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## CSTPV Occasional Papers

State violence and public monitoring:  
Britain's use of torture in Mandatory  
Palestine

*James Hopkins*

# Abstract

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In his influential work *Torture and Democracy*, Darius Rejali argues that when democracies use torture, they tend to resort to the use of stealthy torture techniques in order to avoid detection. Using primary archival sources, this paper examines Rejali's hypothesis by looking at torture in the British Mandate in Palestine up to 1945. First, looking specifically at torture it will show that the case study fits the hypothesis, as torture was generally stealthy, but also systemic and at times officially sanctioned. It locates the reason for the use of torture in the failure of intelligence gathering, before examining the pressures public monitoring put on the British. The historical literature tends to emphasise the concerns British authorities had over propaganda in both the foreign and local press: however, this paper also highlights the threat of pan-Arabic and Muslim agitation across the Middle East and India. After noting that torture is merely one form of violence in the state's repertoire, and therefore cannot be fully understood in isolation, the paper aims to put the use of torture in its wider context. In Palestine, torture took place alongside a brutal counterinsurgency campaign, in which British servicemen systemically carried out casual brutality against the local population, which, in contrast to the use of torture, was highly visible and unconcerned with public monitoring. It is argued that the reasons for this casual brutality were the poor conditions of service, the make-up of the force, and the racism endemic in it. Despite this seeming contradiction of the monitoring hypothesis, the paper concludes by arguing that the hypothesis can explain the disparity between stealthy torture and visible casual brutality. In doing so, it draws attention to the importance of perception in public monitoring as well as the shifts in the factors affecting the Mandate.

# Introduction

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Despite ending over 60 years ago, the British Mandate in Palestine is not as alien as the past so often seems. In his 2010 memoirs, President George Bush openly justified the use of waterboarding against terror suspects in the aftermath of 9/11, saying that the “enhanced interrogation techniques” apparently thwarted attacks on “Heathrow Airport and Canary Wharf in London”.<sup>1</sup> However, waterboarding had been justified in defence of British security interests as early as 1928 in Palestine.<sup>2</sup> In 1938, another incident which resonates at the present time occurred when a soldier took a photograph of a Palestinian detainee being tortured and promptly lost it.<sup>3</sup> This paper will look at how torture was carried out in the British Mandate up to 1945, and is first and foremost an historical study. However, as the above incidents indicate, understanding the past can reveal much about the present.

For the purposes of this paper, the definition of torture in the United Nation’s 1975 *Declaration Against Torture* will be adopted:

[T]orture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons.<sup>4</sup>

The literature on torture is dominated by debates over ethics,<sup>5</sup> and in particular whether it is right to use torture in the ‘ticking bomb scenario’.<sup>6</sup> These debates, however, are marked

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<sup>1</sup> Bush 2010, 170-1

<sup>2</sup> Duff 1953, 168

<sup>3</sup> TNA CO 733/371/2 Bath 1938

<sup>4</sup> Quoted in Rejali 2007, 37

<sup>5</sup> See e.g. Davis 2005; Gross 2010; Juratowitch 2008; Kershner 2005; Mayerfield 2008; Shue 1978

by what Darius Rejali calls “a lawyer’s or philosopher’s contempt for the empirical,”<sup>7</sup> and the field has been more richly served by works which expose the harsh realities of torture. First and foremost in this regard are human rights organizations and investigative journalists who expose matters which states would rather keep hidden.<sup>8</sup> The academic literature has also contributed to this. One particularly influential work has been Darius Rejali’s *Torture and Democracy*. The crux of Rejali’s work is this hypothesis:

*“Public monitoring leads institutions that favour painful coercion to use and combine clean torture techniques to evade detection, and, to the extent that public monitoring is not only greater in democracies, but that public monitoring of human rights is a core value in modern democracies, it is the case that where we find democracies torturing today we will also be more likely to find stealthy torture.”<sup>9</sup>*

Rejali draws a distinction between ‘clean’ torture – defined as techniques which “leave few marks” – and scarring torture, noting that the former is how this “stealthy torture” is carried out.<sup>10</sup> However, it is important to note that ‘clean’ tortures are not inherently stealthy. First, even “few marks” can still provide evidence of torture. For example, if a victim receives bruises, and is released straight away, there is still evidence of torture, even if it is only temporary. Secondly, where a torture is carried out also impacts upon whether it is stealthy. As will be discussed, the British exposed detainees to heat and deprived them of water, which are ‘clean’ torture techniques, but this was carried out in the open, and as such was not

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<sup>6</sup> See e.g. Allhoff 2012; Bretcher 2007; Luban 2005; Steinhoff 2010

<sup>7</sup> Rejali 2008, 398

<sup>8</sup> Exposés of torture are generally done on a country-by-country basis, and it is impossible to give justice to the vast corpus of material published. One of the most wide-ranging surveys is Amnesty International’s 2003 *Combating Torture*. Just in the area studied in this paper (Israel/Palestine), there are a number of highly important works (see e.g. Human Rights Watch 1994; B’Tselem 1991; Public Committee Against Torture in Israel 2001)

<sup>9</sup> Rejali 2007, 8 emphasis in original

<sup>10</sup> *Ibid.*, 4

stealthy.<sup>11</sup> Therefore, whilst using Rejali's distinction between 'clean' and scarring torture, this paper will keep in mind the fact that 'clean' torture does not necessarily equate to stealthy torture, which represents the emphasis of his hypothesis.

Although the focus of *Torture and Democracy* is international, Rejali does discuss the use of torture by the British Mandate in Palestine. Rejali argues that, in contrast to the tortures carried out in Ireland, "many Palestinian tortures were 'clean' and allowed for plausible denial."<sup>12</sup> In line with his hypothesis, Rejali points to the Anglican clergy as well as other human rights organizations as public monitors, in addition to the outside influence of the German and Italian press who were using allegations of brutality in their propaganda against the British.<sup>13</sup>

Rejali is at pains to stress, though, that public monitoring is not monolithic. In Algeria for example he notes that French paratroopers tended to use 'clean' tortures in urban areas but more scarring tortures in the countryside.<sup>14</sup> Rejali puts this fact down to the increased level of monitoring in the city, but importantly this implies what he refers to as "economies of clean and scarring torture".<sup>15</sup> Public monitoring is not monolithic, nor is it static, and as such the hypothesis does not imply that public monitoring categorically rules out the use of visible torture.

Whilst Rejali's research is exemplary, his study has the shortcoming of looking at torture in isolation. Torture is only one form of violence in the state's repertoire, and public monitoring should in theory apply to other forms of state violence as well. The Anglican clergy and human rights workers in Palestine were not just looking specifically for instances of

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<sup>11</sup> See section 1

<sup>12</sup> Rejali 2007, 301

<sup>13</sup> *Ibid.*, 16; 301

<sup>14</sup> *Ibid.*, 416

<sup>15</sup> Rejali personal correspondence 2014

torture, but for *any* abuses of the local population. As such, torture cannot be fully understood without looking at the wider context in which it takes place.

Contrary to Rejali's specific focus on torture, the historical literature on Palestine does place the use of torture in context. Both the literature on the British Mandate<sup>16</sup> and as the revisionist school of thought on British counterinsurgency<sup>17</sup> have demonstrated the use of torture through an analysis of the British Mandate or British counterinsurgency in general.<sup>18</sup> There are, however, two problems with this literature. The first problem is that these works only touch on the use of torture and, almost without exception, look at torture from 1936 onwards. The Arab Revolt, which began that year, certainly seems to be when torture peaked, but the evidence suggests that it was being carried out long before then.<sup>19</sup> Furthermore, the fact that these works only touch on the use of torture means that there is no specific analysis of torture itself, which is the main strength of Rejali's work. There is, for example, little discussion about the meaning of the different techniques used.

Second, in explaining the use of torture, the literature tends to emphasise the casual brutality of British troops, but in doing so it often underplays the official sanction for torture. Matthew Hughes, for example, has published a series of excellent papers on what he refers to

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<sup>16</sup> Understandably, this literature tends to focus on Arab-Jewish relations on the eve of the creation of Israel (see e.g. Shapira 1999; Porath 1977; Swedenburg 2003; Pappé 2006; Wilson 2013), but the role of the British Mandate itself has received substantial research as well (in addition to works below see Wasserstein 1991; Sherman 1997)

<sup>17</sup> The orthodox school of thought is that British counterinsurgency has enjoyed unparalleled success, largely due to the application of 'minimum force' and application of a 'hearts and minds' strategy (see e.g. Mockaitis 1991; Thornton 2004; Nagl 2005; Townshend 1986; Cassidy 2008). In the past decade or so, especially since the publication of Caroline Elkins' seminal work on the Mau-Mau uprising, this orthodox school has come in for severe criticism (see for in general: Strachen 2007; Mumford 2012; Porch 2011; Reis 2011. Malaya: Dixon 2009, 368; Hack 1999; 2009. Kenya: Elkins 2005; Anderson 2006; Bennett 2010. Ireland: Dickson 2009. Cyprus: Newsinger 2002 95-96).

<sup>18</sup> The main examples of this are Segev 2001, Shepherd 1999; Smith 1992; Hughes 2009a

<sup>19</sup> See section 1

as ‘the banality of brutality’,<sup>20</sup> but with regards to torture he plays down the official sanction given. Hughes states that:

“Where the British army tortured and illegally executed Palestinians these were the casual, uncontrolled actions of servicemen operating outside of the law and without explicit orders. That noted, while there was no discernible army chain of command guiding a system of extreme brutality directed at persons, and which broke civil law, police officers and prison staff might have directed torture that was systematic or even systemic.”<sup>21</sup>

Aside from the tautology of illegal executions being by definition “outside of the law”, this conclusion downplays the official sanction that was given to torture. Hughes earlier writes that:

“The brutality of the Palestine police and prison service had some official sanction. Sir Charles Tegart, a senior police officer ‘headhunted’ from India, authorised the establishment of torture centres, know euphemistically as ‘Arab Investigation Centres’, where suspects got the ‘third degree’ until they ‘spilled the beans’”.<sup>22</sup>

By placing the emphasis on “police officers and prison staff” Hughes perhaps underplays the fact that the orders to torture suspects came from senior figures in the British state. Furthermore, the distinction between the army and the police ignores the division of labour in the British security forces.<sup>23</sup> It was the job of the C.I.D., not the army, to gather intelligence,<sup>24</sup>

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<sup>20</sup> Hughes 2009a; b

<sup>21</sup> Hughes 2009a, 353

<sup>22</sup> Ibid., 331

<sup>23</sup> Moshe Dayan gives an illustrative example of this, when he and fellow members of the Haganah were captured by the (military) Transjordan Frontier Force and then transferred to the police who then were said to have tortured a colleague (Dayan 1976, 50-2).

and if the British army did not receive any official sanction for torture this is because the British police were using torture on their behalf, and subsequently there was no need to officially sanction torture. Therefore, Hughes' conclusion seems to slightly downplay the role of official sanction in the use of torture by the British.<sup>25</sup> Similarly, Tom Segev notes the aforementioned Tegart sanction, but misreads the source to say that Tegart only opened a single "centre".<sup>26</sup> As it happens, Tegart likely established a system of torture centres.<sup>27</sup>

Whilst the historical literature is not without its issues, the evidence presented does pose a problem for Rejali's thesis. As the literature shows, the use of torture by the British took place amid the context of a brutal and bloody counterinsurgency campaign, and the casual brutality of the British servicemen was neither 'clean' nor stealthy.<sup>28</sup> This presents a problem: what is the point of keeping torture stealthy when the actions of troops on the ground provide monitors with evidence of abuse regardless? Furthermore, why does the presence of public monitoring keep torture stealthy but allow casual brutality to remain visible? This is the puzzle this paper aims to solve.

