have confidence that British force would extinguish the revolt once and for all.

This chapter begins with an analysis of the two-pronged policy London pursued from late 1938 forward. Though rational by the lights of a coldly calculating imperialism, the policy precipitated two dilemmas for the British. First, the occasion for the government's official

jettisoning of the Balfour Declaration was a February 1939 conference at St. James Palace in London, to which the colonial secretary invited Arab Palestinian leaders—the same leaders whom he and other British officials had consistently characterized as criminals for three years running. The sudden refashioning of gangsters into statesmen would surely invite charges of crass cynicism at Whitehall. But the British predicament was actually worse than this. For London had no intention of recognizing Arab sovereignty in Palestine, and therefore could not rightly regard the Arab spokesmen as representatives of a state. The government thus headed into negotiations with an interlocutor it dared not name. The second dilemma produced by the new British policy in the mandate concerned the Arab population at large, whom the British sought to repress and appease at the same time. The only means of squaring these two objectives was to sanitize the first by convincingly framing it as “internal security”; that is, violence in defense of, and not against, the civilian population.

As the second section of the chapter demonstrates, this proved an impossible feat—at least with respect to the Arab population of Palestine. London therefore set about managing not Arab, but British popular perception of its draconian measures in the mandate. Unsure that a prostrate press was sufficient to prevent stories of British brutality from circulating at home, the government took the added step of excluding from Palestine members of the Anglican community who had previously reported cases of soldier and police misconduct. With British forces well insulated from domestic scrutiny, repression of the Arab population in Palestine proceeded according to plan.

As explored in the third section, this repression, coupled with the emerging civil war within the Arab Palestinian community, proved fatal to the rebellion. Unable to bear the weight

of a full-fledged counterinsurgency, the rebels' courts, leaders, and popular base rapidly atrophied.

While British forces stamped out the last embers of rebellion in Palestine, British statesmen pursued negotiations with Jewish and Arab delegates in London. These discussions are the subject of the fourth section of the chapter. The British were conscious of the St. James conference's almost certain failure, but saw it through for the sake of democratic appearances. The conference was therefore less significant for its March 1939 breakdown than for the criminological shifts that it necessitated.

Section five concerns these shifts. The new British policy, announced officially in a May 1939 white paper, required a new British understanding of the Arabs. While it was impossible for London to entirely abandon its claim that the revolt was a criminal affair, the colonial secretary was nevertheless eager to convey the rebels' concerns—however misguided their actions—to both Zionists and the British public. And as the British criminological portrait of the insurgents thus blurred, the Zionist criminological portrait of the British sharpened. Whether violently or civilly expressed, the Jews' spurning of the new British policy took for granted its illegality. At the same time that Weizmann and Ben Gurion explicitly charged London with lawlessness, British officials began referring to the Zionists in criminological terms hitherto reserved for Arabs. Preempting the very possibility of London's delinquency, they assured Zionist spokesmen that Britain just was the law in Palestine. The Arabs, meanwhile, proved the only consistent party among the three by continuing to insist that the other two were the true criminals in Palestine.

## London's two-pronged approach to regaining control of Palestine

In October 1938, High Commissioner Harold MacMichael sent Colonial Secretary Malcolm MacDonald a summary of events covering the previous month. It was, he wrote, "in every way, the worst since the disturbances broke out in 1936." The number of deaths was the highest for any month of the rebellion.<sup>694</sup> More distressing still, the insurgency had reached an unprecedented scale, such that it had "unquestionably become a national revolt involving all classes of the Arab community in Palestine ..."<sup>695</sup>

Rebel propagandists availed themselves of the popular mood. Their leaflets appealed in the broadest terms to the Arab youth of the country, drawing freely and fluently upon both nationalist and religious modes of expression. One read: "Rise up ye, youngmen [*sic*] of Mohammad and followers of Christ ... Come on, youth of Palestine, the flower of the nation ... under the Arab flag, you will be immortal martyrs [*sic*] in the gardens of Paradise."<sup>696</sup> In addition to fostering the rebellious spirit of the Arab public, such exhortations also reflected that spirit's breadth. Entire villages turned out to support the militants in their engagements with British troops.<sup>697</sup> *The Times of London* reported:

Military control has taken its place in Samaria and in large sections of Galilee, but in the rest of the country, and especially in parts of the southern and Jerusalem districts, the rebel 'government' is in control. The effectiveness and prestige of the British administration are

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<sup>694</sup> 188, not counting rebels.

<sup>695</sup> HC to CS, 24 October 1938, CO 733/366/4

<sup>696</sup> CZA S25/9156

<sup>697</sup> HC to CS, 24 October 1938, CO 733/366/4

steadily falling, while the prestige and power of the revolutionists are rising.<sup>698</sup>

*The New Statesman and Nation* similarly observed that the rebels were “establishing themselves in the eyes of the general population as the genuine champions of Arab nationalism and an army of liberation.”<sup>699</sup>

The colonial secretary put forward a two-pronged strategy for dealing with this situation. The first order of business was to intensify repression of the Arab population. Prime Minister Neville Chamberlain’s 30 September agreement with Hitler having ostensibly (if temporarily) secured the European peace, more British battalions were available for deployment in the mandate. The government would send four of them to Palestine, raising their number to seventeen and the troop tally to nearly 20,000. MacDonald planned to flood the country with British forces, who would bring the battle to the militants and impose order upon the rest of the population. The latter task would be facilitated through a new system of travel permits and identification cards, designed to curtail the free movement of Arabs in particular.<sup>700</sup> The second prong of the colonial secretary’s strategy for regaining control of Palestine was to officially abort the partition proposal and to significantly limit Jewish immigration. Both measures would undermine popular support for the rebels by modulating Arab hostility towards British policy.<sup>701</sup> At an opportune moment, therefore, the government would invite Arab and Jewish leaders to London to discuss the future of the mandate. While conducted under the pretense of good faith

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<sup>698</sup> “A Picture of Palestine,” 5 October 1938, *Times of London*

<sup>699</sup> “Palestine,” 8 October 1938, *New Statesman and Nation*

<sup>700</sup> Marlowe, *Rebellion in Palestine*, 203–205; Bethell, *Palestine Triangle*, 46–47; Norris, “Repression and Rebellion,” 30.

<sup>701</sup> Bethell, *Palestine Triangle*, 46–47; Cohen, *Palestine: Retreat from the Mandate*, 71–72.

negotiations, this conference would in fact provide the occasion for the government's predetermined reversals on partition and Jewish immigration.

The mode of MacDonald's proposed increase in repression was a matter of dispute within the British government. As in September 1936, the primary point of contention was martial law. A number of top officials advocated it, including the general officer commanding and the secretary of state for war, as well as a pro-Zionist parliamentary faction styling itself the Palestine Parliamentary Committee.<sup>702</sup> The high commissioner and colonial secretary, however, opposed declaring martial law. MacMichael reasoned that doing so would grant the military "unrestricted power to wage war on the Arab population of Palestine," a scenario amounting to "the negation of all law."<sup>703</sup> Echoing the concerns of 1936, MacDonald worried that martial law would call the legality of the military courts into question, a sentiment seconded by the legal adviser to the Colonial Office.<sup>704</sup> Moreover, the colonial secretary argued, "The actions of a purely military government in Palestine ... might well be disastrous in the wider [international] view."<sup>705</sup> Charles Baxter, head of the eastern department at the Foreign Office, likewise warned that declaring martial law "would be interpreted in Iraq and Egypt as initiating a new regime of unchecked military 'frightfulness'."<sup>706</sup>

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<sup>702</sup> H.P.305 (Cipher) 4/10, GOC to WO, undated, CO 733/372/8; "Minutes of a ministerial meeting held at the War Office at 5 P.M. on Friday, 7th October, 1938," CO 733/372/8; "Secretary of State's interview with a Deputation of the Palestine Parliamentary Committee on Tuesday, 18th October, at 4 p.m.," CO 733/366/4

<sup>703</sup> "Situation in Palestine," 20 October 1938, FO 371/21864

<sup>704</sup> "MINUTES of a Meeting of Ministers held at the Treasury, S.W.1., at 10 a.m. on Thursday, 13th October, 1938," CO 733/372/8

<sup>705</sup> "Minutes of a ministerial meeting held at the War Office," 7 October 1938, CO 733/372/8

<sup>706</sup> "Military Operations in Palestine," 12 October 1938, FO 371/21864

This preoccupation with the international ramifications of martial law was, in fact, the primary obstacle to officially declaring it. While underscoring the negative publicity it was likely to elicit, the opponents of martial law tended implicitly to minimize the gravity of its legal implications. Thus, while the colonial secretary stated that military courts would become “illegal” under martial law, he also claimed that this legal status was “the only difference between these courts as constituted at the present time, and similar courts under martial law ...”<sup>707</sup> “In practice,” MacDonald acknowledged, “the military authorities are already in control, though in theory the civil authorities still [retain] that position.” For the sake of appearances, he was “most anxious” to keep it that way.<sup>708</sup> The chancellor of the exchequer, Sir John Simon, expressed the same view, with the endorsements of the minister for co-ordination of defence, the foreign secretary, and the secretary of state for air.<sup>709</sup> Perhaps the most candid articulation of the argument against martial law came from Lacy Baggallay at the Foreign Office, who remarked:

... it is largely the names of things that count ... what we want to avoid at all costs in view of our relations with the Arab States etc. is saying that we have chosen the moment when we call those States into conference to institute a more rigorous offensive than ever before upon the Arabs of Palestine.

... there is no question of declaring martial law as such. Under the Palestine Order-in-Council, the High Commissioner has powers

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<sup>707</sup> “MINUTES of a Meeting of Ministers held at the Treasury, S.W.1., at 10 a.m. on Thursday, 13th October, 1938,” CO 733/372/8

<sup>708</sup> “Minutes of a ministerial meeting held at the War Office at 5 P.M. on Friday, 7th October, 1938,” CO 733/372/8

<sup>709</sup> “MINUTES of a Meeting of Ministers held at the Treasury, S.W.1., at 10 a.m. on Thursday, 13th October, 1938,” CO 733/372/8



literally to do anything and may delegate these powers at any time he wishes to the G.O.C.<sup>710</sup>

The attorney general agreed: “ ... a proclamation of Martial Law gives the Government no powers which it did not possess before, but operates merely as a notice to the public ... ”<sup>711</sup> The problem was not martial law per se, for the mandatory was already effectively unrestrained in its “internal security” prerogatives. The problem was what a martial law declaration would communicate to an international audience; namely, that the British had lost all legitimacy in Palestine, and remained there by virtue of force.

For a second time, those opposed to declaring martial law won the day. As the debate surrounding the topic revealed, however, the British decision not to declare martial law was more a public relations exercise than a constraint on violent coercion in the mandate. Indeed, unfettered force had become all the more imperative in light of two realities. First, as the high

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<sup>710</sup> “Military Operations in Palestine,” 12 October 1938, FO 371/21864. Emphasis in original. Baggallay went on to state, “The G.O.C. himself does not want martial law and has never done [*sic*] so. What he wants is an almost complete delegation of powers [to the military].” In practice, however, this was a distinction without a difference. The GOC wanted, and advocated, full military control in Palestine, unrestrained by any form of civilian oversight. This was martial law by any other name. As Undersecretary of State Cosmo Parkinson observed, “Apparently the G.O.C. really wishes for martial law (so-called) but has not clarified his ideas; he would like to wield full, totalitarian powers without ‘civil implications,’ i.e. responsibility.” See: “5th Meeting: Monday 10th October, 10.30 a.m.,” FO 371/21864. It should be noted that GOC Haining did explicitly reject the martial law option in correspondence with the War Office, writing, “A declaration of martial law which could in [the] nature of things not go on indefinitely and regarding [the] application of which [the] underlying idea would seem to be [the] successful use of very drastic measures for [a] limited time would entirely defeat [the] object of military control of which the essence is to pave the way for [the] general re-establishment of civil administration.” See: H.P.314 Cipher 5/10, GOC to WO, 6 October 1938, WO 106/2033. As had Baggallay, Haining made far too much of the distinction between military control and martial law. For the notion that martial law—ill-defined as it remained—implied something other than a restoration of law and order in the service of a return to civilian rule would appear to have had no precedent.

<sup>711</sup> “NOTE” from Attorney General Alan Rose, 19 September 1938, CO 733/372/8

commissioner's summary of events for September indicated, the rebels had taken over large swathes of the country, with the support of the Arab population. As MacMichael put it to MacDonald: " ... the national hero is [now] the gang leader ... "712 A British intelligence report covering August-October 1938 cautioned that the "pot of insurrection was liable to boil over in any or every district separately or simultaneously."713 And indeed, on 14 October, rebels suddenly converged on Jerusalem. Within twenty-four hours, they had captured the Old City, locked its entrances, set fire to the police station and post office, and hoisted their flag over the Damascus gate. The action—which the high commissioner classed as a "major ... crime"—gave the newly augmented British forces their "first opportunity to demonstrate their heavy hand ... "714 Working in coordination with the RAF, British soldiers blasted through the city gates, removed inhabitants from their homes for use as human shields, and regained control of the Old City on 18 October.715 It was a pattern that would repeat itself throughout the country.716

The second reality making British force all the more necessary in October 1938 was something the British and Zionists had long sought publicly to conflate with Arab rebellion; namely, Arab criminality. Events dramatically confirmed the British and Zionist case in this regard when a Qassamite commander named Abu Ibrahim al-Kabir led a barbaric raid on

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712 HC to CS, 7 September 1938, FO 371/21881

713 "Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan. Period 1st August to 31st October, 1938," Force H.Q. Jerusalem, 30 November 1938, WO 32/9498

714 *Sefer Toldot Hahaganah*, Vol. 2, 774; HC to CS, 24 October 1938, CO 733/366/4

715 *Ibid.*, 774–75.

716 Shepherd, *Ploughing Sand*, 210–211; Gelber, *Growing a Fleur-de-Lis*, 231–32.

Tiberias early in the month, in which nineteen Jews were murdered.<sup>717</sup> Al-Kabir sat on the Damascus-based “Central War Committee,” established by the mufti and other members of the exiled AHC to coordinate rebel activities in Palestine.<sup>718</sup> While the Committee singularly failed in this capacity, the fact that a member of a body claiming command of the rebellion was implicated in an episode as disgraceful as that in Tiberias dealt an injurious blow to the nationalist pretensions of the revolt at large.<sup>719</sup> At approximately 8:45 on the evening of 2 October, al-Kabir, after setting up roadblocks outside the city to impede rescuers, led his men into Tiberias, where they proceeded to butcher Jews in their houses.<sup>720</sup> The invaders explicitly targeted children, slaughtering ten. According to one witness, among the nineteen corpses were

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<sup>717</sup> Lachman, “Arab Rebellion,” 83.

