

**Imperial Inquiries:
Rights and Belonging in Bechuanaland and Mandate Palestine**

Kate Reeve

Department of History and Classical Studies
McGill University, Montreal
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Table of Contents

Abstracts	3
Acknowledgements	4
Introduction: Situating the colonial commission	5-22
Chapter One: ‘The Masarwa can and will be raised’	23-57
Chapter Two: Testifying in Palestine	58-91
Chapter Three: Slavery and sovereignty	92-113
Conclusion: Convergent conditions of colonial rule.....	114-124
Bibliography	125-138

Abstracts

In the mid-1930s, two sites of the British empire, the Bechuanaland protectorate, which in 1966 became the nation-state of Botswana, and Mandate Palestine, were visited by commissions of inquiry. In Bechuanaland, a controversy surrounding African slavery and autonomy brought a lone commissioner to investigate. His report precipitated a competing investigation by local missionaries, forcing into dialogue two different articulations of British rule in Africa. Not so in Palestine, where the outbreak of national anti-colonial revolt precipitated yet another large and well-publicized inquiry into the 'root causes' of unrest. Studying Bechuanaland and Palestine together shows that the inquiry was a vital technique of twentieth century imperial governance, shared between colonial sites and criss-crossed by individual policymakers, ideas, and logics. The transcripts and records of each commission reveal shared valences of imperial rule. These include a preoccupation with making and reifying group hierarchies, as well as the instability of this process and the anxiety it provoked among policymakers. Moreover, inquiries reveal how colonial administrations sought to work with certain intermediary groups and not others, with long-term political ramifications for those excluded from influence. The commission texts themselves have been enfolded into the colonial archive, from whose hagiographic depths they can be retrieved and referred to. The problems they sought to adjudicate continue to haunt the 'post-colonial' nation-states who inherited them.

Au milieu des années 1930, deux territoires de l'Empire britannique, le Protectorat du Bechuanaland, devenu l'État-nation du Botswana en 1966, et la Palestine mandataire furent le théâtre de commissions d'enquête. Afin d'exposer les faits sur la controverse entourant l'esclavagisme et l'autonomie du Bechuanaland, on y dépêcha un seul commissaire. Son rapport, qui engendra une contre-enquête de la part des missionnaires locaux, força le dialogue entre deux différentes instances de l'autorité britannique en Afrique. En Palestine, toutefois, un soulèvement anticolonialiste donna lieu à une vaste enquête publique afin d'en identifier les causes principales. L'étude conjointe du Bechuanaland et de la Palestine démontre à quel point le recours aux commissions d'enquête faisait partie intégrante de la gouvernance impériale au XX^e siècle et s'étendait aux territoires; influençant du coup décideurs politiques, idées et raisonnements. Les transcriptions et comptes rendus qui ont émané de chacune des commissions d'enquête partageaient des caractéristiques propres au régime impérial, dont la réification des groupes sociaux, la fragilité d'une telle classification et le malaise qu'elle suscitait chez les décideurs politiques. De plus, d'après les rapports, le fait que l'administration coloniale britannique ait choisi de travailler avec certains groupes intermédiaires au détriment d'autres a engendré des répercussions politiques à long terme sur ceux qui ont été exclus du pouvoir. Les écrits hagiographiques des commissions, qui tiennent leur place parmi les archives coloniales, continuent à ce jour d'être consultés et de servir d'ouvrages de référence. Quant aux problèmes sur lesquels les commissions devaient se prononcer, ils hantent toujours les États-nations « post-colonialistes » qui en ont hérité.