In section 1, the paper will flesh out Rejali's monitoring hypothesis in Palestine up to 1945. First, it will establish how the British employed torture, showing that it had roots beyond what the previous literature has indicated, and that in line with Rejali's hypothesis it was generally stealthy in nature. After attempting to quantify the use of torture, the section will examine the reasons for why torture was carried out – locating this in the near total failure of

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<sup>24</sup> Hoffman 2013, 634. As it happens, there was some official sanction for torture in the army. See section 1

<sup>25</sup> In a thoughtful contribution to the debate on British counter-insurgency, Thomas Mockaitis (2012) raises the question of whether British brutality actually aided in suppressing the Arab Revolt, noting that much of the violence Hughes and others describes was astrategic and thus was unlikely to have contributed to British success. However, torture, if systematic and officially sanctioned, *could* have contributed to British military success.

<sup>26</sup> Segev 2001, 416

<sup>27</sup> See section 1

<sup>28</sup> See section 2

intelligence gathering – as well as the reasons as to why the British did not want to be seen to torture. The literature has tended to emphasise the pressure from the German and Italian press: however, a far more important factor was the fear of pan-Arabic and Muslim agitation across the Middle East and India.

Section 2 will look at the context in which this took place, building upon the historical literature by using new evidence to further show the casual brutality of British servicemen, which was systematic and visible. It explores the reasons for this, looking at the conditions of service, the make-up of the force, and the racism also endemic in it. It will then argue that Rejali's monitoring hypothesis can still explain the disparity between generally stealthy torture, and the generally visible casual brutality. In particular, it draws attention to the importance of perception in the monitoring hypothesis, as well as the shifts in all the factors discussed throughout. It then concludes that Rejali's thesis can be nuanced to take into account the context in which torture takes place.

# Methodology

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Researching the use of torture by the British during the Mandate in Palestine posed two fundamental methodological problems. First, evidence of torture is extremely difficult to find, and second, in part as a consequence of the first problem, the evidence is fragmentary and therefore difficult to interpret. The reasons for these difficulties, as well as the solutions offered to them, are worth explaining in detail.

The standard historian's task in uncovering evidence of events that are by-and-large out of living memory is always a challenge, but this problem is only exacerbated when looking for evidence of incidents which those involved would rather were not exposed. As will be argued in section 1, there were a number of incentives to keep evidence of torture hidden, both by neglecting to record evidence of it at the time and by destroying evidence afterwards.<sup>29</sup> Much of the evidence of torture found was in the public domain: documents declassified decades ago, and widely published memoirs openly contain allegations of torture and abuse. Nonetheless, it is worth keeping in mind that much evidence will be inaccessible, either because it was not recorded at the time, or because it had 'disappeared' in the years after.

Faced with this difficulty, this author decided that the best approach was to consult as wide a range of sources as possible. This approach had three advantages. First, given the expected lack of material, the larger the quantity of sources consulted, the greater the chance of finding evidence. Secondly, a wide range of sources allows for a number of different perspectives to be analysed, which increases the opportunity of finding uncensored evidence. Documents can be destroyed or conveniently 'lost', but people are substantially more difficult

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<sup>29</sup> At the time of writing, a series of sensitive documents regarding torture were apparently "incomplete due to water damage" (Telegraph 2014). Presumably the government will be equally as understanding when this author informs them that his tax returns are incomplete for similar reasons.

to silence.<sup>30</sup> Third, given the fragmentary nature of the evidence, approaching the research from different perspectives allows for a degree of cross-referencing, the importance of which will be discussed below.

The advantages of consulting a wide variety of sources understood, the research for this paper was carried out in a number of locations. At the National Archives (TNA) in Kew, London, various official documents were consulted. Whilst this mainly consisted of official correspondence, it often contained letters of complaint to officials – probably the most valuable resources in this research – which were usually attached as appendices. Furthermore, various cabinet briefings and royal commissions contained further evidence. At the Imperial War Museum (IWM), Lambeth, London, the personal papers of a Private S. Burr in the British police, and official orders, were examined. The IWM’s website also contains several interviews with members of the British army and police in Palestine from the IWM’s Sound Archives (IWMSA). Whilst this author was unable to see the original documents, a photocopy of the diary of Hilda Wilson, from the Middle East Centre (MEC), St Anthony’s College, Oxford, was provided by Tim Wilson, and a volume edited by Bruce Hoffman also contained primary texts from the MEC. Finally, a rich resource was found in the published memoirs and accounts of various officials in the Mandate, in particular the prolific Douglas Duff. This wide variety of sources, from various different locations, allows for several different perspectives, both from above and from below. It gives voice to Mandate officials, British ministers, Indian ambassadors, Army chaplains, torture victims, Arab and Jewish representatives, teachers, policemen and soldiers. A full list of sources can be found in appendix 1.

Once the evidence had been collected, there were further problems in how to analyse it. The primary difficulty here was in assessing the veracity of accounts. Within the evidence

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<sup>30</sup> Elkins 2005, xiv-xv makes this point with regards to Kenya.

gathered there were several allegations of torture and abuse, but allegations are not proof. The period examined in this research was one in which propaganda about British atrocities was widely circulated, and there was a clear incentive to make allegations of torture which would undermine the authority of the British Mandate.<sup>31</sup> Therefore, when assessing the evidence it is important to note that definite proof is not possible, but a judgement has to be made about whether an account is credible or not. Of necessity, this research is operating in shades of grey, but three criteria were used to assess whether a claim should be believed.

The first criterion of a claim is its provenance: does the author have a motive to invent the allegations? In a number of cases, no motive is evident. For example, Douglas Duff claims that he witnessed suspects being waterboarded during interrogation.<sup>32</sup> There is no obvious reason as to why he would invent this: indeed, if anything the incentive is the precise opposite of this. As a result, if no obvious motive could be established, the account is generally regarded as credible. However, just because a motive can be established, this does not mean the account is untrue.

The second criterion is whether the claims can be cross-referenced. A general rule of thumb is that the more independent witnesses claim that an event occurred, the more likely they are to be telling the truth. Given the paucity of evidence, it is rare that several sources will discuss the same event. Therefore, one way around this is to cross-reference methods of torture used. For example, Mordechai Petcho claims to have been waterboarded,<sup>33</sup> a practice which is also described by Duff. That Petcho's testimony corresponds to Duff's account increases its reliability. Evidence can also be cross-referenced outside of Palestine. For

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<sup>31</sup> See section 1

<sup>32</sup> Duff 1953, 168

<sup>33</sup> TNA CO 733/413/6 Petcho 1939

example, Edward Tinker claims that hot eggs were placed under the armpit of detainees;<sup>34</sup> a technique which was used by the British in Cyprus and Kenya.<sup>35</sup> Therefore, if a claim can be cross-referenced it is generally accepted as credible.

The third criterion is the credibility of the official denial. For the documents from TNA in particular, the allegations of torture are preceded by reams of official correspondence denying that it occurred. Thus, with Petcho's allegations, several official documents claim that the letter was written by the Zionist authority, which would cast doubt upon the claims.<sup>36</sup> However, given that no evidence, or indeed a source, for this claim is provided, it can reasonably be dismissed. Furthermore, part of the British denial was that "there were no signs of any violence on his body."<sup>37</sup> However, if Rejali's hypothesis is to be believed, the tortures used against Petcho were designed not to leave marks, and therefore the fact that marks did not show does not disprove his testimony.

At times, official denials act to increase the reliability of an allegation. For example, it was claimed that in one prison, women were beaten for refusing to wear prison attire.<sup>38</sup> The official response was this: "On the 27<sup>th</sup> July at Bethlehem, four convicted women similarly refused to put on prison clothes, and were forcibly dressed. They were not beaten."<sup>39</sup> The fact that the author was talking about a different date entirely suggests that on the date in question women *were* beaten for refusing to wear prison uniform.

These three criteria used can give reasonable confidence regarding the reliability of the allegations made. At times, the evidence does not pass these criteria. In particular, the allegations made in the German and Italian press are not used as evidence of torture. Aside

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<sup>34</sup> IWMSA 4492 Tinker 1979

<sup>35</sup> Rejali 2007, 331

<sup>36</sup> TNA CO 733/413/6 Downie 1939

<sup>37</sup> TNA CO 733/413/6 Name illegible c 1939

<sup>38</sup> TNA CO 733/302/3 Spicer 1936b

<sup>39</sup> Ibid.

from the major methodological difficulties in finding and interpreting evidence, several more minor problems were faced. One particularly infuriating one is deciphering handwriting. Whilst the reader is deeply privileged not to have to read this author's own handwriting, it was often difficult to understand precisely what a document was saying due to illegible text, with Burr's letters being a particular example of this.

A further issue in the documents from TNA was discovering the provenance of certain files. Often loose pieces of paper, with no clear notification of author or date, were found, whilst pieces of paper likely to hold crucial information were often missing, and, as above, certain signatures were impossible to read clearly. In these cases, the author attempted to narrow down or synthesise what the missing information was: approximate dates can be estimated by looking at the documents preceding and following, and the odd legible letter in a signature can be matched with printed names in documents. In these cases, the derived information is provided in parenthesis. A further note on referencing will be given in the bibliography.