<sup>718</sup> I have chosen to translate the Arabic *al-lajna al-markaziyya lil-jihad* as “the Central War Committee” rather than the more literal “Central Committee for Jihad” because of the potentially misleading overtones that attach to the term “jihad” in contemporary political discourse. The movement for Palestinian independence in the 1930s, while certainly shot through with the religious sentiments and sensibilities of its constituents, was not comparable to contemporary “jihadi” groups in any uncomplicated way. The Arabic root of the term “jihad” is *j-h-d*, which connotes “struggle.” In the political context of 1930s Palestine—and given the self-conception of the rebels fighting the British, with their uniforms and systems of rank—I believe “war” is the most faithful translation of “jihad” with respect to the “committee” in question. For an intelligent analysis of the multiple connotations of “jihad” from the time of Muhammad down to the twenty-first century, see: John Esposito, *Terror in the Name of Islam*, 26–70.

<sup>719</sup> A Jerusalem-based Zionist paper, for example, featured a 7 October 1938 article lamenting the fact that Jews had become “accustomed ... to the horrors perpetrated by Arab murderers masquerading in the cloak of a national movement ...” See: “Tiberias Lessons,” 7 October 1938, *Palestine Review*, in JEM, GB165–0161, Box 61, File 4, MECA. Commenting on the colonial secretary’s statement on the massacre, *The Times* wrote, “The attack on Tiberias was part of the organized murder and terrorism for which the Mufti was held largely responsible ...” In a second article, the paper editorialized: “The atrocities which they committed say little for the chivalry of which pro-Arab propagandists have made so much, and suggest that the leaders of the rebellion—some of whom are said to be well-educated and patriotic men—have no control over their followers.” See: “New Palestine Conference” and “Disorders in Palestine,” 6 October 1938, *Times of London*.

<sup>720</sup> Jewish Agency to chief secretary, 6 October 1938, CZA S25/4951

women whose “naked bodies ... exposed the evidence that the knives had been used in the most ghastly way.”<sup>721</sup>

While the massacre in Tiberias seemed scripted to tarnish the nationalist character of the revolt, it occurred at an inopportune moment for the British. The first prong of the government’s scheme for stabilizing the mandate involved a massive, unbridled assault on the rebels. The second prong, however, was an attempted rapprochement with Arab Palestinians at large, a strategy requiring concessions to Arab demands vis-à-vis partition and Jewish immigration. And the latter task necessitated a degree of British amnesia, especially after the release of the Woodhead report on 9 November. Not only did the government endorse the report’s finding that partition was unviable, but MacDonald made a startling disclosure in the House of Commons on 23 November. He announced that the high commissioner would shortly commence negotiations with leading Palestinian Arabs, with the object of selecting an Arab delegation to London. The government having long equated this same leadership with a criminal syndicate, some explanation was in order. On 24 November, the colonial secretary offered one to the House of Commons:

I know that a great many people regard this Arab agitation as the mere protest of a gang of bandits. Of course it is true that many of these Arabs who have taken part most eagerly in the troubles are cut-throats of the worst type. Their massacres of the innocents at Tiberias, and on a score of other miserable battlefields, have disgraced their cause. It is true also that many of those who are associated with them have been terrorised into that association. But there is much more than that in the Arab movement. I think that this House, which is so capable of a generous understanding of other peoples, ought to recognise that many in the Palestinian Arab movement are moved by a genuine patriotism.

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<sup>721</sup> Segev, *One Palestine*, 414. Segev gives the figure of eleven children killed. According to an early Jewish Agency report, the victims were ten children, six men, and three women. See: Jewish Agency to chief secretary, 6 October 1938, CZA S25/4951

However wrong they may be, however misguided they may be, however disastrous their policy may be, many of them have felt compelled to take the risk of laying down their lives for their country.<sup>722</sup>

In point of fact, a great many people did regard the rebellion as the mere protest of a gang of bandits—none more so than the colonial secretary himself. Only a few months earlier he had firmly concluded that the revolt was not “a spontaneous national movement of Palestinian Arabs” but rather “the result of strenuous agitation by political leaders accompanied by intimidation of bands of bandits who had no genuine political significance.”<sup>723</sup> His far subtler public statement of November 1938 betrayed an ambivalence that had emerged a month prior during inter-departmental discussions regarding the matter of an Arab delegation to London. In a meeting of high officials on 8 October, MacMichael insisted that whoever else might be included in such a deputation, the mufti was *persona non grata*. But the undersecretary of state for the colonies, Lord Dufferin, suggested that this precondition was misguided. For the mufti was “the one man who can, on his side, guarantee peace.” Moreover, London had come to terms with De Valera and other rebel leaders in the past.<sup>724</sup> The subsequent exchange is worth recording:

**MacMichael:** But His Majesty’s Government cannot treat with instigators of murder.

**Sir Grattan Bushe (CO):** On the contrary, peace in Ireland was made by a treaty between Cabinet Ministers and ‘murderers’.

**MacDonald:** [I] Appreciate [*sic*] the force of these arguments: but in my view the analogy with Ireland or Egypt is not complete. In all these

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<sup>722</sup> “Extract from House of Commons Debates,” 24 November 1938, pp. 1992–1993, FO 371/21871

<sup>723</sup> Sheffer, “Appeasement,” 391.

<sup>724</sup> “4th Meeting: Saturday, 8th October, 3 p.m.,” FO 371/21864. A former government servant in Palestine, an Arab named E.N. Koussa, made the same point in a November letter to the high commissioner. See: E.N. Koussa to HC, 19 November 1938, CO 733/386/22

other cases our object has been to instate the ‘murderers’ as the new Government of the Territory: in Palestine this is not so, as we intend to continue ruling ourselves. Hence to treat with the Mufti would be practically equivalent to recognizing his “Provisional National Government” and make the subsequent administration of the Mandatory authorities impossible.<sup>725</sup>

The colonial secretary’s remarkably frank analysis pinpointed the paradox of post-Woodhead policy. If the Arab leadership were mere criminals, the government could not confer with them (certainly not publicly). Yet, if they were statesmen, British sovereignty in Palestine was a sham. The British had thus traded one dilemma (partition) for two: they had somehow to negotiate with a partner they dared not name; and they had simultaneously to repress a population with whom they hoped to reconcile.

### **“A more rigorous offensive than ever before”: British “internal security” and perception management**

The second order was tall indeed. It required, first and foremost, the public denial of British brutality in the mandate. The colonial secretary’s first substantive remarks in his 24 November presentation to the House of Commons concerned charges against the troops:

We all know that certain interested propagandists have been levelling many foul charges against the conduct of our troops. I see a good many things in the Colonial Office, but I have never seen any evidence in support of these charges.<sup>726</sup>

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<sup>725</sup> Ibid.

<sup>726</sup> “Extract from House of Commons Debates,” 24 November 1938, pp. 1992–1993, FO 371/21871

While his claim regarding the troops was utterly implausible, MacDonald did not even bother to deny the accusations against the Palestine police.<sup>727</sup> Less than a week after his 24 November presentation, he admitted to the cabinet that he had “received reports of atrocities by members of the Police Force” but chose to “deliberately [omit] any reference” to them before the House of Commons.<sup>728</sup>

There were, as before, many such reports. In October, for example, a merchant from Jaffa sent the high commissioner an eloquent and impassioned letter decrying an official statement concerning the killing of an Arab prisoner. According to the government’s version of the incident, British police shot the man when he attempted to escape their custody. But the merchant, one A. Andrawus, claimed that he and twenty others witnessed a much different event. It began with a police car pulling off the road in the vicinity of Andrawus’ auto repair shop in Jaffa. As Andrawus and a number of his employees looked on, the driver and other officers extracted a handcuffed man, coaxed him to the front of the vehicle, and then executed him in the manner of mafioso. Andrawus concluded with the plea:

I make, [*sic*] this report in great fear of my own life and that of my wife and my family. Murder by the Police is not uncommon ... I ask Your Excellency’s personal security for myself and [that] my family be protected against police vengeance [*sic*].<sup>729</sup>

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<sup>727</sup> It is exceedingly unlikely, for example, that the secretary was unaware of the atrocities troops committed in the village of al-Bassa, which were noted in chapter three.

<sup>728</sup> “Extract from Cabinet Conclusions 57 (38) 30th November 1938,” FO 371/21867

<sup>729</sup> A. Andrawus to HC, 26 October 1938, CO 733/371/4

In December, the high commissioner and attorney general would both concede that the evidence in the case made “a formal charge of murder ... inevitable.”<sup>730</sup> It was one of several such incidents in Jaffa alone.<sup>731</sup>

Other modes of repression either persisted or were intensified. The British considerably increased the number of village searches in the last quarter of the year, and began placing Arab men in cages while conducting them.<sup>732</sup> Given the poverty of British intelligence on insurgent activities, authorities resorted to mass arrests as a means of locating “the true rebels.”<sup>733</sup> Bowden notes that “anything non-military which moved at night, or moved by day without a pass, was fair game for arrest.”<sup>734</sup> It was also fair game, period. Even before the November 1938 imposition of a countrywide curfew, Arab collaborators traveling after dark shouted special code words to avoid being shot by police and soldiers.<sup>735</sup> Constable Sydney Burr wrote his parents in late 1938, “The greatest menace nowadays is the army, with there [*sic*] indiscriminate firing ... ”

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<sup>730</sup> HC to CS, 1 December 1938, CO 733/371/4. A British court did indeed convict the four policemen involved in the murder. Three of the convictions were overturned on appeal, however, and the sentence of the fourth culprit was reduced.

<sup>731</sup> “W.H.S. to J.G.M., General Situation,” 12 November 1938, JEM, GB165–0161, Box 61, File 4, MECA

<sup>732</sup> “Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan, period 1st November, 1938 to 31st March, 1939,” Force H.Q., Jerusalem, 24 April 1939, WO 32/9499; Papers of G.J. Morton CPM BEM KPM, PP/MCR/390, IWM; “My dear Bishop ... ,” 17 October 1938, JEM, GB165–0161, Box 61, File 4, MECA

<sup>733</sup> “Note on Operations in Palestine since 31st October, 1938,” WO 106/2018A. Norris specifies, “By 1939 over 9,000 Arab detainees were being held in Palestinian prisons and detention centres, some ten times the figure of 1937.” See: Norris, “Repression,” 40.

<sup>734</sup> Bowden, “Politics,” 168.

<sup>735</sup> Interview with Charles Ernest Packer, IWM 4493



The police, too, were “not particular who they shoot.”<sup>736</sup> One British resident in Palestine related in a letter home, “On Saturday, here in Jaffa, the troops were merely shooting at sight anyone they had a mind to aim at.” Among their victims was a seven-year-old girl.<sup>737</sup> The private journal of the assistant superintendent of police in Jenin, Geoffrey Morton, recorded similar instances of British forces shooting and sometimes killing Arab children.<sup>738</sup>

The British press continued to touch lightly, if at all, upon charges of “Tommy” terrorism, which were appearing more frequently in German and other foreign newspapers.<sup>739</sup> Even their sympathetic accounts, however, acknowledged that British forces were blowing up entire

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<sup>736</sup> British Constable Sydney Burr, IWM 88/8/1

<sup>737</sup> “Extracts from a letter received from an English friend in Palestine dated 9.16.38,” FO 371/21881

<sup>738</sup> Papers of G.J. Morton CPM BEM KPM, PP/MCR/290, IWM: “[4 November 1938] 1830: 1 child shot dead, 2 children, 1 man wounded by military whilst attempting to pass through cordon in darkness”; “[4 November 1938] ... 5 p.m. to Silet el [illegible] to check village—4 children shot (one dead) by troops ... ”

<sup>739</sup> Numerous dismissive accounts of German news stories detailing British atrocities in Palestine appeared in the British press. Several are contained in CO 733/371/2. As *The Times* pricelessly reported, “The German Press ... devotes much space to-day to events in Palestine, presenting its news in such a fashion as to give the impression that the action of the British Army is directed at suppressing a justified struggle for freedom on the part of the Arabs.” See: “German critics of Britain,” 21 October 1938, *Times of London*. While not descending to *The Times*’ level of ridiculousness, *The New Statesman and Nation* was equally firm in its rejection of reports of British atrocities in Palestine, stating: “Nobody believes the German newspaper stories that [the British army] is engaged in pillaging, murdering, raping and deliberately starving the Arabs. On the other hand, there is plenty of evidence ... that Nazi propoganda and money are actively fomenting the rebellion in Palestine.” See: “Palestine,” 3 December 1938. In January 1939, the paper reported approvingly: “The War Office has been driven to issue a statement to refute the charges of murder, robbery and starvation levelled at the British troops and their officers, and to show that the measures, regrettable as they may be, are both necessary and conducted with all the humanity possible.” See: “Palestine and Syria,” 14 January 1939.

villages.<sup>740</sup> One article quoted an officer saying, “We must make the population fear us more than they do the rebels.”<sup>741</sup> While British repression did cow the Arabs, it also infuriated them. When government forces attempted to hand out milk and bread to assuage the population of Jaffa after a three-day search of the city in early November, the people refused the food.<sup>742</sup> Anglican missionary efforts to distribute meals to Arabs were also often rebuffed, and this at a time when many Arabs were destitute.<sup>743</sup>

The British could hardly hope to conceal from Arab Palestinians the harsh reality of repression, which they sought instead to blunt by policy concessions. The British public, however, could be fooled. As noted, the colonial secretary, with the support of the domestic press, adamantly denied charges of military wrongdoing. Moreover, it so happened that two of the most assiduous chroniclers of British malfeasance in the mandate were absent from Palestine at the peak of the counterinsurgency in late 1938. In neither case was this an accident.