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Introduction

Situating the Colonial Commission

In the early twentieth-century, British policymakers drew on a wide range of techniques, from the spectacularly bloody to the bureaucratic mundane, in their efforts to hold the imperial centre. Commissions of inquiry were a frequent and fraught tool in this effort. A mainstay of the British imperial arsenal, their use accelerated in the 19th century and continued into the 20th. Despite their technocratic associations, inquiries offer a window into the febrile relationship between colonial truths and imperial power. To illustrate this, I draw on two seemingly incongruent sites and occasions of the British empire: the Bechuanaland protectorate, which in 1966 became the nation-state of Botswana, and Mandate Palestine. Both were subjected to commissions of inquiry in the mid-1930s: the Tagart Commission (1931), which sparked a counter-investigation (1935) by the London Missionary Society, in the Bechuanaland protectorate and the Peel Commission (1936-7) in Palestine. In examining these three inquiries, I argue that not only was the inquiry itself a vital technique of twentieth century imperial governance, but that its particular processes have a great deal to tell us about the tectonic violences of the 'postcolonial.' Bringing Palestine and Bechuanaland together illuminates how 20th century British imperial governance was involved in structuring layered colonial relations, wherein some local groups were privileged over others, with enduring consequences for rights-claims in both places.

By the empire's standards, both were relatively new British possessions; Bechuanaland was declared a protectorate in 1885 and Palestine a Mandate territory in 1922. Neither followed a straight-forward colonial model - not 'classic' indirect rule, not 'normal' settler-colonialism. Sustained Jewish immigration/settlement to Palestine began in the early 1880s, driven in part by pogroms in Eastern Europe, initially without support from a central imperial government nor the

capacities to forcefully take land from indigenous residents in a sustained manner.¹ Gershon Shafir has compellingly shown how even these earliest Jewish immigrants can be understood through a settler-colonial framework, but, as he notes, their project was characterized by significant differences from the archetypal models in Canada, Australia, and the United States.² Moreover, though in some sense the Bechuanaland protectorate could be considered a prime example of indirect rule, African kings in the region maintained significantly higher degrees of autonomy than in other areas of Southern Africa and the protectorate itself never hosted significant colonial resource extraction nor white ownership of land.³ In their edited volume, Pedersen and Elkins introduce an ‘ideal type’ and model typology of twentieth century settler-colonialism. They emphasize the utility of comparison in grasping the scope and plurality of settler colonial formations, and I follow them in this approach to the twentieth century British empire.⁴ However, neither Palestine nor Bechuanaland conform thoroughly to their analytic framework, in part, as I will argue, due to the particular nuances and competing claims of indigeneity in each place.

In the late 1920s, Bechuanaland was gripped by controversy: Tshekedi Khama, regent of the powerful Bamangwato ‘tribe’ and local ruler, was accused of enabling slavery in his territory. Though he denied the allegations, the news kicked up enough trans-imperial dust for the British government to send over an investigative commissioner. His findings, colloquially known as the

¹ Gershon Shafir, “Settler Citizenship in the Jewish Colonization of Palestine,” in Caroline Elkins and Susan Pedersen, *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies* (London, United Kingdom: Taylor & Francis Group, 2005), 41-58.

² Gershon Shafir *Land Labor and the Origins of the Israeli-Palestinian Conflict, 1882-1914* (Cambridge University Press, 1989).

³ A.J. Christopher, “Official Land Disposal Policies and European Settlement in Southern Africa 1860–1960,” *Journal of Historical Geography* 9, no. 4 (October 1, 1983): 369–83; Kwame Frimpong, “Post-Independence Land Legislation and the Process of Land Tenure Reform in Botswana,” *Comparative and International Law Journal of Southern Africa* 26, no. 3 (1993): 385–95.

⁴ Elkins and Pedersen, “Settler Colonialism: A Concept and its Uses,” in *Settler Colonialism in the Twentieth Century*, 1-20.

Tagart Report, were released in 1931. They included a damning indictment of the Bamangwato elite's complicity in coercive labour practices and a series of corrective policy recommendations, most of which increased British authority and undermined the chieftaincy's independence.⁵

Tagart's conclusions, and the fact that they were quickly accepted by the British High Commissioner in South Africa, infuriated Tshekedi Khama. A separate hearing on the subject, held by the London Missionary Society (LMS) several years after the publication of the Tagart report, offered Khama an opportunity to formally refute Tagart's findings. He positioned his testimony as a direct response to Tagart, undermining the legitimacy of the government's inquiring process. His efforts, well-received by his missionary audience, point to the instability of commissions of inquiry and the truths they purport to generate. In contesting the official British report through his testimony to the SADC, Tshekedi Khama forced into dialogue two distinct ideological articulations of the imperial project.