# Section 1 – The use of torture in Palestine

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Torture is perhaps most commonly associated with interrogation: indeed, this is the first purpose mentioned in the United Nation's *Convention Against Torture*.<sup>40</sup> First, this section will show how British forces used torture, primarily against political suspects but also common criminals.<sup>41</sup> It will argue that this torture was systemic, often officially sanctioned, and concerned with public monitoring. After demonstrating this, it will look at why torture was employed by the British by examining the context of public order in Palestine, before drawing attention to the failure of intelligence gathering by the British police, which meant that torture became one of the best, and at times only, ways of obtaining actionable intelligence. After showing the reasons for torture, it will then look at the reasons for the British not to be seen to torture: the coverage of both foreign and local press, but just as importantly the threat of pan-Arabic and Muslim agitation in India and the wider Middle East. It will conclude that the use of stealthy torture was a solution to the paradox of Britain needing to use torture to gain intelligence but avoid the repercussions of being seen to use torture.

## Interrogational torture in the British Mandate

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The use of torture by the British Mandate in Palestine is almost always discussed with regards to the Arab Revolt of 1936.<sup>42</sup> However, the use of torture can be traced back as early as 1928, where Douglas Duff witnessed the practice of waterboarding, as well as other instances of beatings and the 'third degree':

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<sup>40</sup> UNCAG 1987

<sup>41</sup> See e.g. TNA CO 733/428/1 Name illegible d 1940

<sup>42</sup> For example, Segev discusses the Duff revelation below in a discussion on the Arab Revolt, without noting that it refers to an incident a full decade prior (Segev 2001, 416)

The victim was held down, flat on his back, while a thin-sprouted coffee-pot poured a trickle of water up his nose, while his head was clamped immovably between cushions that left no marks of bruising.<sup>43</sup>

Other than this, evidence of torture prior to the Arab Revolt is sparse, but from 1936 the evidence of torture is far more plentiful. The desire to use torture to obtain intelligence came right from the top. Originally, senior police and army officers ordered those under their command to use “Turkish methods”, but High Commissioner Wauchope forced them to moderate these practices. However, as the Revolt worsened, the official reluctance to sanction torture weakened, and Sir Charles Tegart set up so-called ‘Arab investigation centres’ where selected policemen were trained in torture techniques to be used on Arab detainees.<sup>44</sup> As R. H. Rowland testified, torture centres were also set up in police stations:

There is a house in the Jerusalem Police Training School which was known locally as ‘The Brown House’ and there is a certain room on the sixth floor of Police Headquarters, Haifa, from which, on one occasion, an Arab jumped to his death, and Arabs can take punishment.”<sup>45</sup>

Various other instances of torture being used to obtain intelligence can be found in the sources. An anonymous Englishman reported that “Some of the means resorted to to obtain information from the population will not bear repetition”,<sup>46</sup> whilst former C.I.D. detective Aubrey Lees gave, among others, these examples of various torture techniques: pumping water “in a man per anum and then stamp on him. Hang a man up by his feet for two hours

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<sup>43</sup> Duff 1953, 168

<sup>44</sup> Keith-Roach 1994, 190

<sup>45</sup> TNA CO 733/434/7 Rowland 1942a

<sup>46</sup> TNA CO 733/371/2 Englishman in Palestine 1938

and beat him with rubber truncheons.”<sup>47</sup> Mordechai Petcho reports a number of tortures inflicted upon him, including suffering waterboarding.<sup>48</sup>

Tortures were not just carried out in secretive torture centres or police stations. Indeed, one of the most common forms of torture was locking up suspected combatants in cages during searches for arms, and exposing them to heat without adequate water supplies until they gave up weapons.<sup>49</sup> Even according to one British official this represented an “apparently deliberate torture which may extend over several days in order to extract information.”<sup>50</sup> Torture was also carried out *ad hoc*, as Edward Tinker describes the placing of a recently boiled egg under a detainee’s armpit,<sup>51</sup> whilst Duff implies that several farmers were tortured or otherwise ill-treated during a manhunt.<sup>52</sup>

In line with the monitoring hypothesis, those engaged in interrogational torture showed concern for the need to hide evidence of torture. According to Duff, waterboarding “had the merit, from the investigators’ viewpoint, of leaving no traces for doctors to detect.”<sup>53</sup> Similarly, Tinker approvingly noted that placing a boiled egg under the armpit “doesn’t leave a mark at all.”<sup>54</sup> Many of the torture techniques described do fit Rejali’s definition of ‘clean’ tortures: pumping,<sup>55</sup> stress positions,<sup>56</sup> exposure to extreme heat.<sup>57</sup> Those torturing Petcho also poured water over his feet, which is one way to avoid leaving evidence after beating the soles of his feet.<sup>58</sup> However, some of the techniques were scarring, such as throwing someone onto a

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<sup>47</sup> TNA CO 733/371/4 Lees 1938

<sup>48</sup> TNA CO 733/413/6 Petcho 1939

<sup>49</sup> TNA CO 733/413/3 High Commissioner for Palestine 1939

<sup>50</sup> TNA CO 733/413/3 Name illegible b 1939

<sup>51</sup> IWMSA 4492 Tinker 1979

<sup>52</sup> Duff 1938, 55

<sup>53</sup> Duff 1953, 168

<sup>54</sup> IWMSA 4492 Tinker 1979

<sup>55</sup> TNA CO 733/371/4 Lees 1938

<sup>56</sup> TNA CO 733/428/1 High Commissioner for Palestine 1940

<sup>57</sup> TNA CO 733/413/3 High Commissioner for Palestine 1939

<sup>58</sup> TNA CO 733/413/6 Petcho 1939; see also Rejali 2007, 275

cactus and stamping on them,<sup>59</sup> whilst the use of torture during searches for arms was visible even if it was still 'clean'. There also seems to have been a shift to less stealthy forms of torture after the outbreak of World War II: according to Rowland Torture was by 1942 "now, perhaps, limited to mere beatings-up".<sup>60</sup> Potential reasons for this will be discussed in section 2, but up to the 1940s at least, stealthy torture seems to have been the norm in Palestine, although not without exceptions.

Given the fragmentary nature of the evidence, it is near impossible to quantify the use of torture by the British with certainty. Hughes rightly points to the methodological challenges "when faced with masses of primary evidence pointing in opposite directions",<sup>61</sup> and the very nature of this research means that the sources consulted focus disproportionately on ill-behaviour. However, whilst these conclusions should be treated with care, and must remain tentative, much of the evidence does suggest that torture was common during the British Mandate.

Referring to the use of waterboarding in 1928, Duff stated that "I witnessed *hundreds of bastinadoings* during my years in the Palestine police and *many scores of cases* where the 'Hoist', or the 'water-can' was employed."<sup>62</sup> Anecdotal evidence also states that torture was systemic during, and after, the Arab Revolt, a conclusion also reached by Charles Smith:<sup>63</sup> Lees implies that the tortures he describes were "common occurrences",<sup>64</sup> whilst Rowland stated that "Torturing of civilians by the Police... was a frequent occurrence."<sup>65</sup> It is not explicitly stated, but contrary to how some seem to have interpreted the source,<sup>66</sup> Keith-Roach's

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<sup>59</sup> TNA CO 733/371/4 Lees 1938

<sup>60</sup> TNA CO 733/434/7 Rowland 1942a

<sup>61</sup> Hughes 2009a, 351

<sup>62</sup> Duff 1953, 168 emphasis added

<sup>63</sup> Smith 1992

<sup>64</sup> TNA CO 733/371/4 Lees 1938

<sup>65</sup> TNA CO 733/434/7 Rowland 1942a

<sup>66</sup> See e.g. Segev 2001, 416

discussion of Tegar's 'innovation' implies a *system* of torture centres. He talks of "Arab investigation centres" plural, not singular, and the phrase "such a centre" suggests a system or a complex of torture centres.<sup>67</sup> As such, whilst the fragmentary evidence of the nature should be stressed, the sources do indicate that torture was commonplace throughout the Mandate in Palestine, particularly during the Arab Revolt.

### Why the British employed torture

Asking why the British used torture during the Mandate can seem rather naïve. Torture was regularly employed by colonial powers in counterinsurgency,<sup>68</sup> and it would be remarkable if it transpired that the British *did not* employ torture. Yet, the official documents make it clear that the higher echelons of the British state were concerned about allegations of torture and brutality. This will be demonstrated below, but for the moment it will suffice to say that the visible use of torture would have entailed costs for the British state which it went to some effort to avoid. To look at why torture was used, then, it is first important to look at the wider context in which it took place.

### *Context of the British Mandate*

The British Mandate in Palestine was marked by frequent and violent unrest. Even in 1928, when Duff witnessed waterboarding, the apparent calm was marked by a "long-quiet volcano" and the British forces operating on a "shoe-string" were struggling to keep control in rural areas.<sup>69</sup> The Arab Revolt, however, was far more serious for the British, as "large areas of the country, including Jerusalem and Nablus, passed temporarily into [Arab] control."<sup>70</sup> Although the main target of the revolt was the Jewish population, Britain's role as Mandate authority

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<sup>67</sup> Keith-Roach 1994, 191

<sup>68</sup> See for example Horne 2006, 195ff. for France's use of torture in Algeria.

<sup>69</sup> Duff 1953, 166. Duff is, it should be noted, writing with the benefit of hindsight, so may well be exaggerating the extent to which he recognised the signs of violent unrest years before it occurred.

<sup>70</sup> James 1998b, 409

made it a target for Arab militants, who “targeted British soldiers, colonial offices [and] police officers”.<sup>71</sup> The Arab Revolt, then, demanded a counterinsurgency campaign from the British, who – after passing up on Arthur Harris’ suggestion to drop a “250lb or 500lb bomb in each village that speaks out of turn within a few minutes or hours of having so spoken”<sup>72</sup> – were largely reliant on the quality of their intelligence gathering, long noted as one of the most important weapons in countering an insurgency.<sup>73</sup>

### *Intelligence gathering in the Mandate*

Given the importance of intelligence for counterinsurgency, it is striking to find that the British intelligence system in Palestine was woeful. This failing was recognised at the highest levels of government, as one Cabinet paper notes that a 1930 report found that “with one notable exception, information was not being collected and communicated. The C.I.D. was ‘the weakest spot in the Force’.”<sup>74</sup> The situation had scarcely improved by 1936 as “the collection of intelligence, particularly as regards political matters, was far from satisfactory.”<sup>75</sup> Indeed, perhaps the most damning indictment of the C.I.D.’s failure to gather intelligence is that J. A. Horne’s sycophantic history of the Palestinian police reserves just about its only sour note for the C.I.D., and its intelligence gathering in particular.<sup>76</sup> Bruce Hoffman also notes that the C.I.D. had a severe manpower shortage, especially with regards to political intelligence.<sup>77</sup> The failure of intelligence was felt on the ground, as Sydney Burr wrote to his parents that “no one will give any information at all”,<sup>78</sup> whilst Hugh Foot admitted that “Our intelligence was haphazard and patchy”.<sup>79</sup> Edward Tinker spelt out the effect this had on the ground, as the British were

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<sup>71</sup> Hughes 2009a, 313

<sup>72</sup> Quoted in Townshend 1988, 934

<sup>73</sup> See for example Blaufarb 1977, 308; Galula 2006, 50; 84; Thompson 2008, ch. 7

<sup>74</sup> TNA CAB 24/270/8 Secretary of State for the Colonies 1937

<sup>75</sup> Ibid.