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<sup>740</sup> “Don’t Blame the Palestine Police, But—,” 10 December 1938, *News Chronicle* (CO 733/371/2)

<sup>741</sup> Ibid. GOC Haining made the same point in a classified report in December 1938. See: “Hostile propaganda in Palestine. Its origin and progress in 1938,” 1 December 1938, pp. 9–10, FO 371/21869

<sup>742</sup> “Extract from District Commissioner, Southern District’s Monthly Report for the month of November, 1938,” CO 733/372/18

<sup>743</sup> “Address by the bishop and discussion at the council meeting on 6.12.38.,” JEM, GB165–0161, Box 61, File 4, MECA

The persons in question were a Haifa resident and Anglican missionary named Frances Newton, and the Anglican bishop in Jerusalem, George Francis Graham Brown.<sup>744</sup> Both were especially credible sources of information, and both filed regular reports of British brutality with

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<sup>744</sup> The case for the historical reliability of Newton and the bishop is laid out in footnote 745. Despite the facts adduced there, some scholars have challenged the credibility of both persons. Newton, in particular, has come in for opprobrium. Rory Miller, for example, writes of her unrepentant fidelity to the mufti, and cites testimony to the effect that she was untrustworthy when it came to claims against the Zionists. He neglects, however, to make the same case with respect to charges against British troops and soldiers, although Newton's reputation suffers so dearly under his scrutiny that the unsuspecting reader would be inclined to dismiss her in this connection as well. The truth, however, is that Newton's reports regarding British atrocities are corroborated by internal government documents as well as the testimony of British police and soldiers. As a correspondent for *The Times of London* wrote privately of her, although Newton was a "strong anti-Zionist," she was also "truthful" and "not to be lightly dismissed." Newton's memoirs do indicate that she was hostile to Zionism on theological grounds, raising the suspicion among some that she was an anti-semite. Isaiah Friedman claims that she was spotted distributing copies of *The Protocols of the Elders of Zion* to Arab notables on one occasion. Friedman's source for the claim is p. 214 of Kisch's *Palestine Diary*, which actually paints a less sinister portrait: "At Haifa it had been arranged that Kalvarisky should fetch the guests from Miss Newton's, and when he arrived he found her in the act of showing them a copy of the *Protocols of Zion*." It appears that Newton was seen with a single copy of the *Protocols*, not engaged in the more overtly promotional act of distributing multiple copies of the notorious forgery. While entertaining the plausibility of the *Protocols* is redolent of unmitigated anti-semitism today, however, it is anachronistic to confer the same significance upon such an attitude in 1920s Palestine (when the episode in question allegedly occurred). Someone in Newton's position at that time, however ill-informed, may have regarded as tenable epic tales of Jewish international influence, given the leverage Zionists wielded over the British administration in Palestine as compared with the Arabs. Such thinking was common even among Zionist supporters. Tom Segev argues that Chaim Weizmann's "principal achievement" was, in fact, to convince powerful figures such as Lord Balfour that Zionism and world Jewry were one and the same, thus feeding the British perception that an integrated global community of Jews commanded inordinate power in international affairs. Indeed, writes Segev, "it was on the basis of such spurious considerations that Britain took two momentous decisions: the establishment of a Jewish legion and the Balfour Declaration." See: Miller, "The other side of the coin," 198-228; Newton, *Fifty Years in Palestine*, 326; Dawson to Ormsby-Gore, 25 March 1938, CO 733/370/8; Friedman, *British Pan-Arab Policy, 1915-1922: A Critical Appraisal*, 366; Segev, *One Palestine*, 43.

the government.<sup>745</sup> By 1938, the authorities' favored tactic of alternately humoring, ignoring, and rejecting these reports had begun to backfire. In a 26 February meeting with the chief secretary, the bishop stated exasperatedly, "We have protested since June 1936 and these things are still going on."<sup>746</sup> A day prior, he wrote the secretary, "For many reasons I am loathe to bring these facts forward in Great Britain, but this matter cannot be hushed up indefinitely ..."<sup>747</sup> Newton lacked the bishop's patience; she went public with her claims. In response, on 4 October 1938,

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<sup>745</sup> The case for the special credibility of Newton and the bishop turns on several points. First, the testimony of both meets the historical criterion of embarrassment; that is, they testified to facts which they were otherwise motivated not to acknowledge. This is clear from the fact that both Newton and the bishop made a point of bringing the evidence in their possession to British authorities in an off-the-record capacity. That their reason for doing so was chagrin on behalf of the British government is a matter of record. See: Newton's 20 March 1938 letter to Col. Newcombe, JEM, GB165-0161, Box 65, File 4, MECA; Newton to Pirie-Gordon, 12 March 1938, CO 733/370/8; the bishop's 25 February 1938 letter to the chief secretary, his letters of 6 April 1938 to Colonial Secretary Ormsby-Gore and of 26 February 1938 to the archbishop of Canterbury, and D.W. Irving's notes of the bishop's 26 February 1938 interview with the chief secretary, all in JEM, GB165-0161, Box 61, Files 1-2, MECA. Second, both Newton and the bishop were well positioned to gather evidence. Newton spoke Arabic, and she and the bishop visited villages in the hours after troops had been in them—as well as areas of major cities where violent incidents involving police occurred—taking photographs of damaged property, interviewing witnesses, and otherwise carefully documenting their conclusions about what had transpired. See: Newton's 6 March 1938 letter to the bishop; the bishop's 26 February 1938 letters to the archbishop of Canterbury; Newton's 22 February 1938 report on the village of Ikzim; the bishop's 18 February 1938 report to the district commissioner of Jerusalem. All are in JEM, GB165-0161, Box 61, Files 1-2, MECA. Third, while Newton and the bishop's detractors regarded them as hopelessly pro-Arab, the two in fact had few illusions about the frequent savagery of rebel tactics. Newton referred to the more bloodthirsty elements of the insurgency as "criminals" and "murderers." The bishop, too, described rebel actions as "wicked brigandage and murders." Their sympathies lay not with the rebels, but with Arab non-combatants who suffered unjustly. See: Newton to Pirie-Gordon, 12 March 1938, CO 733/370/8; the bishop's 26 February 1938 letters to the archbishop of Canterbury, in JEM, GB165-0161, Box 61, Files 1-2, MECA

<sup>746</sup> D.W. Irving's notes of the bishop's 26 February 1938 interview with the chief secretary, JEM, GB165-0161, Box 61, Files 1-2, MECA

<sup>747</sup> Bishop in Jerusalem to chief secretary, 25 February 1938, JEM, GB165-0161, Box 61, File 3, MECA

the high commissioner officially forbade her return to Palestine from England, where she was visiting.<sup>748</sup>

The evidence of high officials' intentional diversion of the bishop is more circumstantial, but nevertheless difficult to dispute. The bishop's stock in London mysteriously rose between the Peel hearings—when he sought unsuccessfully to testify before the commission regarding the theological shortcomings of the Jewish claim on Palestine—and the latter months of 1938. By then, his input on Palestinian affairs had apparently become indispensable. The bishop left Jerusalem for London in August 1938, planning to return by December. But his clerical superior, the archbishop of Canterbury, as well as the colonial secretary himself, made every effort to detain him.<sup>749</sup> As the bishop wrote the archdeacon, his surrogate in Jerusalem, on 29 November:

... the Archbishop has advised me to remain in [England] for the time being ... in my interview with Mr. Malcolm MacDonald this morning—it only lasted eight minutes, for he was very busy—he definitely said that he would like me to remain in this country so as to be available for consultation during the preliminary discussions before as well as during the proposed Conference, and even if the Conference did not take place he would wish to discuss with me some of the aspects of the Government's policy for Palestine.<sup>750</sup>

It is curious that the colonial secretary made so little time for so important a man. The bishop had nevertheless prepared for this eventuality. He carried into his meeting with MacDonald a letter containing his thoughts on the Palestine situation, for the secretary's later perusal. The interview

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<sup>748</sup> "Order under Regulation 15 of the Emergency Regulations, 1936, as amended by the Defence (Amendment) Regulations (No.19), 1938," 4 October 1938, CO 733/372/11; "NOTE. Miss F.E. Newton," 27 September 1938, CO 733/372/11

<sup>749</sup> Letter to bishop from representative of the archbishop of Canterbury, 3 December 1938, JEM, GB165–0161, Box 61, File 4, MECA

<sup>750</sup> Bishop in Jerusalem to Archdeacon Stewart, 29 November 1938, JEM, GB165–0161, Box 61, File 4, MECA

was so rushed, however, that he had no opportunity to pass it to him. This somewhat undermines the notion that MacDonald was eager for the bishop's input. As does the fact that the bishop seemed in a panic to fill his unexpected role as Palestine expert. He asked the archdeacon to furnish him "the list of books that should be read" in order to "fill in the gaps of my knowledge about the Holy Land, [and] especially about the history of its peoples ..."<sup>751</sup> By January 1939, the bishop's absence from Jerusalem had become conspicuous to the point of generating controversy within the Anglican community in Palestine.<sup>752</sup> Under pressure, he inquired of the Colonial Office and the archbishop when he might return. While neither could coerce him, both urged that he "would be well advised to stay."<sup>753</sup> The colonial secretary finally granted him permission to leave London in March.<sup>754</sup>

All of these facts must be placed in the context of British intentions vis-à-vis the 1939 conference. London did not anticipate that the conference would result in an agreement between the British, the Jews, and the Arabs regarding the future of the mandate.<sup>755</sup> Indeed, this purported

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<sup>751</sup> Ibid.

<sup>752</sup> Archdeacon Stewart to bishop in Jerusalem, 10 January 1939, JEM, GB165-0161, Box 62, File 1, MECA

<sup>753</sup> Dufferin counseled the bishop, "... I think that unless there is anything urgent to call you back I should remain here if I were you." See: Letter to bishop from representative of the archbishop of Canterbury, 20 January 1939; Dufferin to bishop, 13 January 1939. Both are in JEM, GB165-0161, Box 62, File 1, MECA. The bishop informed the archdeacon on 12 January that he had taken "lunch with the Archbishop, who was even more insistent than before that I should remain." See: "The Bishop to the Archdeacon," 12 January 1939, JEM, GB165-0161, Box 62, File 1, MECA

<sup>754</sup> Bishop in Jerusalem to the archbishop of Canterbury, 8 March 1939, JEM, GB165-0161, Box 62, File 1, MECA

<sup>755</sup> CAB 104/8 ; Klieman, "Divisiveness," 441; Cohen, *Palestine: Retreat from the Mandate*, 72-73.

objective was a fiction, as leading Zionists well appreciated.<sup>756</sup> British officials had already decided on the fundamentals of their revised Palestine policy; consultations with Jews and Arabs were democratic window-dressing. The notion that the bishop's presence in London was critical to any government decision related to the conference was therefore intrinsically implausible. The Colonial Office wanted him out of Palestine for the same reason it wanted Newton out of Palestine—to cover the eyes and ears of the British public at the height of British brutality in the mandate.

Such brutality achieved its aim. The commander of the eighth division—and the military official in charge of northern Palestine—Major General Bernard Montgomery, reported confidently that as of 1 February 1939, “The backbone of the armed opposition has been smashed ... The leaders are being so harried that they are losing their prestige ... ”<sup>757</sup> One telling index of this fact was the government tax yield in Nablus, Jenin, and Tulkarm (the dreaded “triangle of terror”) for February 1939, which was four to five times the figure for February 1938.<sup>758</sup> MacDonald had commented several months earlier on the troubling popular identification of the “gang leader” with the “national hero.”<sup>759</sup> That equation was now all but undone. Montgomery confirmed that the rebels were “ceasing to be public heroes and are becoming hunted outlaws ... ”<sup>760</sup> The military had made it so.

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<sup>756</sup> Weizmann, *Trial and Error*, 406; Ruppin, *Memoirs*, 297; Teveth, *Ben-Gurion and the Palestinian Arabs*, 191–92; Black, *Zionism and the Arabs*, 394; Haim, *Abandonment*, 136–37.

<sup>757</sup> “Notes for C.I.G.S.—February 1939,” WO 216/111

<sup>758</sup> High commissioner's narrative of events for 7 February–9 March 1939, 24 March 1939, p.10, CO 733/398/2

<sup>759</sup> HC to CS, 7 September 1938, FO 371/21881

<sup>760</sup> “Notes for C.I.G.S.—February 1939,” WO 216/111

This was only half the story, however. Even as a *Times* headline highlighted “Faked Palestinian ‘Atrocities’” (13 February), troops and police wreaked havoc throughout the country. They killed fourteen Arabs in Jerusalem on 8 February, and 19 more in Nahf on 27 February.<sup>761</sup> By government reckoning, the dead were mostly militants.<sup>762</sup> But other sources painted a grim picture of the effect of British repression on Arab civilians. On 28 February, the Anglican chaplain in Haifa sent the bishop in Jerusalem (who was still in London) an update on events in Palestine. Among other things, he noted:

We have had some anxiety in regard to Kafr Yasif. A landmine exploded near the village and one British Soldier was killed and others wounded. The village was searched and 70 houses set on fire; 40 houses were totally destroyed. About 250 people were homeless. I do not think the circumstances differ from those with which we are familiar [*sic*]. I have not heard that there is any evidence that the village was responsible for placing the landmine. At the same time nine men from Kwaycat village were shot dead. It is reported from Kafr Yasif that they were ordered to run before the troops and then fired on. I cannot confirm this.<sup>763</sup>

Constable Burr, who was then working out of the Acre police station, gave an account of the same episode in a letter to his parents. Along with the district commissioner, he was summoned to the scene while events were still unfolding. According to Burr, men from Kafr

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<sup>761</sup> Bowden, “Politics,” 171–72.

<sup>762</sup> High commissioner’s narrative of events for 7 February–9 March 1939, 24 March 1939, CO 733/398/2. Needless to say, the truth of the British reckoning should not be taken for granted. The high commissioner’s report failed, for example, to mention the killing of an Arab boy on 19 February in the village of Jaba’. Geoffrey Morton recorded in his diary for that date: “0900: Reported that during last night, a detachment of Border Regt. entered Jaba village to arrest gangsters alleged to be holding a meeting. A figure seen running away, was shot and found to be a boy who died later.” See: Papers of G.J. Morton CPM BEM KPM, PP/MCR/390, IWM

<sup>763</sup> David W. Irving to the bishop in Jerusalem, 28 February 1939, JEM, GB165–0161, Box 62, File 1, MECA



Yasif did, in fact, plant the first of two landmines. But this was in response to British troops pursuing an interloper into their village and then brazenly shooting four bystanders. The soldiers were leaving the village when this first landmine detonated, killing two of them (Burr claimed). They then re-entered Kafr Yasif and “destroyed the whole village.” There were no killings, but there was also no one to kill; the villagers had fled to the hills before the troops came back.<sup>764</sup> Having laid waste to Kafr Yasif, the soldiers were again en route to their base when they rolled over a second landmine. This prompted them to attack another village in the vicinity (Kuwaykat), whose inhabitants had no time to evacuate. Burr put the minimum figure of Arab dead at Kuwaykat at twenty-five.<sup>765</sup>

The high commissioner’s own passing reference to this fiasco was less sensational and more exculpatory:

Two villages adjacent to the scene of this crime were subsequently searched by troops. In one of them eight Arabs were killed and in the other about 50 houses were burnt down owing to the ignition of a quantity of gun powder or similar material in a house which was being demolished.<sup>766</sup>

At least some in the Colonial Office found this account dubious. One reader of MacMichael’s report scribbled in the margin, “This sounds as though the troops went wild and ‘savaged’ the villages—a not unknown procedure, one hears.” Another official added, “I agree ...”<sup>767</sup>

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<sup>764</sup> Burr did not detail the fate of the four men on horseback. It is therefore possible that the British did kill several men in Kafr Yasif.