While the moral rigour of the British empire was called into question by the slavery controversy in Bechuanaland, its basic governance capacity was challenged in Palestine. In 1936, after decades of foreign rule and an increasing Zionist population, Palestinians launched a powerful anti-colonial boycott and armed revolt. Groups of rebels seized control of the countryside, while everyday economic and juridical activities ground to a halt in major Palestinian cities, such as Jerusalem and Haifa. Meanwhile, the occupying British army inflicted significant legal and extralegal violence on Palestinians, rebels or otherwise, including home demolitions and arbitrary beatings. The Palestinian uprising precipitated the establishment of a royal commission, ordered by the British government to inquire into the 'underlying causes' of

⁵ The term Bechuanaland and/or the Protectorate used throughout this paper refers to the area of today's Republic of Botswana. However, from 1885-1895 there existed another side-by-side colony called British Bechuanaland, which is today part of the Republic of South Africa.

the unrest.⁶ The Peel Commission, as it came to be known after its chairman, Lord Peel, began its work in the fall of 1936 and concluded in early 1937. Its final report recommended ending the British Mandate in Palestine and partitioning the territory into two autonomous Jewish and Arab states. Its recommendations were rejected by Palestinians and the revolt broke out again soon after.

Mining these two grounds of commission for differences would yield rich results. In Bechuanaland, a simmering controversy around the borders of African slavery and African freedom forced two inquiring processes into conflict. A lone commissioner, without much imperial experience, was sent to the protectorate and ordered to turn up policy recommendations. He ran up against complex internal Tswana political maneuvering, a network of well-placed missionaries, and bedraggled colonial administrators who thought they already knew all they needed to. Not so in Palestine, where an intensifying national conflict was subject to a much-publicized investigation by five experienced imperial administrators and one academic. Though the League of Nations hovered around both inquiries, they had no oversight over Bechuanaland, while, as Susan Pedersen and Natasha Wheatley have shown, Palestine occupied significant space in the minutes of the Permanent Mandates Commission meetings.⁷ These incongruities, among many others, might give the initial impression that 1930s Palestine and Bechuanaland are simply too different to share analytic space. Yet both were ruled by the same empire and both subject to similar imperial techniques; their divergences occurred within the same imperial

⁶ The committee was all-male, though this hegemony did not go uncontested. Several women's organizations attempted to lobby for female commissioners. This raises interesting questions about feminism and imperialism. "[FSI] Women Ask Place On Royal Commission," [PDI] *The Palestine Post* [PDI], 4 August 1936, accessed March 3, 2021, <https://www.nli.org.il/en/newspapers/pls/1936/08/04/01/article/16..>

⁷ Susan Pedersen, "Chapter Three: A Whole World Talking," in *The Guardians: The League of Nations and the Crisis of Empire* (Oxford University Press, 2015): 77-104; Natasha Wheatley, "Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations," *Past & Present* 227, no. 1 (May 1, 2015): 205-48.

system. Grappling with its breadth is necessary to developing a deeper understanding of the empire. I suggest that not only were colony and metropole mutually imbricated, but so too were different colonized places. Attending to these processes requires, as Zoe Laidlaw puts it, grappling with “the reverberations of actions and ideas in one colonial location across other spheres.”⁸