<sup>76</sup> Horne 1982., 206

<sup>77</sup> Hoffman 2013, 634

<sup>78</sup> IWM 88/8/1 Burr 1937b

<sup>79</sup> Foot 1964, 52

always “one jump behind” the insurgents, and that most information they received was several days out of date.<sup>80</sup>

The British were not blind to this failing, and attempts were made to correct this deficiency. At times, informants were used to identify suspect villagers. During a search for arms in 1939 Hilda Wilson describes how the British placed an informant in an armoured vehicle to keep his identity secret as he identified alleged combatants.<sup>81</sup> However the handling of informants was not always so sensitive. According to Geoffrey Morton, the British had a poor reputation for handling informers, and were deemed especially liable to lose their identities.<sup>82</sup> Given that the rebels had a reputation for executing alleged traitors it is hardly a surprise that Britain obtained relatively few informants.<sup>83</sup> In lieu of a system of informers, the British were forced to rely on more unorthodox sources of information. These sources included prostitutes,<sup>84</sup> cab drivers,<sup>85</sup> and local gangsters.<sup>86</sup> Yet even these sources had their limits, as they were generally based in urban areas, and as such intelligence outside of the metropolis was still poor. And, as it turns out, information was not the only thing that the local prostitutes were giving to British troops.<sup>87</sup>

Given the failure of intelligence gathering by the British in Palestine, there was a strong incentive for the British to use torture for interrogational purposes. As this failure of intelligence was understood at even the highest levels of government, it is perhaps unsurprising that interrogational torture did have some official sanction. Yet, whilst there was a desire to use torture, the monitoring hypothesis indicates that there were several pressures

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<sup>80</sup> IWMSA 4492 Tinker 1979

<sup>81</sup> MEC GB 165-0302 Wilson n.d.

<sup>82</sup> Morton 1957, 67

<sup>83</sup> Swedenburg 2003, 153ff.

<sup>84</sup> Duff 1953, 158

<sup>85</sup> Ibid.

<sup>86</sup> Morton 1957, 87

<sup>87</sup> See section 2 for the prevalence of venereal disease

which meant that the British would not want to be seen to torture, and it is to this that the section now turns.

## Pressures not to be seen to torture

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### *German and Italian propaganda*

Despite the pressures to torture described above, there were several political costs to being seen to torture. The main focus of the literature on the British Mandate has been the reports of the German, and to a lesser extent Italian, press who were making political capital of British atrocities in Palestine:<sup>88</sup> unsurprisingly, only atrocities against Arabs, not Jews. The stories of fascist propaganda studied are notable for the fact that they deal almost entirely with visual brutality, especially the harm caused during searches for arms. For example, the German press wrote of Halhul:

“[The English] drove together all male persons in the village... surrounded them with barb-wire fences and kept them there exposed to the hot sun and the weather for eight days without any water and food! As a result of this incredible cruelty, ten innocent Arabs died and several children died of thirst.”<sup>89</sup>

Various stories of British troops mistreating the local population were followed by claims, with a breath-taking lack of irony, that Arabs were being “tormented in notorious prisons and concentration camps”.<sup>90</sup> The use of torture by the British formed a key part of the fascist propaganda. One article in *L’Italiano* wrote that a “Sheik was beaten with steel rods so violently that he succumbed shortly afterwards as a result of the serious wounds which he had received.”<sup>91</sup> The newspaper also claimed that another Sheik had “his nails torn off, [and] the

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<sup>88</sup> Cross 1968, 214; James 1998, 409

<sup>89</sup> TNA CO 733/413/3 Henderson 1939a

<sup>90</sup> Ibid.

<sup>91</sup> TNA CO 733/371/2 *L’Italiano* 1938

Sheik was bound to a 'chevaux de frises' and tortured in such a way as to make him insane."<sup>92</sup>

The German press carried similar stories. At Hebron the British "broke into houses... and pitilessly beat up sleeping men, women and children."<sup>93</sup> The *Deutsches Nachrichten Buro* alleged that the British were "persecuting the disinterested civil population with acts of torture and brutality" and in one case "five persons were selected at random and maltreated. They received blows on the head, and their eyes were gouged out."<sup>94</sup> These allegations of torture are noteworthy for the fact that they only mention scarring and visible tortures. The stealthy tortures such as waterboarding or stress positions described above are not mentioned once. This indicates that the use of stealthy tortures had some success in evading the press.

This propaganda campaign was of deep concern to the British authorities. A telegram from the Secretary of State for the Colonies to the High Commissioner of Palestine expressed concern over the criticism Britain was receiving in the German press,<sup>95</sup> whilst a letter to the Middle East Department claimed that "This growing campaign of slander and abuse organised in Berlin is becoming almost too much."<sup>96</sup> The concern was so great that apparently the "Government are considering strong protests through Charge d'affairs against what is appearing in the German press."<sup>97</sup> This outrage was not limited to officials, however. In typically English fashion, Professor D. L. Savory fired off an outraged letter to the *Times*; exclaiming that "These slanderous statements are disappointing to those of us who had hoped for a better understanding with Germany after the Agreement signed at Munich by Mr. Chamberlain and Herr Hitler."<sup>98</sup>

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<sup>92</sup> Ibid.

<sup>93</sup> TNA CO 733/371/2 Forbes 1938

<sup>94</sup> Ibid.

<sup>95</sup> TNA CO 733/371/4 Secretary of State for the Colonies 1938b

<sup>96</sup> TNA 733/371/2 Author unknown b 1938

<sup>97</sup> Ibid.

<sup>98</sup> TNA 733/371/2 Savory 1938

In addition to political capital being made of British atrocities in the foreign press, within Palestine both the Arab and Jewish media were using stories of British torture in their propaganda. These “widespread allegations of military brutality... [were a] a gift to nationalist propaganda”,<sup>99</sup> as L. Luke complained that the behaviour of the police gave a “perfectly good stick to the Jewish agency with which to beat the Government.”<sup>100</sup> P. Rages stated that “It is no doubt true that Arab propaganda of this kind is doing considerable harm to our interests.”<sup>101</sup> As a result of these claims, one official requested from the Colonial Office the “establishment of special machinery in Jerusalem for furnishing regularly and rapidly material to enable us to deal with allegations put out by the Arab Centre or other organizations.”<sup>102</sup>

Therefore, it can be seen that the British had an incentive not to be seen to torture, as the foreign and domestic press were looking for abuses which they could use in their propaganda. To be sure, the fascist press was not above inventing stories: *L’Italiano’s* story about how each British soldier carried a whip to keep the Arabs in line is quite clearly false.<sup>103</sup> However, this propaganda often did correspond to actual events, as the Halhul story demonstrates, and the allegations of British troops beating the local population were, to some degree, accurate. The statement, regarding evidence of abuses by British troops, from a chaplain in the Royal Ulster Rifles sums up the situation well: “This sort of thing makes one feel uncomfortable as to the possible extent of justification for German propaganda, exaggerated though it doubtless is.”<sup>104</sup> Fascist propaganda was exaggerated, but it often had roots in the truth.

### *India and the wider Middle East*

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<sup>99</sup> Townshend 1986, 101

<sup>100</sup> TNA CO 733/428/1 Luke 1940b

<sup>101</sup> TNA CO 733/371/2 Rages 1938

<sup>102</sup> TNA CO 733/371/2 Author unknown c 1939

<sup>103</sup> TNA CO 733/371/2 *L’Italiano* 1938

<sup>104</sup> TNA CO 733/371/2 Bath 1938

Whilst the scholarship on torture in the British Mandate has tended to focus on the stories carried in the fascist and local press, relatively little attention seems to have been paid to the question of the wider Middle East, and also India.<sup>105</sup> This omission seems strange when the discussions on Palestine in the Cabinet – the highest level of discussion in the British government – pay far more attention to the issue of India and the Middle East than the stories in the German press which were given scant regard.<sup>106</sup> The reason for this seems fairly obvious: India was the jewel in the crown of the British Empire, and other states in the region were vital strategic allies:

Saudi Arabia, the Yemen and Iraq have now become of great importance to His Majesty's Government from the point of view of Imperial communications... it is not open to doubt that if Iraq and Saudi Arabia were to become hostile to British policy they would be able seriously to interrupt Imperial communications with the East."<sup>107</sup>

Aside from imperial communications, the Middle East was vital for British oil supplies as well as being an important transport hub.<sup>108</sup> Given the strategic importance of the region to Britain, it is understandable that sympathies for the Palestinian Arabs was causing alarm in London, as any pan-Arabic agitation could have disrupted British control in the Middle East. The Cabinet papers reveal that many in the region were looking at Palestine with interest: "In Iraq, a wave of sympathy for the Palestinian Arabs has swept over the country";<sup>109</sup> "There is, indeed, a real and ever-present danger that the nationalism and religious sentiment of the

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<sup>105</sup> To clarify, agitation in India was only due to the Palestinian Arabs' (Muslim) religion, whilst in the Middle East it seems to have been a mixture both of religion and race.

<sup>106</sup> See Appendix 1 for the list of Cabinet papers consulted. The omission seems even stranger considering Yehoshua Porath's (1977) seminal work on Palestinian nationalism goes into some detail on pan-Arabism, although he scarcely mentions India.