<sup>765</sup> British Constable Sydney Burr, IWM 88/8/1

<sup>766</sup> High commissioner’s narrative of events for 7 February–9 March 1939, 24 March 1939, CO 733/398/2

<sup>767</sup> CO 733/398/2

The above-mentioned missionary, who stayed in Shefa 'Amr in April 1939, also visited Kafr Yasif shortly thereafter. For fear of giving the “wrong impressions,” he declined the villagers’ offer to show him the burnt houses. Nevertheless, he recorded:

I was deeply moved by the obvious needs of these people, and also by their telling me that they considered themselves fortunate as compared with other villages where men had been killed during the searches by the Troops.<sup>768</sup>

The supine British newspapers, the silent Palestinian press, and the absent bishop and Miss Newton all but ensured that the piteous stories of Kafr Yasif and Kuwaykat, not to mention those of “other villages,” would go untold—at least for the time being. Decades later, the anthropologist Ted Swedenburg and the historian Sonia Nimr met with a former rebel from Kuwaykat. The man, 'Ali Husayn Baytam, began the interview by removing a sheet of paper from his pocket. On it were the names of the men from his village whom the British had slain in 1939. Swedenburg later recalled, “He had kept the list with him for about forty years, hoping to meet someone who would record the names in a book.”<sup>769</sup> He also noted, “It was this massacre, typical of peasant experiences during the revolt, that 'Alî insisted that we preserve for posterity before he would discuss anything else.”<sup>770</sup> Swedenburg and Nimr’s encounter with 'Ali gives some indication of the extent to which the British succeeded in smothering Arab Palestinian voices, to say nothing of Arab Palestinian lives.

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<sup>768</sup> Unsigned letter from missionary beginning “My wife and I ... ,” 5 May 1939, JEM, GB165–0161, Box 62, File 1, MECA

<sup>769</sup> Swedenburg, *Memories of Revolt*, 107. 'Ali Husayn Baytam’s list indicated that the massacre had occurred in April 1938, but his subsequent conversation with Swedenburg and Nimr made clear that the events to which he referred were those of February 1939.

<sup>770</sup> *Ibid.*, 109.

## **The Arab descent (with British help) into civil war**

Apart from a pliable press and the removal from Palestine of gadflies such as the bishop and Miss Newton, the British also benefitted from an emerging civil war within the Arab Palestinian community. On the one hand, this Arab infighting resulted from longstanding rivalries (that between the Husaynis and Nashashibis, above all) and more recent blood feuds born of rebel ruthlessness.<sup>771</sup> Thus, among the so-called “peace bands” that began operating against the rebels in 1938 were the relatives of Arabs put to death by rebel courts.<sup>772</sup> Farid Irsheid of Jenin led one of these armed groups. His brothers, Ahmad and Muhammad, had been killed in the wave of rebel executions of supposed traitors in May 1938.<sup>773</sup> Irsheid, however, was part of a larger network of “peace bands” of which Fakhri Nashashibi—the cousin of NDP head Ragheb Nashashibi—was the chief architect. And, as Amnon Cohen observes, “A central source of Nashashibi’s strength was his links to the British military, especially in air force intelligence, which had been assigned the task of gathering information that could be used in repressing the revolt.”<sup>774</sup>

Regarding these intra-Arab conflicts, there were two historical scenarios into which the British might have insinuated themselves: one in which the Arab Palestinian political community

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<sup>771</sup> Gelber, *Growing a Fleur-de-Lis*, 233. In a December 1937 article, *Al-Jami'a al-Islamiyya* warned its readers that rebel excesses could lead to reprisals, asking: “Who ensures that the spirit of revenge will not awaken among the injured and the animosity will not encounter counter-animosity, and only Allah knows what these actions will lead to.” See Kabha, *The Palestine Press*, 215–16.

<sup>772</sup> Kabha, “The courts of the Palestinian Arab revolt,” 209.

<sup>773</sup> Cohen, *Army of Shadows*, 152–53. It was Irsheid who would ultimately furnish the British with the intelligence needed to locate and kill one of the top rebel commanders, ‘Abd al-Rahim al-Hajj Muhammad, in March 1939.

<sup>774</sup> *Ibid.*, 153; Porath, *Riots to Rebellion*, 256.

was evenly divided, with comparable degrees of popular support on either side; and the other in which one of the sides held a sizable popular mandate, while its adversary did not. British intervention under the latter circumstance would likely carry greater causal weight than it would under the former. That is, London might exacerbate a civil war between evenly matched partisans, but it might help *generate* a civil war between *unevenly* matched partisans by throwing its ample weight behind the weaker party. And this is in fact what occurred.

After dining with cabinet member Walter Elliot on 18 January 1939, Blanche Dugdale recorded in her diary: “The Cabinet is divided into ‘Husseinis’ and ‘Nashashibis’—that is to say those who think peace with the Mufti the most important, and those who say that it is impolitic to ignore the moderate party ...”<sup>775</sup> The “Nashashibis” at the cabinet level, however, harbored no illusions about the political stock of their “namesake.” Fakhri had some support among lower level officials, such as the district commissioner of Galilee, Alec Kirkbride.<sup>776</sup> But the high commissioner himself regarded Ragheb, Fakhri, and the NDP as marginal political players, whose popular base was insignificant compared to that of the mufti.<sup>777</sup> MacMichael juxtaposed an anti-mufti memorandum that Fakhri sent him (as well as the public via *The Times* and *The Palestine Post*) in November 1938 with the nearly 200 pro-mufti letters he received in response to the memo. The letters came “from all parts of Palestine and [bore] the names of persons in different walks of life ranging from Mayors, Municipal Councillors, [and] Christian and Moslem

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<sup>775</sup> Rose, *Baffy*, 119–120.

<sup>776</sup> Black, *Zionism and the Arabs*, 391.

<sup>777</sup> MacMichael considered Fakhri in particular to be “rather a disreputable individual with nothing like the following he suggests.” See: HC to CS, 20 January 1939, FO 371/23220

religious dignitaries to shopkeepers.”<sup>778</sup> When Fakhri staged a demonstration in the village of Yatta, British officials and military men attended and a local sheikh pledged his support for the government. But the CID deemed the meeting a “show” that “obviously lacked spontaneity [*sic*].”<sup>779</sup> GOC Haining expressed a similarly low estimation of Nashashibi credibility.<sup>780</sup> As did Major General Bernard Montgomery.<sup>781</sup> And as *The Times* correspondent in Jerusalem reported in January 1939, Palestinians themselves were

bewildered by the reports that the British Government may not be content with the Mufti’s delegates [to the proposed conference in London] and that Arabs abroad are taking the claims to representation of the Nashashibi Party of National Defence quite seriously.<sup>782</sup>

The British strongly suspected that the Jewish Agency was financing Fakhri’s efforts in late 1938. While this was not true, Fakhri did solicit money from the Agency.<sup>783</sup> And he was apparently in the pay of Pinhas Rutenberg, the former president of the Va’ad Leumi and founder of the Palestine Electric Company.<sup>784</sup> The British themselves were meanwhile subsidizing the activities of Fakhri ‘Abd al-Hadi, another prominent “peace band” leader and former rebel.<sup>785</sup>

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<sup>778</sup> HC to CS, 19 November 1938 and 29 November 1938, CO 733/386/22

<sup>779</sup> HC to CS, 23 December 1938, FO 371/23219

<sup>780</sup> “Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan, period 1st November, 1938 to 31st March, 1939,” 24 April 1939, pp. 2–3, CO 733/404/2

<sup>781</sup> “Notes for C.I.G.S.—February 1939,” WO 216/111. According to Montgomery: “It should be clearly understood that the Defence Party (the Nashashibi faction) has little or no following in northern Palestine. The bulk of the population looks to the Mufti and would do whatever he said.”

<sup>782</sup> “War on terrorists in Palestine,” 23 January 1939, *Times of London*

<sup>783</sup> Black, *Zionism and the Arabs*, 391.

<sup>784</sup> *Ibid.*, 392; Rose, *Baffy*, 119.

<sup>785</sup> Porath, *Riots to Rebellion*, 252–53.

According to Zionist intelligence, ‘Abd al-Hadi’s activities included a good deal of robbery, in addition to his otherwise “cruel” and “merciless” treatment of enemies.<sup>786</sup> Beyond the government’s underwriting of the “peace bands,” British forces actually fought alongside them, as did Jewish forces.<sup>787</sup>

That the primary organizers of the “peace bands” depended on the material support of Zionists and the British government indicated the paltry level of popular support they enjoyed. While vendettas against rebels were both real and common, the British understood that the military’s tactical support of the “peace bands,” like the larger counterinsurgency effort, was critical to the destabilization and ultimate defeat of the rebellion.<sup>788</sup> As GOC Haining emphasized in January 1939: “... [the] disorganisation of the [rebel] machinery [is] due solely to intensive military activity. Any slacking off of this activity ... would in the circumstances that now exist inevitably lead to a reorganisation of rebel ranks.”<sup>789</sup> Montgomery concurred, writing, “... our intensive operations have split up the large gangs ... But until we have collected the last remnants the rebellion cannot be said to have been stamped out. We have therefore got to keep at it and not relax the pressure.”<sup>790</sup> As late as April 1939, Haining was adamant that although “rebel activity has been small and there has been no major encounter,” it was nevertheless “essential that there should be no relaxation of military pressure after publication of Government’s proposals.”<sup>791</sup>

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<sup>786</sup> Danin, *Te‘udot u-demuyot*, 90.

<sup>787</sup> Kabha and Serhan, *Sijl al-Qada wal-Thuwwar wal-Mutatawi‘in*, 87.

<sup>788</sup> Gelber, *Growing a Fleur-de-Lis*, 233.

<sup>789</sup> HC to CS, 12 January 1939, FO 371/23220

<sup>790</sup> “My dear Bill ... ,” 1 January 1939, WO 216/111

<sup>791</sup> GOC to WO, 8 April 1939, CO 733/404/2

## **The conference at Saint James**

On 7 February 1939, the long awaited conference opened in London at St. James Palace. It was ostensibly a forum in which the British government would negotiate its way to an understanding with Jews and Arabs regarding the future of the mandate. As noted, however, London had already decided upon a new policy in Palestine, and had no intention of being diverted from it. In the same month, the colonial secretary laid out the strategic rationale for a new British policy in Palestine:

- (a) Palestine gives us a footing in the Eastern Mediterranean; without it we should be limited to Cyprus only in this area.
- (b) Palestine is of great importance as a “buffer” state between our vital interests on the [Suez] Canal and possible enemies to the northward.
- (c) In twenty years’ time the Anglo-Egyptian Treaty will be due for revision, and it might well be that, after that time, we should no longer be able to maintain troops in Egypt. In that case it would be of the greatest value for us to be able to keep troops in Palestine as an Imperial reserve for the Near and Middle East.
- (d) Owing to the alteration in conditions in the Mediterranean and Italy’s position in the Red Sea, Palestine has increased in importance as a link in our Lines of Communication to and from the East. There still remains the necessity for the protection of our interests in Iraq, which include the important Royal Air Force Base at Dhibban. The overlap [illegible] via Iraq and Palestine might also prove essential [illegible] for the re-inforcement of Egypt, in the event [illegible] passage through the Mediterranean and Red Sea [illegible] too hazardous.
- (e) The protection of the pipe-line to Haifa depends upon the maintenance of internal security in Palestine.<sup>792</sup>

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<sup>792</sup> CS to HC, 24 February 1939, CO 733/371/6

The British were committed to this new strategic framework, which made the overriding priority in Palestine “internal security.” They would be thwarted by neither Arab nor Jewish recalcitrance at St. James. However, British officials were also concerned to temper their interlocutors’ various demands, so as to ensure as smooth a transition as possible to the new policy. Of course, Jewish demands were, in a sense, irrelevant. London’s snubbing the Zionists was unlikely to cause them to turn against the British empire, certainly not when it appeared to be on a collision course with Nazi Germany.<sup>793</sup> Rather, as the previous three years made plain, thwarted Arab demands were the cause for concern. The British thus pushed, as they had in 1936, for Arab leaders from the surrounding states—whom they regarded as more moderate than the Palestinians—to become involved in the government’s negotiations with the Palestinian leadership. The obvious hope was to dilute Palestinian ultimatums to the point that ceding to them would cost the British nothing. When Arab statesmen persuaded Amin al-Husayni (still in exile and forbidden to enter London) to permit Nashashibi representatives to attend the conference, the strategy seemed to have borne fruit.<sup>794</sup> The Arabs also eventually agreed to meet privately (and unofficially) with the Jewish delegates, thus circumventing the Palestinians’ refusal to do the same.

The first such meeting took place on 23 February 1939, with mixed results. Among the Arabs present were Nuri al-Said and Tawfiq al-Suwaydi, the Iraqi prime and foreign ministers, respectively. The primary Jewish spokesmen were Weizmann and Ben Gurion. MacDonald, Foreign Secretary Halifax, eastern department head Charles Baxter, and several other high British officials were also in attendance. A Foreign Office summary of the meeting stated that it

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<sup>793</sup> Hurewitz, *The Struggle for Palestine*, 99–100.

<sup>794</sup> Lesch, *Arab Politics*, 125.



“started well,” but that it ended in a “strained atmosphere” due to “two rather ill-advised speeches by Mr. Ben Gurion and Dr. Wise [*sic*] ... ”<sup>795</sup> The occasion for the informal gathering was supposed to have been a discussion regarding the constitution of the future Palestinian state. But the Arabs considered Jewish immigration the first order of business. Tawfiq al-Suwaydi argued that “the admission of the right of Palestine to independence was incompatible with the conception of further [Jewish] immigration,” which would only facilitate the Zionist plan to create “a majority and a government in Palestine.”<sup>796</sup> Neither al-Suwaydi nor ‘Ali Mahir, the head of the Egyptian delegation, was able to say much more before Weizmann and Ben Gurion broke in with their “ill-advised” remarks. Among these was Ben Gurion’s statement that while “it was legitimate for the Government and people of Egypt to say whether or not they would accept further [Jewish] ‘guests’ within their frontiers ... this was not the case with Palestine.” In any case, added Rabbi Stephen Wise, there was no need for the Arabs to worry. Ignoring the surging Jewish population in Palestine, Wise claimed that he “could not understand what had happened since the [First World] War to have excited [the Arab] fear of domination ... ”<sup>797</sup> If it had not been clear previously, it was now: a “great gulf fixed” separated the Arab and Jewish sides. The meeting adjourned with no agreement other than that there should be another meeting.

It was not until early March that one of these informal gatherings generated a fleeting ray of diplomatic hope. When ‘Ali Mahir suggested (again) that the foundation of future Jewish-

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<sup>795</sup> “Palestine Conferences: informal discussion with Arab and Jewish delegates,” 27 February 1939, FO 371/23225

<sup>796</sup> Ibid.