In the following chapters, I first analyze each site of commission on its own terms. Beginning in Bechuanaland, I trace the remarkably dialogic nature of colonial knowledge creation in the protectorate. After sketching out the broad regional context of the controversy, I explore its immediate triggers and the particularities of the British administration’s responses. Working with a swirling corpus of commission reports and transcripts, newspaper articles, the private papers of colonial officials, and the League of Nations’ slavery conventions, the Bechuanaland chapter explores the futilities and frustrations of inquiries as a technique of colonial governance. There, in a scantily populated region with little white settlement, little colonial infrastructure, and little significance in the broader British imperial order, the process of colonial inquiry did not produce a coherent ‘regime of truth’ but rather, a fraught and vicious field of truth-contestation. The assumption that the protectorate would inevitably be absorbed into neighbouring South Africa, as well as the context of sustained missionary activity and missionaries’ relationships with Bamangwato rulers, is vital in grasping why and how these contestations took place. Tswana elites, led by Tshekedi Khama, strongly resisted the possible incorporation of the protectorate, aware that if the plan came to fruition, their remaining autonomy would be sharply curtailed. And in the 1930s, with racist laws and the formalization of racist practice expanding rapidly in South Africa, Tshekedi Khama and his allies found the

⁸ Zoë Laidlaw, “Breaking Britannia’s Bounds? Law, Settlers, and Space in Britain’s Imperial Historiography,” *The Historical Journal* 55, no. 3 (September 2012): 830.

prospect particularly threatening. Local British missionaries took Tshekedi Khama's side, launching a lobbying campaign at home in England as well as backing the Bamangwato ruler in his confrontations with the British administration. The two inquiries I discuss in this chapter, one launched by the British government and one by the LMS in response to the British, contain and refract these vital political struggles.

Bechuanaland is followed immediately by Palestine, where I analyze the several witness testimonies from the recently-released secret testimonies to the Peel commission. The secret testimony reads like a script, with exchanges recorded back and forth between witness and commissioner. This allows readers to trace the commissioners' changing understandings and articulation of partition as a feasible solution to Britain's failing Mandate in Palestine. I analyze the testimonies of three important witness; Sir Arthur Wauchope, High Commissioner of Palestine from 1931 to 1938, Chaim Weizmann, leader of the World Zionist Organization, and George Antonius, an Arab intellectual and former employee in the British administration in Palestine. My focus in this chapter is on what their testimonies – and particularly their discussions with commissioners – reveal about the everyday work of constructing 20th century British colonial policy and the role of the inquiry within this practice. I argue that the secret testimony offers unique insight into the professional culture of British policymakers, with the effect that certain kinds of witnesses were privileged in their capacity to tell 'the truth.'

The third and final chapter begins with a critical discussion of the limitations of comparative histories. It notes the imperial connections and overlaps between Bechuanaland and Palestine, and the difficulty in fitting their strange affinities into a rigid methodological framework. The body of the chapter addresses major themes that the commissions of inquiry in Bechuanaland and Palestine share. It focuses specifically on the adjudication of group

hierarchies, the plural ways colonized people attempted to make use of the inquiry, and the afterlives of each inquiring process. The thesis concludes with a brief, speculative reflection on what Achille Mbembe calls the “debts” and “debris” of colonial archives: what these two sets of inquiries can tell us about the 20th century imperial governance and its relationship with claims to indigeneity.⁹ There, I suggest that British colonial rule in both Palestine and Bechuanaland was involved in structuring the conditions under which indigeneity is claimed, litigated, and understood today.

Literature Review

Despite their ongoing prominence, inquiries - especially those undertaken by imperial policymakers of colonial subjects - have not received significant academic attention on their own terms. They are often victim to functionalist analyses from the social sciences or, under the umbrella of postcolonial/subaltern studies, enfolded into broader analyses of the role of knowledge production in the consolidation of empire. These strands rarely intersect conceptually and seem to share only a mutual distrust. In the following section, I will briefly review the literature each has produced, with an eye to their insights and limitations. However, other pertinent scholarly literature, particularly on the politics of comparison and colonial knowledge creation, will be discussed in context.