<sup>107</sup> TNA CAB 24/263/8 Secretary of State for Foreign Affairs 1936

<sup>108</sup> Darwin 2009, 470

<sup>109</sup> TNA CAB 24/263/8 Secretary of State for Foreign Affairs 1936

Egyptians, always readily inflammable, may be roused to new excitement by sympathy with their Arab co-religionists";<sup>110</sup> "The Secretary of State for India recalled that he had already informed the Cabinet that the Moslems in India were beginning to take notice of events in Palestine."<sup>111</sup>

Furthermore, pro-Arab and Muslim propaganda was being spread throughout the region and in India in particular. There was an "influx into India of Anti-British propaganda about Palestine... [and] the matter is giving cause for anxiety".<sup>112</sup> The Indian government was "watching with some care the influx into India of anti-British propaganda about Palestine. More than 30 different sorts of pamphlets have been intercepted."<sup>113</sup> This propaganda was "issued in English, Arabic, or Urdu" in order to receive a wide audience.<sup>114</sup> Partly as a result of this propaganda, certain groups had begun to take action:

"In minor Muslim circles there has been more pronounced activity. A 'Palestine Defence Committee', composed of Ahrars and a number of disaffected Muslims... passed a resolution in August... adopting a proposal to launch civil disobedience in order to bring pressure on the British Government to alter its policy in Palestine."<sup>115</sup>

Furthermore, a "Palestine Day" was observed by Muslims across India,<sup>116</sup> and certain actions posed a threat to British operations, such as in "Punjab where the Palestine agitation is

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<sup>110</sup> TNA CAB 24/273/6 Secretary of State for Foreign Affairs 1937

<sup>111</sup> TNA CAB 23/85/4 Author unknown a 1938

<sup>112</sup> TNA CO 733/371/2 Dibdin 1938

<sup>113</sup> TNA CO 733/371/2 Thorne 1938

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> TNA CAB 23/85/4 Author unknown a 1938

used with effect to reinforce anti-recruiting propaganda and opposition to aid being given to Britain in the event of war".<sup>117</sup>

To an extent, this fear never materialised. The Palestine Defence Committee never put its proposal into effect,<sup>118</sup> and the Muslim League remained loyal to the British throughout the Second World War.<sup>119</sup> Nonetheless, the potential for this sympathy to interrupt British imperial rule was real. In particular, there was a real concern that the Muslim League, hitherto uninterested in the Palestine issue, would take up the cause: "if circumstances brought the Muslim League whole-heartedly into it the consequences might be formidable. As it is, the propaganda gives cause for anxiety: as things might turn out, it would be a real danger."<sup>120</sup> Sympathy for the Muslims of Palestine was perceived to be growing, and the Secretary of State for India's Quarterly Report bluntly stated that "Britain in these circumstances cannot afford to alienate the loyalty of the Muslim population in India and of the Indian States."<sup>121</sup> In particular, there was a fear of a repeat of the Moplah Rebellion which "had broken out in rather similar circumstances owing to sympathy with the Turks."<sup>122</sup>

Therefore, the British government could not view the Palestine issue in isolation. The Secretary of State for Foreign Affairs summed up British thinking at the time: "The Middle East is an organic whole."<sup>123</sup> The handling of the Arab Revolt was, then, vital for Britain's interests in the Middle East as a whole, not just in Palestine. Concluding, the Secretary of State said:

"I suggest, then, that it is not only useless, but most dangerous to deal with the Palestine question in isolation. All our evidence goes to show that it now

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<sup>117</sup> TNA CAB 281/6 Secretary of State for India 1938

<sup>118</sup> TNA CO 733/371/2 Thorne 1938

<sup>119</sup> James 1998, 583

<sup>120</sup> TNA CO 733/371/2 Thorne 1938

<sup>121</sup> TNA CAB 281/6 Secretary of State for India 1938

<sup>122</sup> TNA CAB 23/85/4 Author unknown a 1938

<sup>123</sup> TNA CAB 24/273/6 Secretary of State for Foreign Affairs 1937

dominated every other question throughout the Middle East, and that our whole future relations with the Middle Eastern States depend almost exclusively on our handling of it. Our European adversaries have not been slow to seize on this fact.”<sup>124</sup>

Stories of British atrocities across the Middle East, viewed in this context, pose a serious threat to British strategic interests. On the eve of war in particular, losing the loyalty of the Muslim population of India, and losing communications with the East, would have been calamitous. As such, Palestine’s importance to the wider Middle East meant that there was substantial pressure not to be seen to torture, as instances of British atrocities would have fanned the flames of discontent which were so perilous to the British.

#### *Other pressures not to be seen to torture*

Aside from the pressures of strategic interest, there were other reasons for the British to avoid being seen to torture. One particular British desire was to prevent damage of British “prestige”.<sup>125</sup> Violent personnel ought to have been “removed and punished both for the sake of British prestige and to prevent subsequent bitterness in Palestine.”<sup>126</sup> According to Michael MacDonald “It is of the utmost importance that individuals amongst them should not be guilty of any action which would bring the Force and the Administration into disrepute.”<sup>127</sup> The importance of domestic public opinion, whilst rarely stated in the sources, should not be understated. There is a long British tradition of using colonial atrocities to attack opposition parties - Lloyd George famously made his name criticising abuses committed in the Boer War in 1901.<sup>128</sup> Hence the concern when in 1940 the Labour party were believed to have evidence

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<sup>124</sup> Ibid.

<sup>125</sup> TNA CO 733/371/3 MacDonald 1938c

<sup>126</sup> TNA CO 733/371/4 Author unknown f n.d.

<sup>127</sup> TNA CO 733/371/3 MacDonald 1938a

<sup>128</sup> Pakenham 1992, 508

of abuses carried out in concentration camps.<sup>129</sup> Furthermore, none of these pressures should be seen in isolation. Arab leaders were aware that propaganda could be spread internationally: one Arab leader sent letters to newspapers in Egypt to stir up pan-Arabic sentiment whilst another, somewhat optimistically, sent a telegram to the editor of the *Daily Telegraph* in London in order to try and influence British public opinion.<sup>130</sup>

In this way, it can be seen that there were several strong incentives for the British not to be seen to use torture in Palestine. And yet, a paradox becomes apparent. On the one hand there were several strong incentives to use torture, but on the other hand there were several strong incentives to not to be seen to torture. This is effectively a democratic torture paradox: how does a democracy use torture without being *seen* to torture? The answer, as Rejali argues, is stealthy torture. Tortures that are hidden from sight allow the state to gain the perceived benefits of torture, without having to pay the price of torture. In essence, stealthy torture solves this paradox.

## Section 2 – Torture in context

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The previous section argued that Britain systemically employed stealthy, interrogational torture in Palestine. This section aims to place this in context, by showing the casual brutality of British servicemen. Like torture, this was seemingly systemic, but in stark contrast it was visible and generally unconcerned with public monitoring. The reasons for this brutality will be examined: the poor conditions of service, the make-up of the force, and the racism endemic in it. After showing this apparent refutation of the monitoring hypothesis, the section will argue that the hypothesis can still explain this visible brutality as well as the generally stealthy use of

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<sup>129</sup> TNA CO 733/428/1 High Commissioner for Palestine 1940

<sup>130</sup> Egypt: Porath 1977, 199; Telegraph: TNA CO 733/371/4 Cook 1938

torture. In doing so, it draws attention to the primacy of perception, as well as the shifts in all the factors discussed in both sections.

### The casual brutality of British servicemen

Responding to the allegations of Aubury Lees, H. Duncan wrote that “Anyone with any experience of the British Tommy knows that he is incapable of perpetrating the hideous barbarities alleged by Mr. Lees.”<sup>131</sup> Whilst Duncan’s loyalty to his country is perhaps touching, those who encountered the British Tommy often had a very different story to tell. According to a Jewish representative, British policemen in northern Jerusalem “beat innocent persons sitting in their houses and children playing in the streets” as well as beating an old Rabbi “until he fainted and then began ill-treating the other members of the family who were in the room.”<sup>132</sup> According to Lees “Practically no search carried out by troops is not accompanied by wounding (and often killing) of defenceless villagers”.<sup>133</sup> The Archdeacon of St George’s complained that “From every side complaints are reaching me daily of the unnecessary and quite indiscriminate roughness displayed by the British police in their handling of the native, and particularly the Arab, population.”<sup>134</sup> This type of violence seems to merely be the casual brutality of British troops.

If there was purpose in these acts, it would seem that they were to boost the morale of British servicemen. Indeed, one particularly gruesome example of this is Arthur Lane’s description of how enemy combatants were treated after a skirmish in which two British soldiers were killed. During their transportation back to base, the captives were “really knocked about” as the soldiers used any weapon they could bring to hand to beat the captives.

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<sup>131</sup> TNA CO 733/371/3 Duncan 1938

<sup>132</sup> TNA CO 733/428/1 Joseph 1940

<sup>133</sup> TNA CO 733/371/4 Lees 1938

<sup>134</sup> Quoted in Shepherd 1999, 212

The beating was so fierce that one captive's eyeball was hanging out of its socket.<sup>135</sup> This maltreatment of the detainees was, according to Lane, the soldiers' way of taking out their frustration at losing a comrade.<sup>136</sup> In another case, torture seems to have been carried out in order to amuse policemen, as two Jewish youths scattering pamphlets:

“[W]ere caught and taken to a Police station. There they were made to fight each other, and when they did not show sufficient enthusiasm in this sport they were beaten up by some of the personnel of the Station.”<sup>137</sup>

Similar reasons would explain why British troops also made men and children run along a road for several miles whilst chasing them with an armoured car.<sup>138</sup> Intimidation was yet another reason for violence, as at one prison several Arab women were beaten for refusing to wear prison uniform.<sup>139</sup>

This type of casual brutality seems to have been largely unconcerned with public monitoring. For a start, beating someone so that their eyeball comes out of its socket or that blood spills from their nose and ears are clearly not acts of people who were concerned about leaving marks.<sup>140</sup> On some occasions, those engaged in casual brutality focused on hiding evidence of their misdeeds, such as when “constables noticed” that a victim’s “face was bloody and they helped him wash it at a tap.”<sup>141</sup> However, a great many other occasions saw violence unshackled by concern for public monitoring. In one case a “boy’s skull was battered in”,<sup>142</sup> whilst the medical report of another victim found that “The skull was completely

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<sup>135</sup> IWMSA 10295 Lane 1988

<sup>136</sup> Ibid.

<sup>137</sup> TNA CO 733/434/7 Wedgewood 1942

<sup>138</sup> TNA CO 733/371/4 Lees 1938

<sup>139</sup> TNA CO 733/302/3 Spicer 1936b

<sup>140</sup> Eyeball: IWMSA 10295 Lane 1987. Blood: IWM 88/8/1 Burr n.d.b.

<sup>141</sup> TNA CO 733/ 428/1 High Commissioner for Palestine 1940

<sup>142</sup> TNA CO 733/428/1 Weizmann 1940

fractured by 4-5 blunt blows which left clear marks on the scalp.”<sup>143</sup> In addition to the use of scarring techniques, these abuses were often carried out openly, such as during the searches of villages, or the beating of a Rabbi in his house in front of his family.<sup>144</sup>

The evidence of casual brutality also indicates that it was systemic. Hughes concludes that: “After 1936 in Palestine, the British established a systematic, systemic, officially sanctioned policy of destruction, punishment, reprisal and brutality”.<sup>145</sup> Hughes’ conclusion is supported by Aubrey Lees, who stated that “Practically no search” occurred without incident.<sup>146</sup> Certainly Lee’s conclusion is hyperbolic, or at least reflects his personal experience. Many searches for arms occurred without brutality, such as the one described by Hilda Wilson.<sup>147</sup> However, the frequency of reports alleging brutality from various different sources suggests that such abuse was commonplace in Palestine.