<sup>797</sup> Ibid. Only minutes before, ‘Ali Mahir had observed, “At the end of the War Palestine’s population was about 92 per cent. Arab and 8 per cent. Jew.” By 1939, these figures stood at approximately 70 and 30, respectively. See: Statistical Abstract of Palestine, 1939, ISA.

Arab cooperation was a halt to Jewish immigration, Weizmann replied in a surprisingly favorable tone, stating: “We can reach an understanding in this spirit ... If we are told that an agreement can be reached by slowing down immigration a little, we will find common ground for negotiations.”<sup>798</sup> Although an autonomous Arab state in Palestine remained unacceptable to MacDonald, he expected that granting the Arabs “the form rather than the substance” of political autonomy might elicit concessions from them on the matter of Jewish immigration.<sup>799</sup> He was therefore thrilled at Weizmann and Mahir’s apparent breakthrough, rejoicing, “This meeting has achieved something.”<sup>800</sup> Alas, even as Weizmann extended the olive branch, Ben Gurion snatched it away, telling MacDonald, “ ... there can be no question of slowing down immigration.” On the contrary, he suggested, immigration should be accelerated.<sup>801</sup> Weizmann fell back in line. Ben Gurion, meanwhile, advanced the idea of joining a Jewish Palestine to an Arab federation. Needless to say, this proposal sat poorly with the Arabs.<sup>802</sup>

The formal meetings of the Jewish delegation with British officials proved equally unproductive. In the fourth such forum on 13 February, Weizmann declared that High Commissioner Wauchope ought not to have coddled the Arabs in 1936, that the Balfour Declaration had a divine warrant, and that the British should force it upon the Arabs—with

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<sup>798</sup> Michael Bar-Zohar (trans. Len Ortzen), *The Armed Prophet: A Biography of Ben Gurion* (London: Arthur Barker, 1967), 64; Bar-Zohar, *Ben-Gurion*, 94–96.

<sup>799</sup> Cohen, *Palestine: Retreat from the Mandate*, 76–77.

<sup>800</sup> Bar-Zohar, *The Armed Prophet*, 64.

<sup>801</sup> *Ibid.*

<sup>802</sup> Lesch, *Arab Politics*, 152–53.

bayonets, if necessary.<sup>803</sup> (The same sentiments were widely expressed among Jews generally in Palestine.<sup>804</sup>) Ben Gurion chided MacDonald that if British force was not employed in support of the Zionist program, it would have to be employed against it. “Only British bayonets can *prevent* the immigration of Jews,” he announced.<sup>805</sup>

Weizmann also brazenly tossed the issue of democracy—which MacDonald had raised with the Zionists when explaining his proposal to limit Jewish immigration—back into the lap of the colonial secretary. According to MacDonald’s notes of the 13 February meeting:

Government by consent, as [Weizmann] had said before, was an ideal. Few countries to-day approximated to it, and he thought it was somewhat rash for the Secretary of State to expect it of Palestine. But were the British themselves in Palestine by the consent, or even the acquiescence of the Arab population?<sup>806</sup>

Weizmann may have elected to reprise the theme of British hypocrisy based on the rhetorical success it had yielded him a few days prior. Blanche Dugdale wrote of that earlier St. James meeting in her diary on 11 February: “MacDonald ... talked a lot about the ‘natural right’ of the Arabs, and how the Jews had been let in without their consent ... Chaim, listening, became inspired ... He asked, à propos of ‘consent’—by whose consent are we in India—or Egypt?” This and an immediately subsequent remark rendered the secretary speechless. Dugdale exulted, “All

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<sup>803</sup> “Palestine Conferences: meeting with Jewish Agency Delegation: Secretary’s notes of the 4th meeting with the Jewish Agency Delegation held on 13th February,” 15 March 1939, FO 371/23228

<sup>804</sup> High commissioner’s narrative of events for 7 February–9 March 1939, 24 March 1939, p.7, CO 733/398/2

<sup>805</sup> Teveth, *Ben-Gurion and the Palestinian Arabs*, 193. My emphasis.

<sup>806</sup> “Palestine Conferences ... 13th February,” 15 March 1939, FO 371/23228

the dialectical honours fall, so far, to the Jews.” She added, however, that the Jews themselves considered such verbal victories hollow.<sup>807</sup>

On 15 February, MacDonald at last laid before the Jewish delegation the government’s plan for future immigration into Palestine. Not surprisingly, the delegation rejected his proposal that a limit be placed on Jewish immigration going forward, and that the Arabs be given a veto over Jewish immigration above that quota. Any such plan, the Jews reasoned, would surely be the death of the Zionist dream; that is, of a Jewish Palestine.<sup>808</sup>

As Weizmann had cast aspersions on the British empire’s democratic credentials, so Ben Gurion now questioned its vaunted association with law and order. Arguing that the colonial secretary’s proposal amounted to a “law by which the Mufti would have the right to exclude the Jews from Palestine,” Ben Gurion declared himself bound to “something ... higher than the law.”<sup>809</sup> While this statement had celestial connotations, Ben Gurion put the point in earthly terms to his wife. The Zionists’ dispute, he wrote her, was not so much with “the British government” as it was with “the holder of the Mandate given to it by fifty nations.”<sup>810</sup> Given the international legal order, he implied, any unqualified identification of the British empire with law and order was facile. This was a new tack—for the Zionists. The Arabs had been pressing the same point for years. And Ben Gurion no doubt appreciated this fact. In the 23 February meeting, his exchange with ‘Ali Mahir had touched on the matter of laws international and “higher”:

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<sup>807</sup> Rose, *Baffy*, 122–23.

<sup>808</sup> Cohen, *Palestine: Retreat from the Mandate*, 76.

<sup>809</sup> Rose, *Gentile Zionists*, 184.

<sup>810</sup> Ben-Gurion, *Letters to Paula*, 229.

ALY MAHER PASHA intervened to ask what Mr. Ben-Gurion meant in calling Palestine the Jews' "own country".

MR. BEN-GURION said that the world admitted the historical connection of the Jews with Palestine dating back over 3,000 years.

ALY MAHER PASHA enquired whether they held that this was a valid claim under international law.

MR. BEN-GURION replied that it was so recognised in the Mandate, which was an international instrument.

ALY MAHER PASHA remarked that the Arabs at one time in history achieved wonders in Spain, but that they laid no "historical claim" to that country.<sup>811</sup>

ʿAli Mahir was playing the same game as Ben Gurion; that is, he was drawing the legitimacy of the legal order into question. And like Ben Gurion, he was doing so in two registers: international law and "higher law." When Ben Gurion appealed to international law both to fend off the Arab claim on Palestine and to insist that the British fulfill their duty as described in the mandate instrument, ʿAli Mahir invoked a still higher law, subtly suggesting that any "law" violating it was itself suspect. In reply to Ben Gurion's reference to the mandate instrument, ʿAli Mahir suggested that the principle contained therein—"legal" or not—was absurd, as demonstrated by the corresponding Spanish case. But ʿAli Mahir himself invoked international law on behalf of the Arabs, both in questioning Ben Gurion and earlier in the meeting, when he averred:

Great Britain never had the right to dispose of Palestine. There was no right of conquest, as the Arabs had been on the side of Great Britain in the War. There had been no notification on the British side that Palestine would be annexed. On the contrary, there was the Mandate which made it clear that Great Britain was not the owner of Palestine. Not having rights of ownership, she could not transfer such rights to the Jews.<sup>812</sup>

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<sup>811</sup> "Palestine Conferences: informal discussion with Arab and Jewish delegates," 27 February 1939, FO 371/23225

<sup>812</sup> Ibid.

Unfortunately for Ben Gurion, 'Ali Mahir's argument from international law was now that of His Majesty's Government. By February 1939, as N.A. Rose observed, "It required considerable semantic skill to differentiate between the Arab and the government case."<sup>813</sup>

Needless to say, the conditions of the conference were hardly propitious. Indeed, the three-way negotiations were so delicate that a single government indiscretion was sufficient to cause their collapse. MacDonald had proposed that a second conference be convened in August 1939, during which Arab and Jewish delegates could work out a constitution for the future Palestinian state. In the period preceding the completion of the constitution, the high commissioner would bring Jewish and Arab leaders onto his executive council in a (largely symbolic) advisory capacity. MacDonald's initial plan was for equal numbers of Arabs and Jews to sit on the council. But the Jewish delegation soon learned that he had privately conceded to the Arab demand for a 3:2 ratio of Arabs to Jews. Simultaneously, the delegation mistakenly received a copy of MacDonald's most recent proposal to the Arabs. It offered to shorten the period of Jewish immigration preceding the Arab veto from ten to five years, after which Palestine would gain independence. For the Zionists, this was the last straw.<sup>814</sup> On 1 March, they formally withdrew from the conference, although they continued to participate informally.<sup>815</sup>

Two weeks later, on 15 March, the German army invaded Czechoslovakia. The same day, at St. James, MacDonald tabled the final British proposals for Palestine. For the British, the day's

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<sup>813</sup> Rose, *Gentile Zionists*, 183. Weizmann, Ben Gurion, Shertok and Brodetsky had, by then, privately acknowledged amongst themselves that "... the colonial secretary ... although clothing [his statements] in the form of arguments as advanced by the Arabs, conveyed the impression that in reality he was speaking the government's own mind." See: Rose, *Gentile Zionists*, 184, 198 (footnote 22); Haim, *Abandonment*, 138.

<sup>814</sup> Cohen, *Palestine: Retreat from the Mandate*, 76–78.

<sup>815</sup> Bethel, *Palestine Triangle*, 62–63.

events in central Europe confirmed the wisdom of His Majesty's new policy in the mandate. But for the Arabs and Jews, MacDonald's proposals formed a Gordian knot, which neither delegation could cut. Crucially, they made Jewish immigration above 75,000—spread out over the next five years—contingent upon Arab approval, while making Palestinian independence in the form of an Arab-majority state—to be granted ten years hence—contingent upon Jewish approval.<sup>816</sup> Of course, neither party would assent to both conditions.<sup>817</sup> Ben Gurion wrote his wife:

... the Arab countries were inclined to accept the proposals, but the Palestinian Arabs were vehemently opposed to them, and in my opinion rightly. Although these proposals take almost everything away from us, they give the Arabs nothing, and it is obvious that the Arabs will also turn them down.<sup>818</sup>

The remaining members of the Jewish delegation departed London on 16 March.

### **The shifting criminological mosaic of the revolt**

From this point forward, the shifting criminological mosaic of the revolt settled into a new picture. For their part, leading Zionists came decisively to regard the British government's touted commitment to law as a ruse. In the aftermath of the conference, Weizmann accused MacDonald

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<sup>816</sup> Ibid., 55–56.

<sup>817</sup> The British pretense was that the hard task of negotiating would now, for the first time, be truly devolved upon the Jews and Arabs themselves. In other words, without the British around to help them (for the British would soon be gone), the Jews and Arabs would be compelled to come to an understanding. As MacDonald explained to Weizmann: “... sometimes the only way to get an agreement between two people [is] to close the door on them. If the door [is] left open, one of them [is] liable to slip out.” See: “Note of Conversation between Mr. MacDonald and Dr. Weizmann at 3 p.m. on Tuesday, 14th March, 1939,” FO 371/23230

<sup>818</sup> Ben Gurion, *Letters to Paula*, 236–37.

of “betraying the Jews ... under a semblance of legality.”<sup>819</sup> To Leopold Amery, the former colonial secretary and conservative imperialist, Weizmann wrote bitterly,

I wonder whom an enlightened judge would charge with illegal behaviour—the unfortunate Jews who are fleeing from the hell which is Central Europe, to the country where a National Home was promised to them, or the Government which, despite its solemn pledges and international obligations, is imposing arbitrary restrictions on Jewish immigration and is driving the wretched victims of its policy into the open seas.<sup>820</sup>

As far as Weizman was concerned, the government’s actions deprived it of “every basis [of] legality,” rendering it a “purely coercive agency.” The Jews were “bound,” he declaimed, “[to] resist with every resource at their disposal.”<sup>821</sup> Without calling for violent action, the Histadrut issued a manifesto in late April calling on Jews everywhere to “aid in a campaign of resistance to any limitation on the National Home.”<sup>822</sup> Ben Gurion meanwhile spoke to the Haganah leadership, telling them: “Until now, we have acted according to the spirit of the law. From now on, some of our activities will be directed against the law and with the aim of making that law powerless.”<sup>823</sup> He did not mean strikes or demonstrations, as a 6 March letter to his wife made clear. Rather, he intended for the Jews to adopt the same course of action as the Arabs had in the period leading up to 1936: first, non-participation in the political institutions that would eventually constitute the Palestinian state; and second, violent resistance.<sup>824</sup>

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<sup>819</sup> Bethel, *Palestine Triangle*, 67. The words quoted are Bethel’s.

<sup>820</sup> Litvinoff and Rose, *Letters and Papers, Volume XIX*, 45.

<sup>821</sup> *Ibid.*, 67.

<sup>822</sup> Summary of events for 10 March–8 July 1939, 21 July 1939, p. 5, CO 733/398/3

<sup>823</sup> Bar-Zohar, *The Armed Prophet*, 65.

<sup>824</sup> Ben Gurion, *Letters to Paula*, 236.



Of course, revisionist Zionists were out in front of Ben Gurion with regard to violent resistance, at least as it pertained to Arabs. While the Haganah braced itself for future armed conflict, its revisionist competitor, the Irgun Zvai Leumi (National Military Organization), launched attacks.<sup>825</sup> Militant Zionists killed 32 Arabs in a single day in late February.<sup>826</sup> The coordinated offensive shocked even the jaundiced Burr, who wrote his parents, “I have been out here some time now but have never seen such a holocaust and slaughter as happened that day.”<sup>827</sup> In March, the Irgun began broadcasting from a clandestine radio station, boasting of its assaults on Arabs.<sup>828</sup> “Radio Liberated Zion” also featured accounts of the Irgun’s executions of Jewish “traitors” and sabotage of government property. A broadcast from early June 1939 rattled off the prior month’s exploits. The text of the transmission gives a sense of the organization’s grim determination:

Hallo, Hallo. This is Radio Liberated Zion! The National Military Organization ... JERUSALEM DISTRICT. 29.5.39. Two bombs were hidden in an Arab cinema in Jerusalem—the fragments of which caused injury to 18 persons (13 Arabs, 3 British Constables, and 2 Jewish youth [*sic*]—a boy and a girl—who went there to enjoy themselves in the company of Arabs) ... Damage estimated at over £P2,000 was done. Simlutaneously, Corporal Polanski was shot at and

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<sup>825</sup> The Irgun had its origins in “Haganah B,” an offshoot of the original Haganah. Haganah B was established by non-socialist Zionists who resented the ascendancy within Haganah of Mapai and Histadrut members. Members of Betar—the party of revisionist leader Ze’ev Jabotinsky—dominated Haganah B. But an agreement reached between Haganah and Haganah B in 1936 alienated many Betaris, who consequently set up their own underground military organization, the Irgun. The Irgun and Betar were, nevertheless, not the same entity. The former’s commitment to violence and radical-right nationalism more generally was opposed by Jabotinsky, who, while fond of promoting a “psychology of shooting,” nevertheless drew back from what he regarded as excessive militarism. See: Shapiro, *The Road to Power: Herut Party in Israel*, 49, 53–54.