British history is pocked with inquiries and their confused effects. Until the 1990s, they have mainly been studied by legal historians and sociologists. Scholars in these disciplines have produced functional analyses of British royal commissions. They ask whether or not a commission was effective, they debate what effective itself might mean, and they attempt to

⁹ Achille Mbembe, “The Power of the Archive and Its Limits,” in *Refiguring the Archive*, ed. Carolyn Hamilton et al. (Dordrecht: Springer Netherlands, 2002), 27.

impose rubrics or schemes of progression (the investigative stage, the assessment stage, etc) on large samples of inquiries. Though royal commissions are similar in practice to departmental inquiries, they are defined legally in different terms. Appointed by the Crown, the royal commission is independent of parliamentary oversight, except for the fiscal control exercised by the Treasury. A royal commission remains in existence until its work is finished, regardless of any electoral or political changes.

One of the first wide-ranging studies on the topic, Charles Hanser's 1965 *Guide to Decision: The Royal Commission*, broke down commissions along multiple joints, including composition - expert, impartial, representative - and type of report produced - unanimous, divided, dissenting.¹⁰ Hanser wrote glowingly of commissions in England and Canada, suggesting they represent a uniquely democratic method of knowledge collection. In 1975 Timothy Cartwright contextualized Hanser's argument by demonstrating that British royal commissions took on new meaning in the 19th century, as a method of engaging the growing power of the public sphere in an era riven with social unrest.¹¹ Gerald Rhodes, in his lengthy study on British royal commissions, argued commissions themselves carried a normative function; namely, the education of public opinion through their published reports. When examining their significance, Rhodes' sees the question "not simply in terms of the reactions of civil servants and ministers poring over them in their offices," but in their public reception and commentary.¹²

Martin Bulmer's 1980 edited volume, *Social Research and Royal Commissions*, sought to assess the influence of "empirical social research" on British public policy through an

¹⁰ Charles Hanser, *Guide to Decision: The Royal Commission* (Towota, New Jersey: Bedminster Press, 1965).

¹¹ T.J. Cartwright, *Royal commissions and departmental committees in Britain : a case-study in institutional adaptiveness and public participation in government* (London: Hodder and Stoughton, 1975).

¹² Gerald Rhodes, *Committees of Inquiry* (London: Allen and Unwin, 1975), 149.

examination of its role in ten royal commissions.¹³ He argues that “research as analytic description” is the most common manifestation of ‘social research’ in inquiries. Such mapping is often descriptive,” he notes, “and may involve more difficult features, such as attitudes.”¹⁴ Broader historiographies of the modern British state share Bulmer’s emphasis on the role of social research and statistics as foundational in the inquiring impetus of commissions. These works discuss inquiries in the context of longer patterns of quantification and population study from the 17th century onwards.¹⁵ John Brewer suggests that both the state’s and the public’s concern with enumeration was rooted in a growing awareness of the power of scientific techniques “to render the political and social world more intelligible, and therefore more open to control.”¹⁶ The early 19th century statistics movement which Michael Cullen discusses was thus part of a longer affinity between governance and information gathering. Cullen adroitly shows how early Victorians’ use of statistical analysis and quantification enshrined the gathering of facts as a necessary precondition to governance in modern Britain. However, this was a coy practice; statisticians often embarked on inquiries with specific anticipations of their conclusions.

Child labourers, Irish peasants, and miners were among the most frequent objects of investigation, as the practice consolidated into a cottage industry for an emergent socially conscious middle class.¹⁷ Oz Frankel shows that 19th century inquiries, including the infamous Poor Law commissions, “confirmed rather than undermined” gradations of class, ethnicity,

¹³ Martin Bulmer, *Social Research and Royal Commissions* (London, United Kingdom: Taylor & Francis Group, 1980).

¹⁴ Martin Bulmer, *Social Research and Royal Commissions*, 9-10.

¹⁵ Michael Mann, *The Sources of Social Power, Vol. 2* (England: Cambridge University Press, 1993).

¹⁶ John Brewer, “Public Knowledge and Private Interest: The State, Lobbies and the Politics of Information,” in *The Sinews of Power* (Routledge, 1989), 183.