This casual brutality, however, stands at odds with Rejali’s monitoring hypothesis. As noted in the introduction, public monitoring should in theory affect all actions of the state, and not just torture. However, this casual brutality described does not correspond to the need to avoid being seen to torture. Indeed, these actions render the use of stealthy torture irrelevant: there is little point in keeping torture stealthy when battering in a child’s head will provide ample propaganda regardless. Before coming on to the monitoring hypothesis’ precise relationship with this, however, it is important to look at the reasons for this casual brutality.

## Explaining casual brutality

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### *Conditions of service*

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<sup>143</sup> TNA CO 733/428/1 Mandl 1940

<sup>144</sup> TNA CO 733/428/1 Joseph 1940

<sup>145</sup> Hughes 2009, 353

<sup>146</sup> TNA CO 733/371/4 Lees 1938

<sup>147</sup> MEC GB 165-0302 Wilson n.d.

Counterinsurgency is traditionally a difficult task for soldiers who are faced with an elusive enemy who poses a near constant threat yet never shows his face. Arthur Lane describes how British convoys were subject to roadside bombs – what are now referred to as IED attacks – a problem only ‘solved’ when Arab detainees were placed on the bonnets of the vehicles.<sup>148</sup> Yet this type of action could not protect British troops from every danger: Hilda Wilson talks of a soldier who was ambushed whilst taking a short-cut to a language lesson.<sup>149</sup> One British officer summed up the difficulties, complaining that “The infuriating & humiliating part of the whole business is that we can literally do nothing about it.”<sup>150</sup> The near constant threat took its toll on those serving, with Burr writing to his parents that “Every Arab they see is a potential enemy which keeps them at fever pitch.”<sup>151</sup> That every Arab could be seen as a potential enemy goes some way to explaining the brutality directed at those not engaged in the armed struggle. Similar to Burr, a Sergeant Brown testified that in Jaffa: “You could not walk about without looking round to see if you would be shot at. A day did not go by without firing in the streets. We were not popular. At that time there was a complete rush of terror.”<sup>152</sup> Historian A. J. Sherman puts the casual brutality of the British servicemen down to these conditions of service: “Goaded by the frustrations of guerrilla warfare against an elusive target, some British troops and police committed acts of gratuitous violence.”<sup>153</sup> Similar conclusions were made at the time, as L. Luke reported that:

“In the conditions of severe stress under which the security forces were operating during this period it was no doubt inevitable that a number of comparatively

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<sup>148</sup> IWMSA 10295 Lane 1988

<sup>149</sup> MEC GB 165-0302 Wilson n.d.

<sup>150</sup> Quoted in Sherman 1997, 117

<sup>151</sup> IWM 88/8/1 Burr 1938b

<sup>152</sup> TNA CO 733/371/4 Atalla et al. 1939

<sup>153</sup> Sherman 1997, 108

innocent people should suffer injury and that the police should have to resort to fairly vigorous measures.”<sup>154</sup>

However, the poor conditions of service were not limited to the difficulties of counterinsurgency. In particular, the traditional military ‘R&R’ was far from ideal for those serving. Upon days of arriving in Palestine, Burr had already complained that “after a while” life gets “somewhat monotonous”<sup>155</sup> and nearly a year into his service he wrote that “I am absolutely fed up of the life here as we have no time for recreation at all.”<sup>156</sup> Hilda Wilson also noted that those serving were “bored stiff. At lonely military outposts such as kilo 41, and even at Ramallah, there was no cinema, no recreation, and going to search a village was their one excitement.”<sup>157</sup> The boredom of those serving goes some way to explaining the tortures suffered by the two Jewish youths who were forced to box in a police station, which appears to have been a rather macabre form of entertainment enjoyed by those present.<sup>158</sup> Even when soldiers did have time for recreation, a more traditional form of relaxation, enjoying the company of local women, did not offer the relief soldiers were hoping for. Some soldiers complained about the lack of female company, whilst those who paid for their pleasure often found themselves nursing certain unpleasant illnesses.<sup>159</sup>

These conditions of service certainly contributed to an atmosphere which makes casual brutality a possibility, as several sources suggest. However, the conditions of service were not the only factors that led to casual brutality amongst servicemen. Indeed, that policemen could enjoy watching two youths fight each other suggests something about the make-up of the force which requires examination.

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<sup>154</sup> TNA CO 733/428/1 Luke 1940c

<sup>155</sup> IWM 88/8/1 Burr 1937a

<sup>156</sup> IWM 88/8/1 Burr n.d.c.

<sup>157</sup> MEC GB 165-0302 Wilson n.d.

<sup>158</sup> TNA CO 733/434/7 Wedgewood 1942

<sup>159</sup> IWMSA 12440 Atkins 1992

### *Make-up of the force*

Somewhat amusingly, J. A. Horne's history of the Palestinian police is filled with platitudes, such as those serving in the police being "among the fittest men in the world and drawn from the flower of British youth."<sup>160</sup> As it happens, such a poetic description would probably not have been appreciated by those very men. In particular, the notorious Black and Tans "were the backbone of the force" in Palestine: a fact which "spoke for itself" according to a former member of the C.I.D.<sup>161</sup> The reputation of the Black and Tans was such that it still exists today, and at the time was used as a derogatory term even in British politics.<sup>162</sup> Official documents at the time used the term effectively as shorthand for brutality,<sup>163</sup> and the term even became a verb on one occasion with a discussion of troops who had "Blackened and Tanned".<sup>164</sup> Private Burr immediately understood the nature of the force, declaring that he could not use a handkerchief his parents had sent him because: "the old Black & Tans who were the beginning of the force do not look upon such effeminate behaviour in a kindly light. They think the force is going to the dogs as it is because of the soft ways that are creeping into the police."<sup>165</sup> Lord Wedgewood's speech gives an example of this, talking of an ex-Black and Tan A. S. P. Flanagan ordering those under his command "to remember that you must hit each person once, hit to kill, don't waste time by having to hit twice."<sup>166</sup>

The impact of the Black and Tans is probably more complicated than the sources suggest. After all, the Black and Tans served in Ireland from 1920-1, and were largely made up of veterans even then.<sup>167</sup> As such, given the passage of time between the formation of the Black and Tans, and the period in which Burr and Rowland served, it seems unlikely that many

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<sup>160</sup> Horne 1982, 152

<sup>161</sup> TNA CO 733/434/7 Rowland 1942b

<sup>162</sup> Dolan 2012

<sup>163</sup> TNA CO 733/371/3 MacDonald 1938a

<sup>164</sup> TNA CO 733/371/3 Duncan 1938

<sup>165</sup> IWM 88/8/1 Burr n.d.a

<sup>166</sup> TNA CO 733/434/7 Wedgewood 1942

<sup>167</sup> Doran 2012, 202

actual Black and Tans still served in the force. However, two points would explain the continued fixation. First, even in Ireland there “was a common blurring of the nomenclature” between the Black and Tans and the auxiliaries, and presumably something similar may have happened in Palestine, where people were perceived to have been Black and Tans even if they did not actually serve in Ireland. Secondly, it is likely that the culture the Black and Tans put in place still remained in the force. In particular, even if the number of genuine Black and Tans was few, the amount of influence the remaining ones had was formidable: 5 of the 8 district commanders by 1943 were former Black and Tans.<sup>168</sup> As such, even if relatively few Black and Tans still served in Palestine, they were still likely to have been a strong influence on the force.

Aside from the infamous Black and Tans, those serving for the British often had little experience, such as G. A. Crossley who was a former tea-taster.<sup>169</sup> Given the lack of intelligence, a tea-drinking detective in the mould of Hercule Poirot may have been of some benefit to the British: as it was, the British police was “very much a para-military organization”,<sup>170</sup> and Crossley himself was charged for murder. Aside from this, alcoholism seems to have been prevalent in the forces. Hughes points out that Scottish regiments in particular seem to have been guilty of brutality against the local population,<sup>171</sup> something likely influenced by the fact that they “drink a lot” according to one English observer,<sup>172</sup> although drunkenness was hardly limited to Scottish servicemen.<sup>173</sup>

### *Racism*

Aside from the ex-Black and Tans, and those with little experience of counterinsurgency, the British force contained a number of reservists who had seen service in India. These reservists

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<sup>168</sup> Smith 1992, 79

<sup>169</sup> TNA CO 733/371/4 Crossley 1939

<sup>170</sup> Duff 1948, 123

<sup>171</sup> Hughes 2009, 345-6

<sup>172</sup> TNA CO 733/371/2 English Lady 1938

<sup>173</sup> See TNA CO 733/371/2 Author unknown c 1940; Townshend 1988, 947; Hughes 2009, 334

“had ‘a native complex’” and “treated the Palestinian native like an Indian one.”<sup>174</sup> This indicates another factor which contributed to the use of torture: the racism endemic in the force. Hughes plays down the impact of racism, stating that whilst there was casual racism, “there was none of the racial hatred” seen in Kenya for example.<sup>175</sup> Moreover, he stated that “soldiers disliked Jew and Arab in equal measure.”<sup>176</sup> Yet this assessment ignores some of the complexities of racism during the British Mandate. As Hughes states, some soldiers did view the Arabs as worthy combatants and respected them for it, but to say that there was “none” of the racial hatred seems to be overstepping the mark.

Anti-Arab racism had its root in the British psyche long before the Revolt of 1936, with one 1929 *Daily Mail* article writing of “fanatical Arabs... inflamed by blood lust.”<sup>177</sup> By the time of the Arab Revolt, Douglas Duff wrote, “most of us were so infected by the sense of our own superiority over ‘lesser breeds’ that we scarcely regarded these people [Arabs] as human.”<sup>178</sup> One senior officer said that “One must remember that we British can always feel superior to the Arab”<sup>179</sup> whilst Burr informed his parents that the Arab is a “horrible brute”.<sup>180</sup> Tactful as always, Winston Churchill said in 1935 that Arabs “are a backward people who eat nothing but camel dung.”<sup>181</sup>

Aside from this expected colonial racial superiority, the stereotypes formed of Arabs are particularly noteworthy with regards to torture. In particular, the British regarded Arabs as unthinking brutes who only understood the language of force. Arabs were “completely intransigent and wooden in the face of any argument or persuasion to recognise the hard

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<sup>174</sup> TNA CO 733/434/7 Rowland 1942b

<sup>175</sup> Hughes 2009, 352

<sup>176</sup> Ibid.