<sup>826</sup> “Reprisals in Palestine,” 28 February 1939, *Times of London*; Haim, *Abandonment*, 145.

<sup>827</sup> British Constable Sydney Burr, IWM 88/8/1

<sup>828</sup> Boyd, “Hebrew-language,” 108.

he died later. He was a trickster in the pay of the Jewish Agency and the C.I.D. His was a death sentence. He was the second traitor to be done away with ... At 0900 hours [30 May] a bomb exploded beyond the Tower [of] David and 9 Arabs were killed, 40 were injured, of whom only 5 died. We regret having disturbed the High Commissioner while he was spending his time at the King David Hotel during these explosions.<sup>829</sup>

As the latter attack indicated, the Zionists' charge of British criminality had by no means eclipsed their charge of Arab criminality. While MacDonald broke bread with the same Palestinian Arabs he had, only months before, deemed "agitators" (whose "bandit" minions were of "no genuine political significance"), Zionist leaders unequivocally condemned the government's reversal. The Jewish Agency's Leo Kohn spoke for many when he declared:

If the British Government accepts as the representatives of the Arabs those who, under the cloak of a "national revolt" have let loose on the country bands of gangsters and adventurers, hired with the money of foreign powers, who, by murder, torture and blackmail have terrorised the peaceful Arab population into silence and turned the country into a shambles, then it will not be very long before similar "national revolts" flare up in other corners of the empire.<sup>830</sup>

While leading Zionists increasingly accused the British, along with the Arabs, of lawlessness in Palestine, the British responded in kind. Thus, a term hitherto reserved for revisionists began to feature in officials' descriptions of leading mainstream Zionists; namely, "extremists." In an early March cabinet briefing, the colonial secretary contrasted Weizmann with "Mr. Ben-Gurion and Mr. Shertok, and other extreme Zionists."<sup>831</sup> Hints of this change of tone vis-à-vis official Zionism were already surfacing in late 1938. In a December summary of

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<sup>829</sup> No. 373/2/G/S, 13 June 1939, CO 733/398/3

<sup>830</sup> Black, *Zionism and the Arabs*, 399–400.

<sup>831</sup> Cabinet Conclusions (Extract), No. 10 (39), 8 March 1939, FO 371/23229

events, MacMichael remarked that “in some respects His Majesty’s Government has to face extremism in Jewry as fully developed as it is among the Arabs.”<sup>832</sup> By June 1939, he was warning MacDonald that “the more thoughtful and decent elements” of the Yishuv were “definitely outweighed ... by the more ardent political Zionists and extremists ... ”<sup>833</sup> Of course, official Zionism had not changed; British policy had. The Jews simply found themselves on the wrong side of a labile law.

On 17 May, the government made its policy reversal in Palestine official. It published a white paper that limited the Jewish population of Palestine to one-third of the total. This translated to a cap of 75,000 Jewish immigrants over the next ten years, after which Palestine would be granted independence and any further immigration would be subject to Arab approval. Jewish protest marches took place throughout the country on 18 May. In Jerusalem, they turned riotous.

If the Jewish leadership in Palestine were at all uncertain of the new criminological state of affairs in Palestine, GOC Haining now clarified matters for them. He summoned Ben Gurion, Bernard Joseph, Va’ad Leumi chair Yitzhak Ben Zvi, and several other leading Zionists to 7th division headquarters on the morning of 19 May. Referring to the death of a British policeman in the course of the previous day’s disorders, Haining sternly warned the men,

If murder takes place like this there can be no forbearance again. I am responsible for law and order and I carry it out impartially for both Jew and Arab ... Impartiality is my motto, force is my weapon where force is needed; the maintenance of law and order is the objective ...

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<sup>832</sup> Summary of events for 9 November–15 December 1938, 29 December 1938, CO 733/398/2

<sup>833</sup> HC to CS, 2 June 1939, CO 733/398/3

there must be no more rioting in Jerusalem. But if blood is shed that blood will be on the head of the Jews.<sup>834</sup>

Haining's remarks embodied the implicit British response to Ben Gurion and Weizmann's claims vis-à-vis a "higher law": there was no law higher than the British. The lawbreaker might change, but never the lawmaker.

And yet, the British self-identification with law and order was not a mere tautology. It involved a certain conception of British behavior, to which Haining referred when he assured Ben Gurion and the others that British police in Jerusalem "did not fire a shot" and exercised "the utmost restraint." But as the Arabs had before them, the Jews quickly came to appreciate the peculiar nature of British "impartiality" and "forbearance." Despite Haining's claims regarding the "restraint" police had shown in the course of the riots in Jerusalem, the executive committee of the Magen David Adom (the Red Shield of David, or First Aid Society) reported numerous instances of British police beating up and otherwise interfering with emergency workers tending to wounded Jews.<sup>835</sup> Two days later, another Jewish victim of police brutality filed a complaint, which included the names of several witnesses that could verify his statements.<sup>836</sup>

In fact, the British intensification of repression in the mandate from late 1938 forward was accompanied by a general deterioration of police discipline. Evidence of the latter development may be culled from the writings of Constable Burr, who made routine reference to police unruliness. In an undated letter from March or April 1939, for example, Burr noted in passing, "The police menace out here is still very critical and about twenty a week are getting the

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<sup>834</sup> CZA S25/7654

<sup>835</sup> Executive committee of Magen David Adom to inspector general of police, 19 May 1939, CZA S25/7654

<sup>836</sup> "Complaint against British constables," 21 May 1939, CZA S25/7654

sack and being sent home.”<sup>837</sup> High-ranking military officials were aware of the problem. In a letter to the deputy chief of the imperial general staff (DCIGS), Major General Bernard Montgomery, the commander of the eighth division in Palestine, disclosed:

The [police] are badly looked after and badly housed. Their officers take no interest in them. They (the men) are drinking very heavily. The real trouble is that the senior officers in the Palestine Police are utterly and completely useless. Furthermore the organization is basically unsound; there is no proper chain of command which enables responsibility to be fixed when things go wrong ... The matter is urgent. Strong action requires to be taken at once ... I gave my views as above, with [GOC Haining’s] full agreement, to the High Commissioner when he was last in Haifa ... We do not want it said later that when we had the Police under our orders we never told the civil government what was wrong with its Police Force.<sup>838</sup>

In his response to Haining’s concerns regarding the Palestine police, the high commissioner, before quibbling over certain details, acknowledged at the outset: “ ... neither Sir Charles Tegart nor I query the general tenor of the General Officer Commanding’s remarks.” MacMichael observed that, prior to their disarmament, the Arab members of the police force had been its “backbone.” Their replacements, he admitted, were “in effect ex-soldiers dressed in Police uniforms,” who had been “hastily selected in London and despatched in large numbers to Jerusalem.” In a remarkably candid passage, the high commissioner confessed, “In Sir Charles Tegart’s view, from which I have no reason to differ, the senior personnel in charge of police districts, with few exceptions, are unsuited for their duties.”<sup>839</sup>

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<sup>837</sup> British Constable Sydney Burr, IWM 88/8/1

<sup>838</sup> Montgomery to DCIGS, 6 January 1939, WO 216/111. Emphasis in original.

<sup>839</sup> HC to CS, 8 February 1939, CO 733/371/6

Under such conditions, lawless behavior among the police was a foregone conclusion. But while the high commissioner and general officer commanding pondered the means of addressing this problem, the government's overriding priority was to publicly deny the proliferating stories about police and troops' unchecked brutality in Palestine. The Colonial Office was eager to counter what it described as "the 'atrocities campaign' which certain Continental countries are endeavouring to hang upon the search for illicit arms in Palestine."<sup>840</sup> A memo drafted as a retort to accounts of British terrorism appearing in German and other hostile newspapers mocked the credibility of a "new crop of atrocity-stories invented about the conduct of British troops and police."<sup>841</sup> The government elected not to appoint a commission of inquiry to investigate the rampant charges of police and military misconduct, and made a point of communicating this decision to the Permanent Mandates Commission.<sup>842</sup> Many of the charges, however, were true.

As in 1936, the village searches troops and police conducted throughout the country were, in reality, something more than searches. Unlike in 1936, they were directed towards the recovery of weapons. Nevertheless, military leaders' emphasis on the searches' "moral effect" suggested that among their unspoken objectives was the terrorization of the population into obedience.<sup>843</sup> German and other newspapers' pictorial evidence of British forces' destructive escapades in the villages led the government, in March 1939, to enforce more strictly the

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<sup>840</sup> Professor Rushbrook Williams (Colonial Office) to Mr. Bowen, "Dissemination of authentic news regarding Palestine," 25 May 1939 and 6 June 1939, FO 395/654

<sup>841</sup> *Ibid.*

<sup>842</sup> "Alleged atrocities of British troops in Palestine," 17 June 1939, FO 371/23237

<sup>843</sup> See, for example: "Despatch on the operations carried out by the British forces in Palestine & Trans-Jordan. Period 1st November, 1938 to 31st March, 1939," 24 April 1939, CO 733/404/2

prohibition against filming and photographing of searches.<sup>844</sup> But even this measure could not prevent the spread of information regarding some of the more egregious incidents that occurred during searches.

After reading reports in the German press of British atrocities in the village of Halhoul (located in the Hebron district), Nevile Henderson, the British ambassador to Germany, cabled London from Berlin asking for the facts of the case. In its top-secret reply, the Foreign Office ruefully acknowledged, “Although the German press accounts of this affair are exaggerated, there is unfortunately some basis of truth behind [their] assertions.”<sup>845</sup> While searching Halhoul for arms, British troops, as they had many times before, placed the men of the village in an outdoor cage. On this occasion, however, the inmates languished in the sun-drenched enclosure for nearly a week, during which they were denied sufficient food and water. The thirst of some prisoners became so intense that they drank their own urine. In the end, between eight and ten men, most of them elderly, died of heat exhaustion.<sup>846</sup>

Elliot Forster, a British doctor who worked at St. Luke’s Hospital at Hebron, wrote in some detail about the Halhoul incident in his May 1939 diary entries. This particular debacle, however, was just one of several that he mentioned that month. On 14 May, he recorded:

Up in Jerusalem this morning we were talking to Ballard about Halhul. There seems to have been a good deal of upset about it (not really!) but even more about a village in the Jerusalem area called Beit Rima, where even more lurid things are said to have happened ... Ballard says

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<sup>844</sup> “Newsreel showing scenes in Palestine,” 22 March 1939, FO 395/653

<sup>845</sup> “Palestine: German press comments,” 15 June 1939, FO 371/23237

<sup>846</sup> HC to CS, 17 May 1939, FO 371/23237; Copy of letter to bishop from doctor (unsigned, but almost certainly Dr. Elliot Forster), 25 May 1939, JEM, GB165–0161, Box 62, File 1, MECA; May 1939 entries of the diary of Dr. Elliot Forster, JEM, GB165-0109, MECA

a man at Beit Rima died after a beating up [*sic*] by an officer. “He’s a known sadist” is the explanation. Then he oughtn’t to be let loose.<sup>847</sup>

Forster also noted on 4 May that two Arabs, one a young boy and the other an adult male, were brought to his hospital with gunshot wounds. Both, it appeared, had violated the curfew announced that day in Haifa. The boy had been shot through the stomach. He died three days later. Although the army attempted to blame the usual police indiscipline for his death, subsequent investigation determined definitively that both shootings were the work of the same military patrol. Forster, who by then had ample experience reporting such incidents to the authorities, concluded: “ ... it is to be presumed that some action will be taken against [the culprit]. Or will it redound to his glory?”<sup>848</sup>

In light of such realities, the Arab case against both the British and the Zionists was the one stationary piece of the above-mentioned criminological mosaic. As they had throughout the revolt, Palestinian rebels continued to draw attention to British repression and its causal correlation with the allegedly criminal rebellion. In April 1939, insurgents in Jerusalem calling themselves the “Central Committee of the Arab Revolt” posted a communication to British troops. It read in part:

To the British Police and the civilian-clothed among them: Acts which you are perpetrating on Arabs in the Old City and outside, surprising and mltreating [*sic*] the innocent, unwarrantedly hurting their feelings, are driving us unwillingly to meet your conduct with similar action ... if you still continue your ways of using harsh force, your persecution tactics will be met by equal force. Should you, however, revert to the honest way of executing your orders, the Arabs will resume their former attitude then ... You should always remember that we are freedom-seekers and want Palestine to remain Arab as you would want

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<sup>847</sup> Diary of Dr. Elliot Forster, 14 May 1939, JEM, GB165-0109, MECA

<sup>848</sup> See the May 1939 entries in *Ibid.*



England to remain English and Eire to remain Irish. that [*sic*] is what you openly declare, so, why not admit the Arabs' right to what they claim?<sup>849</sup>

As Haining had cautioned the Jews, so the rebels now effectively warned Haining: force is our weapon where force is needed.

While insurgents on the ground implored the British to forego coercion in the mandate, their ostensible representatives at St. James publicly set forth the case against the policy actuating the British resort to violence. In its official reply to the May white paper, the exiled Higher Committee deplored that while “the British were induced [at St. James] to recognize in principle the rights of the Arabs,” they nevertheless “could not be persuaded to submit practical proposals such as would lead to an agreement.”<sup>850</sup> The Arab leadership thus drew public attention to the form/substance distinction that the colonial secretary had hoped to smuggle past them (recall MacDonald's plan to grant the Arabs “the form rather than the substance” of sovereignty). With regard to the form specifically, MacDonald had proposed a phasing in of Arab and Jewish control over the political institutions that would comprise the future Palestinian state. Yet, as the AHC rightly pointed out vis-à-vis the substance, “the Jews will abstain from participating in any government which is not Jewish in order to obstruct the realization of independence.”<sup>851</sup> Again, as Haining had assured the Jews that any future bloodshed would be “on the head of the Jews,” so the AHC proclaimed to the British: “The Government insists on continuing to administer by

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<sup>849</sup> CZA S25/9156

<sup>850</sup> “Palestine Arab Higher Committee's Statement in answer to the White Paper,” 30 May 1939, FO 371/23237

<sup>851</sup> Ibid.

force ... The Government therefore will be responsible for all the tragedies, atrocities and ruin which will result from their insistence ... ”<sup>852</sup>

### **The end of the revolt**

While both the rebels and the AHC blamed the British for disorder in the mandate, they were not otherwise united. On 10 April 1939, a new rebel manifesto appeared. It insisted on amnesty for the insurgents and complete independence for Palestine. These demands dovetailed completely with those of the AHC, of course. But the declaration also made explicit that the rebels regarded themselves as independent of both the Nashashibis and the Husaynis, as well as the Arab states.<sup>853</sup>

The fractured Arab Palestinian front, however, did not merely separate the rebels from their ostensible spokesmen on the AHC and among the Arab states. Especially after the publication of the white paper in May 1939, the rebels themselves began to fragment on ideological—as opposed to simply territorial—grounds. Many denounced the white paper and called for a reinvigorated rebellion.<sup>854</sup> Their numbers were sufficient to make defying them politically inconvenient—if not impossible—for Amin al-Husayni.<sup>855</sup> On the other hand, other high-ranking rebels—including former intimates of the mufti—issued a statement denouncing those who pressed for a renewed revolt and condemning the AHC. The latter’s rejection of the white paper, the statement claimed, was animated by the mufti’s thwarted political ambitions,

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<sup>852</sup> Ibid.