<sup>177</sup> Townshend 1986, 101

<sup>178</sup> Duff 1953, 36

<sup>179</sup> Quoted in Rose 2009, 32

<sup>180</sup> IWM 88/8/1 Burr 1938a

<sup>181</sup> Quoted in Brutton 1996

facts” according to Sir Henry Gurney.<sup>182</sup> As the Arab could not be reasoned with, violence was the only option: “Arabs only understand brute force” said one senior police officer.<sup>183</sup> Yet, despite this intellectual failing, Arabs were regarded as tough, and as such required special attention. One reason put forward for the deaths at Halhul was that those in charge were “not sufficiently acquainted with Arabs to know when they were actually suffering”, a comment which implies Arabs were somehow different in how they experienced suffering to others.<sup>184</sup> Even those sympathetic to Arabs drew on this racial stereotype, as Rowland expressed surprise that an Arab jumped out of a window to his death whilst undergoing torture because “Arabs can take punishment.”<sup>185</sup> As Arabs were perceived as being too dumb to reason with, and particularly resilient to pain, the use of severe torture methods became an attractive option, in particular with regards to interrogational torture. This perceived resilience also implies that they could have been treated more harshly as they were deemed to have higher levels of resilience.

Anti-Semitism also impacted upon British servicemen. There have been various claims that anti-Semitism was not as strong for the British as anti-Arab sentiments. Van Creveld notes that the British regarded the Jews as a “semi-European race”,<sup>186</sup> whilst Pappé points out that the British let the Zionist authorities set up their own education system as their European roots meant that they did not need modernising.<sup>187</sup> During the Arab Revolt, anti-Semitism seems to have been comparatively mild, likely due to the fact that the British were not fighting

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<sup>182</sup> Quoted in Rose 2009, 33

<sup>183</sup> Duff 1938, 60

<sup>184</sup> TNA CO 733/413/3 Author unknown d 1938

<sup>185</sup> TNA CO 733/434/7 Rowland 1942a

<sup>186</sup> Van Creveld 1998, 58

<sup>187</sup> Pappé 2006, 88

the Jewish community to the same extent that they were the Arabs. The main stereotype of Jews at the time was that they were seen as devious and untrustworthy.<sup>188</sup>

However, by the 1940s anti-Semitism seems to have been taken to a new level in the British Mandate, and Lord Wedgewood's conclusions on the matter in 1942 merit extensive quotation:

“Main subject of Police mess conversation, after women, is ‘the bloody Jews’. The sentiments and general attitude of the great majority of the Police officers and men are so violently and disgustingly tainted with racial hatred that they can be classed in this respect as good Nazis or Fascists.”<sup>189</sup>

During WWII, a broadcast from Berlin to the Middle East apparently praised the British “as being the only people, besides the Germans, who knew how to deal with the Jews.”<sup>190</sup> According to Rowland: “From the High Commissioner downwards, and especially in the Police, rabid anti-Jewish sentiment is glaringly evident.”<sup>191</sup> After the war, angry British troops threw highly distasteful slurs at Jews: “‘What we need is gas-chambers’; ‘Hitler didn’t finish the job’”. Whilst putting this in part down to “extreme provocation”, Norman Rose states that this reveals “deep-rooted prejudices”.<sup>192</sup> Indeed, such taunts were voiced during the war, even before the Zionist terror campaign peaked. “Here is Dachau for you!” shouted one apparently drunk policeman at Athlit refugee camp in May 1940.<sup>193</sup>

Therefore, we can see that a number of factors contributed to a situation in which casual brutality was meted out to the local population. Several authors rightly point to the

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<sup>188</sup> See e.g. IWM 88/8/1 Burr n.d.e; Duff 1938, 69

<sup>189</sup> TNA CO 733/434/7 Wedgewood 1942

<sup>190</sup> Ibid.

<sup>191</sup> TNA CO 733/434/7 Rowland 1942a

<sup>192</sup> Rose 2009, 108-9

<sup>193</sup> TNA CO 733/371/2 Author unknown c 1940

conditions of service as causing this, but the brutality of the British forces cannot solely be put down to the conditions. Indeed, given the make-up of the force it is likely that a number of British troops would have engaged in brutality regardless of context. However, the poor conditions of service, in addition to the make-up and racism of the force, created an atmosphere in which casual brutality could be carried out and accepted.

### Casual brutality and the monitoring hypothesis

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Whilst the reasons for this casual brutality can be seen, the fact that it was so visible stands at odds to the monitoring hypothesis, which in theory ought to prevent such visual brutality. Moreover, it begs the question: why did public monitoring keep torture stealthy but not casual brutality? Perhaps the simplest answer to this is to say that that disparity disproves, or at least heavily weakens, the monitoring hypothesis. However, by opening up the 'black box' of public monitoring this section will contend that the monitoring hypothesis can explain this disparity. In doing so, it stresses the importance of perception, as well as the shifts in the various pressures discussed.

### *Perception and abuse*

The first point that ought to be stressed is that public monitoring is essentially a deterrent. It is the *threat* of the consequences that follow which leads a state to employ stealthy torture. As such, the objective reality of public monitoring is less important than the *perception* of it. If an actor believes that the costs of being seen to torture are low – or, perhaps more importantly given the discussion below, if the costs *they personally face* are low – then they will act as if that was the fact regardless of the objective reality. The primacy of perception means that the monitoring hypothesis is not exact. Even if there are conditions under which one would expect visible torture and brutality to be ruled out, if there is an alternate perception on the ground then those conditions do not guarantee that visible violence will not be used.

There are a number of factors which can impact upon the perception of those carrying out or involved in torture. Comparing the experience of Arthur Lane and Edward Tinker is illustrative in this regard. Tinker was at pains to stress that the placing of an egg under a detainee's armpit was stealthy,<sup>194</sup> whilst Lane displays no awareness of the need not to leave marks, and, judging by the viciousness of the beatings meted out to detainees, neither did his comrades.<sup>195</sup> The main difference between Lane and Tinker is seemingly their rank: Tinker was a brigadier, Lane was a private. The difference in rank goes a long way to explaining the differing perceptions both men had. As a senior officer, Tinker would likely have been more sensitive to the strategic situation than those serving on the ground. Needless to say, the delicate strategic position of the British state was not the primary concern of the ordinary soldier. As Lord Wedgewood stated, the main topic of conversation was women,<sup>196</sup> not nuanced debates over the precarious state of British communications in the Middle East. Indeed, the political situation seemed to be a source of amusement for troops: "Wouldn't the Berlin boys make a shout about this if they saw it?" wrote a British soldier on the back of a photograph of a "Wog" being tortured.<sup>197</sup> A person's position in the force, then, may have impacted on their level of concern for public monitoring.

However, even if those serving on the ground had little interest in the strategic picture themselves, the pressures not to be seen to abuse the local population ought to still have been translated to them. Primarily, this takes place through the command and control of the army: even if a soldier does not care about the political consequences, he will be concerned about his personal consequences if his staff sergeant is going to be unimpressed. Discipline is the primary way in which these political pressures can be translated to those on the ground, and

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<sup>194</sup> IWMSA 4492 Tinker 1979

<sup>195</sup> IWMSA 10295 Lane 1988

<sup>196</sup> TNA CO 733/434/7 Wedgewood 1942

<sup>197</sup> TNA CO 733/371/2 Bath 1938

the level of control officers exert on their men is an important factor in whether these pressures prevent visual abuse. For example, Lane states that the vicious beating of detainees through making them “run the gauntlet” happened with the full knowledge of his officers.<sup>198</sup> In this single case, it seems that soldiers were allowed to beat detainees brutally despite the pressure of public monitoring because their officers failed to appropriately translate the pressures to them. Many of the tortures, on the other hand, will have occurred with a degree of control. Sir Charles Tegart, for example, would have been fully aware of the political pressures from public monitoring, and although there is no evidence of the types of tortures used in the centres he set up, that there was training at least suggests that there was a preference for certain torture techniques. After the Second World War ended, British soldiers were confined to barracks to prevent them taking retaliatory action against the Jewish community for the hanging of two British soldiers by the Irgun. In this case, the officers were willing to keep their troops in check.<sup>199</sup> However, this change was likely affected by shifts in public monitoring – namely, the increased sensitivity towards anti-Jewish violence after the horrors of the Nazi Holocaust had been revealed. This demonstrates that the changes in public monitoring are another factor which needs to be examined.

### *Shifts in public monitoring*

Aside from the different levels of perception in the monitoring hypothesis, many of the factors discussed throughout this paper shift spatially and temporally. The first of these shifts is the presence of immediate monitors. Public monitoring can effectively be split into two components: the immediate monitor, who identifies and disseminates the evidence of torture, and the audience, which receives the evidence of torture from the immediate monitor. Both of these are necessary but insufficient factors in public monitoring. If there is no immediate

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<sup>198</sup> IWMSA 10295 Lane 1988

<sup>199</sup> Wilson 1949, 87

monitor, then no allegations of torture can be made. If the wider audience has no interest in the claim, it can do no damage to the state. Of course, neither factor can be eliminated completely. Every person who participates in torture is a potential monitor, and all it would require would be for someone with knowledge of torture to have a change of conscience to inform the wider world. Furthermore, even the most authoritarian dictatorship is not completely isolated from the outside world, and international condemnation of torture can have an impact if trade or (perceived) international legitimacy was threatened. Both elements to public monitoring, therefore, operate in shades of grey: both will always exist, but how much they affect the state itself can change. As such, the need for 'clean' torture depends on both elements of public monitoring, and moreover this implies that the pressure of public monitoring can fluctuate.

Although public monitoring can be broken down into two constituent parts, the two elements have a symbiotic relationship. For example, Sherman describes how a group called the Peace Brigades travelled to Palestine after hearing reports of brutality in the British press.<sup>200</sup> Thus, evidence of torture exposed to the wider audience inspired people to effectively become immediate monitors, and as such increased the level of monitoring on the ground which in turn increases the chance of evidence of torture being presented to the wider audience.

One shift which Rejali points to is geography, pointing out that in Algeria there was greater public monitoring in urban areas.<sup>201</sup> The same seems to apply to Palestine as well. Hilda Wilson acted as an immediate monitor in the area of Palestine in which she lived, but it

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<sup>200</sup> Sherman 1999, 214. Hilda Wilson mentions that several members of the Peace Brigades were operating in her local area, but given the difficulties Wilson had in finding transportation (often hitching a ride from British troops, who were somewhat unlikely to help the Peace Brigades around) their ability to cover ground was likely to be poor.

<sup>201</sup> Rejali 2007, 416

was only by chance she was able to do this. Much of the conflict during the Arab Revolt occurred in the countryside, and it is almost certain that monitors were not present at each and every search for arms. Indeed, Bernard Montgomery expelled the press from Northern Palestine, which dramatically reduced the level of monitoring in this area.<sup>202</sup> The army looked at rural operations with relish, as:

“[I]t was only in the hills and the open country that he could make use of his arms without all sorts of restrictions, and without being called to account for his every action in order to excuse possible suggestions of using ‘excessive force’.”<sup>203</sup>

In contrast to this, urban areas were always potentially subject to monitoring. In one case, a clergyman witnessed abuse at a police station when he was reporting his car stolen.<sup>204</sup> As such, there was a greater incentive to use stealthy tortures in urban areas rather than rural ones, as the level of monitoring was greater.

The immediate monitors did not just shift depending on geography, however. Describing waterboarding in 1928, Duff was still subject to monitoring from doctors despite operating in rural areas.<sup>205</sup> However, this indicates a crucial difference between interrogation and casual brutality. The reason detainees would be checked by doctors after interrogation was that they were to be put on trial for their alleged activities. As such, if interrogations took place within the legal system there would have been an extra incentive to avoid being seen to torture, as it was subject to greater monitoring. Indeed, one official bemoaned that police brutality “had the unfortunate effect, among others, of making the Palestine courts suspicious of Police

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<sup>202</sup> IWMSA 4550 Bredin 1980

<sup>203</sup> Quoted in Townshend 1988, 932

<sup>204</sup> Hughes 2009, 333

<sup>205</sup> Duff 1953, 168

evidence of confessions.”<sup>206</sup> Interrogation’s role in the legal system, then, meant it was often subject to greater monitoring than casual brutality.

The second shift is the outside pressures of public monitoring. Although this affects both torture and casual brutality equally, demonstrating the shifts in the wider environment can illustrate the complexity of public monitoring. For example, Rowland’s testimony indicates that by 1942 the British had resorted to a less ‘clean’ form of torture: beatings.<sup>207</sup> One logical reason for this was that war had broken out with Germany, and so the pressure from public monitoring had vastly decreased: the propaganda from the German and Italian press was effectively irrelevant to British interests, whilst the domestic audience had more important issues to worry about than the conduct of police in another continent away from the main theatre of war.<sup>208</sup>

Further demonstrating the complexity of the effect these shifts would have, the shifts at the micro-level will also have impacted upon the actions of the British state. The conditions of service examined earlier in this section were not static, and the evidence indicates that shifts on the ground affected the level of torture and brutality. For example, the nadir of the Arab Revolt for the British occurred around mid-1938, when the British lost control of Jerusalem. Whilst the fragmentary nature of the evidence should once again be stressed, the official files show a cluster of complains about brutality around this period.<sup>209</sup> Lending credence to the theory that casual brutality grew worse as conditions deteriorated is the testimony of Arthur

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<sup>206</sup> TNA CO 733/428/1 H. G. B. 1940

<sup>207</sup> TNA CO 733/434/7 Rowland 1942a

<sup>208</sup> Another factor is that in wartime populations are often more willing to accept brutal measures to be carried out in their defence. The British public accepted the mass fire-bombing of German cities, for example, and so it seems reasonable to suggest that concern over torture and casual brutality in Palestine would have been of little interest in Britain.

<sup>209</sup> TNA CO 733/371/2 Eltaher 1938; Bureau National Arabe 1938; Huseini et al. 938; Taher 1938; Zu’bi 1938

Lane, who stated that detainees were more likely to be abused if they were captured in the weeks following a comrade's death.

“You remember these things for a month at most, and then it's forgotten, and you've got a clean sheet and you start again. It's just if you happened to be unfortunate to be a rebel that's caught within a certain time, y'know within say a week or a fortnight of an initial thing happening. After that no, you just don't try to [inaudible]. You're back to being a squaddie, you're back to doing as you're told.”<sup>210</sup>

The last section of this quote – referring to going back to following orders – is particularly important here, as it implies that when emotions were running high soldiers *did not* do what they were told. This is a pointed example of how the pressures of public monitoring were not successfully translated. Indeed, when talking about the racketeering operation carried out by soldiers, Lane gives further evidence as to the limits officers had when controlling their men: “You've got to give it a little bit of leeway, otherwise it'll turn on you.”

Yet, just as the conditions of service were not static, the make-up of the force was not monolithic either. Indeed, some regiments seem more prone to casual brutality and violence than others. As noted above, the Scottish regiments came in for particular criticism from the Arab population. However, in contrast to this, the Royal Ulster Rifles seem to have behaved with far greater restraint than other regiments. Burr wrote to his parents in outrage that the Royal Ulster Rifles had complained about police brutality to the High Commissioner,<sup>211</sup> whilst the chaplain who criticised the brutality of troops also belonged to the regiment.<sup>212</sup> This indicates that the level of brutality differed at the unit level as well.

To further demonstrate the full complexity of the shifts, we can imagine a counterfactual where the Second World War had coincided with the Arab Revolt, and the

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<sup>210</sup> IWMSA 10295 Lane 1988

<sup>211</sup> IWM 88/8/1 Burr n.d.c

<sup>212</sup> TNA CO 733/371/2 Bath 1938

Muslim League had taken up the Palestinian cause and started to disrupt British control in India. As a result of this, several pressures not to be seen to torture disappear (German/Italian press, domestic opinion), whilst another one increases (Muslim agitation). At the same time, the need to put down the Revolt and establish full control of the region increases, thus increasing the need to use torture, but troops are also removed from Palestine to defend Western Europe. Those serving on the ground find their forces increasingly stretched, and conditions of service become even worse, increasing the desire to employ casual brutality. In this case, there are several pressures pushing in several contradictory directions. What, then, happens?

Of course, no answer can be given, but this counterfactual demonstrates the complexity of public monitoring. It is not monolithic; the pressure it exerts shift over time; and how these shifts are perceived depends on the individual in question. As to why this means torture was generally stealthy whilst casual brutality was not, a definitive answer cannot be given. However, several tentative explanations can be given: official control of those employing torture was greater; torturers, especially those in urban areas, were under greater public monitoring; interrogational torture often occurred within the legal system and as such was subject to greater monitoring; conditions on the ground and the make-up of the force fluctuated frequently. Without further research, shedding greater light onto this is exceedingly difficult, but it is at least apparent that the monitoring hypothesis can account for both visible and stealthy violence, even when they both occur at the same time.

## Conclusion

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At the time this paper was begun, Amnesty International launched their Stop Torture campaign. Of the 27 techniques they have detailed in the past year, at least 6 of these can be

traced back to Mandatory Palestine.<sup>213</sup> Not only can these techniques be traced back, but the justifications for torture that are now used echo throughout the ages. After being charged for brutality, Douglas Duff said:<sup>214</sup>

“I personally claimed that I could not make omelettes without breaking any eggs, and in any case that the eggs I had cracked were thoroughly bad ones; also that I had stamped out one of the worst threats to innocent folks.”

Similarly, Geoffrey Morton complained that criticism of harsh methods came mainly “from people who were never likely to find themselves in a similar position.”<sup>215</sup> Yet, these justifications seem wasted when Britain’s dark colonial past is so poorly remembered. Indeed, why apologise for what people do not know? Uncovering just a tiny fraction of British colonial abuse has posed a formidable methodological challenge. However, the most frustrating conclusion is that more research is needed, but it is not clear how much more research is possible. The extent of casual brutality in Palestine has been well documented, but the evidence of official sanction for torture is still sparse. Indeed, there is only a small handful of evidence of how the state sanctioned the use of torture in Palestine. Foremost among them are Keith-Roach’s memoirs, but even this piece of evidence seems to have only come to light so Keith-Roach can congratulate himself for stopping the practice, although the praise he has received in the historical literature seems misplaced.<sup>216</sup> Even in the narrow confines of this research, uncovering the types of tortures used in the Tegart centres would go some way to proving or disproving the monitoring hypothesis. If this torture was found to have been clean then it would strengthen the monitoring hypothesis. However, the need for further research is

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<sup>213</sup> Amnesty International 2014a, 26-7

<sup>214</sup> Duff 1938, 208

<sup>215</sup> Morton 1957, 57-8

<sup>216</sup> Hughes 2009a, 331. Keith-Roach states that he complained when a torture centre “was established in a Jewish suburb of Jerusalem”, but his language implies that he knew they existed in Arab suburbs, so seemingly his complaint stems from the use of torture against Jewish suspects rather than torture per se (Keith-Roach 1994, 191).

at odds with the information left to mine. All the major archives – the National Archives, the Imperial War Museum, the Middle East Centre, and the Israeli state archives – have been explored by those looking into the actions of the British Mandate, and whilst information may well still be hidden in these and other, lesser known, vaults, it is at least likely that the evidence required to answer these questions simply does not exist.

Of course, ten years ago the astonishing findings of Caroline Elkins were not public knowledge, and the search for evidence of state wrong-doing is not over, but this paper will have to settle for making a minor contribution to the understanding of how torture was employed by the British Mandate. The first section deepened the understanding of torture – indeed, even tracing certain techniques back further than the literature has previously<sup>217</sup> – and also stressed the importance of British concern over India and the Middle East during the Arab Revolt. The second section contributed to the study of casual brutality by British troops, increasing the evidence on conditions of service, but also stressing the influence of the Black and Tans on the force as well as showing the level of racism. By putting torture in context, it attempted to reconcile the seemingly contradictory stealthy torture to the visual brutality by opening up the ‘black box’ of public monitoring, and drawing attention to the importance of perception as well as the shifts that occur spatially and temporally.

However, aside from this contribution to the academic literature, demonstrating empirical evidence of torture is a vital way to contribute to public debate on torture. Amnesty International found that in Britain 29% of people believed that torture could be necessary to safeguard the public.<sup>218</sup> Depressingly, this is better than the worldwide average, but reflects a public discourse which places an emphasis on tenuous philosophical thought experiments

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<sup>217</sup> Rejali (2007, 331) traces the placing of a recently boiled egg under the armpit to the 1950s, but Tinker’s interview shows that it occurred at least 20 years previously.

<sup>218</sup> Amnesty International 2014b

rather than empirical studies on how torture is employed and what the consequences are. It is very easy to believe torture is justified in theory: it is significantly more difficult to believe torture is justified when you know what it does.

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As noted in the methodology, many of the sources consulted at the National Archives were unclear as to their provenance. Whilst the precise identity remains elusive, all of these files, it can be reasonably assumed, come from British officials of sorts. On a related matter, names

and titles are given as they were in the original documents. In the case of a title, the name is given in parenthesis (e.g., High Commissioner for Palestine [Harold MacMichael]).

The institutions are the National Archives (TNA), the Imperial War Museum (IWM), the Imperial War Museum Sound Archives (IWMSA), and the Middle East Centre (MEC). Codes for TNA files are CO (Colonial Office) and CAB (Cabinet papers). A list of files consulted can be found in Appendix 1

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