<sup>853</sup> Porath, *Riots to Rebellion*, 291.

<sup>854</sup> Ibid.

<sup>855</sup> Ibid., 291–92; Mattar, *The Mufti of Jerusalem*, 84.

and not by concern for the long-suffering people of Palestine.<sup>856</sup> With respect to the latter charge, however, no less could be said of many rebels. As the last remnants of the insurgency scattered across the country, Arab villagers began openly defying the more predatory among the rebels. In June, they apprehended Mahfouz ‘Ali ‘Abd al-Majid and ten members of his band near Nablus, and handed them over to British troops.<sup>857</sup> A similar incident occurred in Samaria three weeks later.<sup>858</sup> In July, Arab villagers near Mt. Carmel captured Muhammad Said Zaudik, another rebel leader.<sup>859</sup> Days later, more villagers in Samaria seized a rebel and transferred him to British custody.<sup>860</sup>

But even as Arabs captured men they regarded as bandits and offered them to British authorities, they did not agree to the perennial British (and Zionist) identification of the revolt at large with a crime wave. The NDP itself, which accepted the white paper, nevertheless felt compelled to address and implicitly rebut the criminal charge. While readily assenting to the criminality of those against whom the Nashashibi-led “peace bands” continued to wage war, Ragheb pled with the high commissioner:

... the Party ask for amnesty to be granted to those who have not committed crimes, or those who have not participated in plotting against the lives of the Arabs and in destroying their belongings. Such amnesty, the Party is convinced, will include a large majority of detainees and abscondee.<sup>861</sup>

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<sup>856</sup> Cohen, *Palestine: Retreat from the Mandate*, 64.

<sup>857</sup> HC to CS, 9 June 1939, CO 733/398/3

<sup>858</sup> HC to CS, 28 June 1939, CO 733/398/3

<sup>859</sup> HC to CS, 12 July 1939, CO 733/398/3

<sup>860</sup> HC to CS, 18 July 1939, CO 733/398/3

<sup>861</sup> Ragheb Nashashibi to HC, 11 August 1939, FO 371/23240

The NDP thus denied what the British affirmed; namely, that the majority of those whom the government identified as rebels were in fact criminals worthy of incarceration or exile. Indeed, Ragheb's basis for distinguishing between criminal and non-criminal elements in Palestine was not violence against British police or troops—which he failed to mention even once—but rather violence against fellow Arabs.

On the matter of amnesty for rebels, then, there was little daylight between the NDP, the AHC, and the Arab states, all of whom called for the release of political prisoners, notwithstanding the NDP's qualifications. Inasmuch as it implied the non-criminality of those rebelling against British rule in Palestine, this general plea suggested a certain question, which itself suggested a certain answer: how ought one to describe the people who incarcerated, exiled, and killed those on whose behalf nearly every Arab political entity spoke? In a word, as the real criminals. At last the Jews and the Arabs agreed upon something, although for different reasons. Regardless, both would have preferred that the British be held to a higher law. Alas, the only higher law on earth was international law. And the latter's fledgling guardians at the League of Nations would prove unable, in the end, to call the British to account.

The terms of the mandate required the British government to submit the May 1939 white paper to the League of Nations for approval. The Permanent Mandates Commission's preliminary finding was that the newly announced British policy failed to meet the legal requirements of the mandatory power. But, in a final indignity to both Jews and Arabs, the onset of the Second World War preempted the League's official declaration that London had violated the law in Palestine. The British destroyed Arab Palestinian political life for the sake of European

Jewry, only to abandon European Jewry to its unspeakable fate in the end. All in the name of law and order.

## CONCLUSION

If this dissertation has achieved its aim, it will have established several facts. First, the British<sup>306</sup> were causally implicated in the events of 1936–39 in Palestine. This proposition might seem to be true almost by definition. The above argument, however, suggests that where the theoretically obvious is politically uncomfortable, politics trumps theory. This leads to the second fact: the British were afflicted in Palestine by far more than rebelling Arabs. They suffered as well from the perceptual limits of their own imperial discourse. They could not see themselves contributing to the “lawlessness” of the mandate, because their association of London with “law and order” was intimate to the point of equation. Even those officials who came to appreciate the possibility that the British *could* behave illegally in Palestine could never acknowledge as much publicly. More fundamentally, the notion that the British presence in Palestine might have been legally dubious never—so far as any of the evidence indicates—dawned on them. The third fact that this dissertation has sought to demonstrate is that much of the contemporary scholarship addressing the Great Revolt has reproduced this blinkered British perspective on 1936–39, along with its Zionist corollary. A more critical and deconstructive approach to the British and Zionist archival materials unearths not only the contents of official and popular British and Zionist thought, but also the discursive limitations within which those contents arose historically. Arab voices falling outside these limitations were thereby largely silenced at the time of the revolt. It behooves the historian to recover them, that a more empirically rounded narrative of the rebellion might result.

To review briefly the specifics of our findings, we began in chapter one by charting the institutional trajectory of the British criminalization of Palestinian nationalism. This criminalization, it is worth emphasizing, was not explicit. The British made it legally impossible

for the Arabs to effectively advance an agenda of national autonomy. Once the inevitable Arab resort to force transpired, the British deemed it illegal, but also underplayed its national implications. The outright equation of nationalism with crime, as noted in the introduction, was no longer a viable British strategy for discrediting a national movement in the 1930s—certainly not one in the Arab Middle East.

There were two kinds of criminological claims about Arab protest in 1936, which one might regard as strong and weak, respectively. The strong claim was that neither the Arab strike launched in April nor the violent rebellion of subsequent months had the support of the Arab Palestinian community at large. Rather, insofar as either enterprise endured, they did so on account of the intimidation to which ordinary Arabs were subjected by thugs working for the Arab national leadership. The weak claim was that both the strike and armed Arab attacks on British forces and Jewish civilians were illegal. This second view, however, did not entail the belief that the strike was coerced.

In the early weeks of the strike in April and May 1936, the Zionists endorsed the strong claim, while the British affirmed the weak claim. Zionist leaders tried mightily to bring British officials around to their position, and ultimately succeeded to the extent that mandatory authorities came publicly to hold the Arab Higher Committee responsible for the rebellion. Privately, however, British officials acknowledged that the AHC was not in control of the rebels. In reality, the revolt reflected the interests and aspirations of the vast majority of Arabs. Indeed, a number of leading Zionists conceded as much behind closed doors. Nevertheless, the strong criminological claim became the operative framing of the revolt for both British officials and

Zionist leaders. For British officials, this was a matter of discursive necessity. But for the majority of British and Zionist observers, the rebellion did appear to be a criminal affair.

Well before the British publicly adopted the strong criminological claim regarding the strike and rebellion, they adopted strong punitive measures against Arab villages. Their official reason for doing so was to recover illegal weapons and wanted men. In fact, as revealed in classified government reports, their intention was to frighten the rural population of the country, whom the British sought to discourage from joining the rebel bands. Unfortunately for the British, the “village search” policy failed to achieve its end. Instead, it lent credibility to the basic Arab critique of the mandate. This held that it was superior force that paved the British path to Palestine in the first instance. The acts of violence required to sustain the British presence there only manifested what had been latent all along.

Chapter two began with an analysis of contemporary efforts to shore up the strong case for the revolt’s criminality. It argued that these efforts are empirically dubious, and that they reproduce narrative themes endemic to the British and Zionist archives. As the chapter made clear, however, contemporary Palestinian narratives of the revolt err in the opposite direction. They tend to purge the rebellion of its criminal dimensions by, *inter alia*, ignoring the criminal affiliations of some of its leaders.

Beneath the misconceptions on both sides of the debate about the revolt’s legality, one finds a more intriguing reality. The rebels took their cues regarding the relationship between crime and nationalism from the British. In addition to their violent attacks on British forces and institutions, the insurgents were alert to the theatrical significance of their activities *vis-à-vis* an international audience, including that of the United Kingdom. They therefore tended to this



dimension with a good deal of intelligence and discipline. They adopted uniforms and military ranks, and convened their own courts of justice. In response, the British insisted all the more adamantly on the criminality of the rebellion. In so doing, they gave evidence of a rising imperial anxiety regarding the revolt's national credentials, especially as outside observers might perceive them.

The consequent “war on the discursive frontier” was a major aspect of the 1936–39 rebellion. The British had one option with regard to the public waging of this war; namely, the strong criminological claim. But the imperial anxiety to which the rebel effort gave rise led to passionate debates within the government regarding the legal implications of British repression in Palestine. And these debates culminated in the British decision to reach a cease-fire with the rebels, rather than declaring martial law in Palestine.

Chapter three began by discussing the interlude between the end of the revolt's first phase in October 1936 and its recommencement a year later. As they had in April 1936, British and Zionist views regarding Arab crime in Palestine diverged in the early months of this period, only to re-converge in its later months. The occasion for the latter turn of events was the Arab response to the report of the Royal Commission, which the government published in July 1937, and which recommended the partition of Palestine into Arab and Jewish states.

In scrutinizing this chain of events, we noticed an important and—so far as the scholarship is concerned—under-appreciated fact. The lack of disciplinary power vis-à-vis the Arab Palestinian community that had plagued the British throughout the history of the mandate was again operating to their peril. The reach of the mandatory state into the lives of its Arab subjects was far too limited for the authorities to have anything like detailed knowledge of

developments on the ground within the Arab community. They were therefore left, as before, with no option other than blunt force in the face of challenges to their authority. Officials had little reliable information regarding the empirical specifics of these challenges. They therefore overreacted to the moderate uptick in violence that occurred in the period after the report's publication. Their (unwitting) decision to do so constituted another instance of the British government contributing significantly to the course of events in 1936–39. The Arab Higher Committee's warnings about the folly of the government's indiscriminate use of force proved prescient when the revolt began anew in September 1937.

Although British and Zionist discourses regarding Arab crime re-converged in the latter half of 1937, British officials were again divided regarding the root cause of the political instability in the mandate. Chapter three charted the bureaucratic struggle over this issue between the Foreign Office, on the one hand, and the Colonial and War Offices, on the other. While the Foreign Office pressed for a more nuanced understanding of the rebellion, its opponents moved in the opposite direction; that is, towards criminalizing not only the rebels, but also the Arab Palestinian population at large. By late 1938, however, the weight of events impressed upon many top officials the imprudence of continuing to regard the rebellion as a primarily criminal affair. The rebels had, by then, put in place the rudiments of an Arab Palestinian state, including an army, justice system, and even a postal service. While the British continued publicly to characterize the revolt as a crime wave, they resolved privately to engage the rebels as they would an opposing army. They therefore refrained from declaring martial law while simultaneously implementing it. London chose to crush the revolt using whatever means proved necessary, knowing that many innocents would be killed in the process.

Of course, by late 1938, the British had bigger problems than the raging rebellion in Palestine. Chapter four noted that although Hitler agreed in September 1938 to refrain from further aggression in Europe, British planners remained alert to the possibility of a new war on the continent in the near future. They re-calibrated their regional ambitions in the Middle East accordingly, and decided that pressing on with the Zionist project of building a Jewish state in Palestine was no longer strategically viable. The need for Arab allies in the event of a German invasion of the region was too great to risk alienating the Arab world any further in the name of the Balfour Declaration.

Unburdening themselves of Balfour, however, created new problems for the British. Above all, they had somehow to rehabilitate an Arab Palestinian leadership they had hitherto deemed criminals, for these were the only legitimate representatives of the Arab community with whom they could reach a new understanding. At the same time, they could not crush the rebellion without inflicting enormous harm on the same Arab Palestinian population that their new, anti-Zionist policy was intended to win over. In fact, both of these objectives were unmeetable vis-à-vis the Arab population of Palestine. The British therefore pursued them instead with an eye to the British public, and hoped for the best with regard to the Arabs. As the British press were largely cooperative with the government, this effort consisted chiefly of ensuring that Anglican missionaries in Palestine—who had previously related the gruesome details of British repression to interested outsiders—be silenced. The result was that at the height of British repression in the mandate, Arab Palestinian voices fell well beyond the boundary of the British discursive field.

Meanwhile, the British capitalized upon Arab grievances born of rebel excesses by financially and militarily backing the Nashashibi-led “peace bands” with the aim of collapsing the revolt from within. These groups were especially brutal. Their endeavors, coupled with the relentless British pursuit of the rebels and a thoroughgoing British attempt to crush the rebel courts and retake the country, succeeded in ending the rebellion. This marked yet another instance of the causal implication of the British in events on the ground in Palestine. Our highlighting of that fact serves to balance the emphasis in the scholarship on the factional quarrels and internal divisions that contributed to the revolt’s demise.

### **British causal primacy in Palestine and contemporary theories of insurgent violence**

Chapter four featured quotations from high military officials in Palestine regarding the imperative of the military’s remaining on the offensive against the rebels, even as the latter were fleeing in all directions in the first half of 1939. These officials’ assessments demonstrate that British planners were aware of one of the points emphasized in chapter three; namely, that rebel disorganization depended in crucial measure upon British action directed to that end. This observation confirms the model proposed by Ronen Shamir and mentioned in chapter one, which seeks to reintegrate the British state in Palestine as a causally primary element into histories of the mandate period. It also has important implications for certain theories of insurgent violence, which correlate the degree of a rebel group’s organization with its capacity for nonviolence. The Palestinian case suggests that an adequate theory of insurgent violence must account for the role of the state against which an insurgency mobilizes.

Among the more prominent scholars addressing this topic is the political scientist Jeremy Weinstein. Weinstein focuses on a particular kind of violence to which insurgent movements often resort; namely, attacks on noncombatants. He argues against the two theoretical models of rebellion that place actors external to insurgent networks at the center of their explanatory frameworks. Among the adherents of one of these models, contestation theory, are a subset who focus specifically on the state against which an insurgency is directed. These theorists contend that insurgents attack noncombatants to communicate their resolve to the government against which they are struggling.<sup>862</sup> Weinstein suggests that in failing to locate the cause of insurgent violence within the structure of insurgent networks themselves, contestation theories fail by extension to account for variations in violence across different insurgent movements. The latter deficiency is no small matter, he argues, because such variation is conspicuous in the historical record.<sup>863</sup>

In contrast to contestation theories, Weinstein's model does account for discrepancies in different insurgent groups' use of violence against civilians. His thesis, in brief, is that

rebel groups that emerge in environments rich in natural resources or with the external support of an outside patron tend to commit high levels of indiscriminate violence; movements that arise in resource-poor contexts perpetrate far fewer abuses and employ violence selectively and strategically.<sup>864</sup>

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<sup>862</sup> Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (New York: Cambridge University Press, 2007), 208–210.

<sup>863</sup> *Ibid.*, 210–217.

<sup>864</sup> *Ibid.*, 7.

While one of the implications of Weinstein's theory is that levels of anti-civilian violence tend to be consistent over time within a given insurgent movement, he specifies the conditions under which they may vary:

The most likely path of change is from a structure of governance emphasizing social mobilization to one that employs coercion. New endowments, particularly those that involve linkages to illicit industries, can undermine the internal structure of rebel groups. If not managed, they have the potential to change a group's membership and its patterns of interaction with noncombatants. When routines that engender trust are broken, civilians and combatants quickly lose faith and look for alternatives.<sup>865</sup>

The "endowments" Weinstein has in mind are of two sorts: economic and social. The former include natural resources, taxes, and patronage. The latter include the norms, beliefs, and general culture that bind a group together.<sup>866</sup> Weinstein deems insurgent movements structured around economic endowments "opportunistic rebellions," and those structured around social endowments "activist rebellions."<sup>867</sup> Because opportunistic rebel groups recruit their members on the basis of short-term financial incentives, they are less likely to feature the normative and cultural adhesion required to maintain discipline; that is, to police and limit indiscriminate violence among their members. Conversely, the normative and cultural bonds holding activist rebel movements together—as well as allying them to the local civilian population—enable such discipline.<sup>868</sup> "New endowments," however, may alter the membership profile of an activist

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<sup>865</sup> Ibid., 217–18, 259, 296.

<sup>866</sup> Ibid., 7.

<sup>867</sup> Ibid., 8–10.

<sup>868</sup> Ibid., 10–14.

group such that it evolves in the direction of an opportunistic group.<sup>869</sup> And thus an insurgency that begins with low levels of anti-civilian violence may come to be characterized by high levels of such violence.

This trajectory certainly describes the rebel movement in Palestine over the course of 1936–39. What began in April 1936 as a largely nonviolent protest movement developed into an armed rebellion, which finally devolved into a full-blown civil war. The latter marked a grisly nadir for Arab Palestinian civilians. By 1939, the majority of the population had indeed lost faith in rebel institutions and begun seeking alternatives to them. And, as Weinstein suggests, those abandoning the rebels included both “civilians and combatants.” Among the latter were “a growing band” of “ex-gangsters” who opted to collaborate with officials in Jenin, according to that city’s assistant superintendent of police in 1938, Geoffrey Morton.<sup>870</sup> Meanwhile, Arab civilians departed from the rebel courts *en masse* in January 1939, and flocked to the mandatory justice system.<sup>871</sup>

But the disintegration of the rebel courts, and the civil war itself, resulted as much from the active counterinsurgency campaign of the British government as they did from rebel endowments. In late 1938, the absence from Palestine of the supreme judge ‘Abd al-Qader al-Yusuf, as well as the rebel commander ‘Abd al-Rahim al-Hajj Muhammad—whom even the British regarded as a man of virtue and principle—accelerated the breakdown of the rebel courts’ legal integrity. And, as one British judge put it, “When the legal system of the revolt

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<sup>869</sup> Ibid., 11, 296.

<sup>870</sup> Morton, *Just the Job*, 95.

<sup>871</sup> Kabha, “The courts of the Palestinian Arab revolt,” 205.

disappeared, the public reverted to the government courts.”<sup>872</sup> But the rebel courts did not, of course, simply vanish. In addition to their deterioration from within, they were crushed from without. Numerous cases of British troops physically breaking up rebel courts, arresting their participants, and confiscating their property appear in the record.<sup>873</sup> To the extent that the rebel courts were an institutionalization of the social endowments of the rebellion, the mandatory state purposefully cut into those endowments. It did the same to the endowments, whether social or economic, of the revolt more generally.

The political scientist Wendy Pearlman—whose “organizational mediation theory of protest” focuses, like Weinstein’s model, on the connection between rebel groups’ internal organization and their resort to violence—posits three elements as critical to the level of cohesion (or fragmentation) characterizing a given political movement: institutions, leadership, and collective purpose.<sup>874</sup> The first two of these, however, are especially vulnerable to external interference. As noted, the British actively disrupted the revolt’s most salient institution, the court system. Similarly, British troops relentlessly harrassed the rebellion’s most promising leader, ‘Abd al-Rahim al-Hajj Muhammad, searching his home on a near daily basis and menacing his

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<sup>872</sup> Ibid. Regarding the British assessment of ‘Abd al-Rahim al-Hajj Muhammad, see: “Hostile propaganda in Palestine,” p.3, FO 371/21869; Horne, *A Job Well Done*, 224–25.

<sup>873</sup> See, for examples: HC to CS, summary of events for 9 November–15 December 1938, 29 December 1938, CO 733/398/2, pp. 25–26; HC to CS, summary of events for 15–29 December 1938, 16 January 1939, CO 733/398/2, p. 8; “Troops Surprise Rebel Court,” 31 October 1938, *Times of London*; “Gang Leaders in Palestine,” 27 March 1939, *Times of London*; HC to CS, 19 April 1939, CO 733/398/2

<sup>874</sup> Pearlman, *Violence*, 2, 9. A group’s cohesion or fragmentation will, in turn, determine the likelihood of its resorting to violence (p. 11).



children.<sup>875</sup> And, of course, the military ultimately killed ‘Abd al-Rahim on 23 March 1939 (using intelligence drawn from the “peace bands” it had shrewdly chosen to underwrite).<sup>876</sup> This was just after the “Central Committee of the Jihad” at last recognized him as the commander-in-chief of the revolt, for whatever that was worth.<sup>877</sup> More important than the Damascus-based committee’s recognition was ‘Abd al-Rahim’s position within Palestine itself, where, according to British intelligence, he “probably [controlled] the largest number of armed men in the country” and was “regarded by himself and by most Arabs as the supreme commander” of the revolt.<sup>878</sup>

The effect of ‘Abd al-Rahim’s assassination on rebel discipline may be gleaned from the letter of an Anglican missionary who visited the village of Shefa ‘Amr (outside Haifa) a month after the insurgent leader’s death. Along with the bishop in Jerusalem, the missionary and his wife stayed in the village for several days in late April 1939. While noting that “the insurgents visited the Mission House simply to see that the Bishop and his wife were safe,” he also indicated that the rest of the population were laboring under the still-heavy yoke of the waning rebellion. The rebels forced the villagers to attend their courts, fix their weapons, and even to entertain them. They also executed four residents of Shefa ‘Amr, one Christian and three Druzes. The missionary lamented that such behavior was proliferating in the vacuum left by the death of

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<sup>875</sup> Kabha and Serhan, *Salsalat Dirasat al-Tarikh al-Shafuyi le-Filastin, Vol. 1: ‘Abd al-Rahim al-Hajj Muhammad, al-Qa’id al-‘Am le-Thawrat 1936–1939*, 52.

<sup>876</sup> Cohen, *Army of Shadows*, 152–53.

<sup>877</sup> Porath, *Riots to Rebellion*, 247.

<sup>878</sup> “Hostile propaganda in Palestine,” p. 3, FO 371/21869; Papers of G.J. Morton CPM BEM KPM, PP/MCR/390, IWM. Contemporary Arab scholarship on the revolt has come to the same determination. See: Kabha and Serhan, *Sijl*, 75.

‘Abd al-Rahim al-Hajj Muhammad: “Abd ul Rahim, the leader who was opposed to assassination and other barbaric deeds, was killed near by, and armed Moslems now gain the ascendancy.”<sup>879</sup>

Although Pearlman emphasizes the internal structures of insurgent movements, and particularly that for Palestinian national liberation, she also recognizes the important role that repression can play in facilitating the collapse of these structures. Regarding the 1936–39 revolt, while arguing that the efficacy of British repression turned in large measure on its being “mediated by the [fragmented] organizational structure of the Palestinian movement,” she nevertheless acknowledges:

Beyond this, repression *directly attacked* the mechanisms through which any movement regenerates command and control. The government undercut leadership structures when it stripped [Amin al-] Husayni of the presidency of the SMC, outlawed the AHC, deported those members it was able to arrest, and prevented those who were abroad from returning to Palestine.<sup>880</sup>

Thus, British repression not only benefitted from the fragmentation of the insurgency, it also helped to fragment the insurgency. And this fragmentation no doubt led to greater violence among the rebels. To Pearlman’s observation that a more cohesive Palestinian national movement might have heeded King Abdullah’s proposal in the summer of 1936 to refrain from further violence, I can only add that a less repressive British policy might have obtained the same result.<sup>881</sup> As noted in chapter one, Abdullah’s request in this connection was met with the not-

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<sup>879</sup> Unsigned letter from missionary beginning “My wife and I ...,” 5 May 1939, JEM, GB165–0161, Box 62, File 1, MECA

<sup>880</sup> Pearlman, *Violence*, 49. My emphasis.

<sup>881</sup> *Ibid.*, 47.

implausible Palestinian response that Arab “terrorism was itself in reply to the brutality of the Mandatory.”<sup>882</sup>

Weinstein, too, recognizes that social and cultural endowments “are only part of the larger landscape from which [insurgent] groups emerge,” and that “the strength of the state’s bureaucratic and military machinery” is “the most important factor” apart from these endowments. His own test cases, however, are meant to neutralize the variable of state power. As he explains:

... I consider civil wars in which the relative power of the state was similar and state power therefore cannot be the major explanation for variation in the structure and strategy of the insurgent groups. In all three countries [Uganda, Mozambique, and Peru], the state was weak enough that an insurgent organization could develop a rural base for insurgency; at the same time, it was strong enough that, from the perspective of the rebels, the conflict was asymmetric, with the government’s military representing a real and credible threat.<sup>883</sup>

The 1930s mandatory was weak and strong in precisely these respects, however, and its role in bringing about the conditions under which Palestinian insurgents targeted civilians—that is, in crushing the rebel infrastructure required to maintain discipline within the ranks and legitimacy among the broader population—was substantial.

Needless to say, none of this is to deny the agency of those rebels who resorted to cruel and inhumane treatment of their fellow Arabs, to say nothing of the horrors they inflicted upon the Jews. It is rather, as Jacob Norris has advocated, to “add greater historical balance” to the literature on the revolt. For in stressing rebel fragmentation and indiscipline, much of this

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<sup>882</sup> Cohen, *Palestine: Retreat from the Mandate*, 18.

<sup>883</sup> Weinstein, *Inside Rebellion*, 14–15.

scholarship has obscured the role of British force in exacerbating both.<sup>884</sup> Perhaps we should give GOC Haining the last word on this topic. His depiction of the military's reassertion of control in Palestine well summarizes the vital role that the British state played in the dissolution of the rebellion:

The whole country, from Dan to Beersheba, from the Jordan to the Plain of Sharon and the sea coast, was now in the hands of, and occupied by, British troops and the Trans-Jordan Frontier Force. From this time on it became increasingly difficult for the remnants of the rebel gangs to find any security or rest. Constant searches of villages and areas harried them by Day and Night. Their Rebel Courts of Justice were gradually discovered and broken up. One by one the leaders and financial organisers began to disappear, to lose influence, or to squabble among themselves.<sup>885</sup>

### **A brief word on crime, terrorism, and nationalism in contemporary political discourse**

We noted in the introduction the emergence and endurance of the category of “terrorism” as a link between crime and nationalism. But we also observed that this term’s original potency as a means of discrediting national movements declined as the age of nationalism approached in the twentieth century. Now, well into the age of nationalism, “terrorism” persists as a rhetorical device. It has, for example, frequently been used to frame transnational threats to the security and interests of various states as criminal enterprises. The utter barbarity of movements such as al-Qa‘ida has, of course, done much to validate this framing. This is perhaps nowhere as evident as in the frequently heard left-wing critique of the US response to the attacks of 9/11, which holds

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<sup>884</sup> Norris, “Repression and Rebellion,” 26–27.

<sup>885</sup> “Despatch on the operations carried out by the British Forces in Palestine & Trans-Jordan, period 1st November, 1938 to 31st March, 1939,” 24 April 1939, CO 733/404/2

that the attacks should have been treated as a “police matter” rather than as an act of war; that is, as a “crime” in the traditional sense.

The strategy of framing as terrorist criminals those threatening the state thus remains a salient phenomenon. This suggests that terrorism’s linking of nationalism and crime has not only become more tenuous as the decades have passed (witness Israel’s international isolation on the matter of its policy towards the Palestinians), but that it remains a protean category, which might link any threat to state power to criminality, while simultaneously and preemptively removing the state itself from the ensemble of terrorist actors.

It is interesting to note, in this connection, that the term “terrorism” was coined in reference to the Jacobin government of late eighteenth-century France—a state power. Its usage in relation to non-state actors began with the mid-nineteenth century Fenian movement against British rule in Ireland. Then, as now, those fighting against a given state often attempted to reintegrate the state into the ensemble of terrorist actors. They thus spoke of “state terrorism” and its role in prompting what they regarded as their own retaliation against that terrorism.

All of this points to the fact that while the discursive relationships between crime, nationalism, and terrorism have proven historically unstable, the use of criminalization to seal insurgent groups within a causal frame that excludes the state has endured. The abiding link, therefore, is between crime and causation. Insofar as a state actor succeeds in criminalizing those that threaten it, it also succeeds in silencing their critique of the state’s behavior by preemptively withdrawing the state from causal consideration. It is therefore incumbent upon analysts of insurgencies to make explicit their critique of given governments’ employment of a criminological vocabulary in describing those actors that threaten their sovereignty or security,

whether this critique amounts to agreement, disagreement, or something in between. This dissertation has been an attempt to provide such a critique of the British framing of the Palestinian Great Revolt of 1936–39, and the scholarship which has too often unwittingly reproduced it.

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