¹⁷ Oz Frankel, “Scenes of Commission: Royal Commissions of Inquiry and the Culture of Social Investigation in Early Victorian Britain,” *The European Legacy* 4, no. 6 (December 1, 1999): 20–41.

gender, and age.¹⁸ Drawing on new scientific tools, inquiries affixed the expectations of commissioners in fresh terms, drawing social expectation into observed, charted fact. Thus reports enumerated even as they reinscribed conceptions of the British working class, such as mine labourers, as deformed, ill-smelling and primitive; literally of another world.¹⁹ Ian Hacking's description of the 19th century's "sheer fetishism for numbers" is resonant here.²⁰ The mushrooming of statistical analysis and inquiries in an era of rapid social change indicates that Victorian interest in quantifying society was tightly knit to reforming it. Mary Poovey makes a similar argument in her work on British cultural formation in the mid-19th century.²¹

Matthew Keller notes that commissions of inquiry took root in Britain's colonial holdings around the same time as they did in England. Though Keller draws on neither British world nor network theories, which seek to illuminate the sprawling connections between metropole and colony, his work implies that practices of governance were shaped and reshaped by imperial experience.²² This challenges functionalist assumptions of the inquiry as a static and internally cohesive practice. It also makes room to think about the proliferation of domestic inquiries and imperial inquiries in the late 18th to early 20th centuries as a joint phenomenon. I suspect that these investigative modalities were honed in multiple spaces of empire, including 'at home.'

¹⁸ Frankel, "Scenes of Commission," in *States of Inquiry: Social Investigations and Print Culture in Nineteenth-Century Britain and the United States* (Baltimore: Johns Hopkins University Press, 2006), 173.

¹⁹ Frankel, *States of Inquiry: Social Investigations and Print Culture in Nineteenth-Century Britain and the United States*.

²⁰ Ian Hacking, "How Should We Do the History of Statistics?" in *The Foucault Effect :Studies in Governmentality : With Two Lectures by and an Interview with Michel Foucault* (Chicago: University of Chicago Press, 1991), 192.

²¹ Mary Poovey, *Making a Social Body: British Cultural Formation, 1830-1864* (Chicago: University of Chicago Press, 1995).

²² See, for example; Alan Lester, "British Settler Discourse and the Circuits of Empire," *History Workshop Journal* 54, no. 1 (October 1, 2002): 24–48; Tamson Pietsch, "Rethinking the British World," *Journal of British Studies* 52, no. 2 (April 2013): 441–63; Alan Lester and Zoë Laidlaw, "Indigenous Sites and Mobilities: Connected Struggles in the Long Nineteenth Century," in *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*, ed. Zoë Laidlaw and Alan Lester, Cambridge Imperial and Post-Colonial Studies Series (London: Palgrave Macmillan UK, 2015), 1–23.

Catherine Hall and other new imperial historians have argued for the mutual imbrication of the metropole and the colony, but there is little work focused on the co-constitutive properties of commissions themselves.²³ While Stanley Palmer's analysis of policing in Ireland and Ted McCormick's work on the emergence of 'political arithmetic' in colonial North America both highlight the connections between an ethos of quantification and colonial experimentation, more work is necessary on the movement of these techniques throughout the empire.²⁴

Studies of colonial commissions show that the investigative fever of early 19th century Britain also ran through the colonies. For example, reading Radhika V. Mongia's work on indentured labour inquiries in British Guiana and Mauritius (1836) alongside historiographies of the Poor Law commissions (1832-34) suggests the drive to organize labour occurred on an imperial scale. Though the immediate precipitating factors did vary - the abolition of plantation slavery in 1834 catalyzed inquiries into conditions of labour and freedom in the West Indies, while the Poor Law Commission of 1834 was driven by an increasingly visible urban working class - the root problem of unwieldy populations seems relatively consistent.²⁵ Keller's argument that 19th century British commissions were mostly focused on prisons/prisoners, the working class, as well as colonialism and "the management of the color line," also points to an inquiring impetus with imperial breadth.²⁶ Moreover, some Victorian reformers drew on examples of empire in formulating their moralizing projects for the British working class. This comparison is made explicit by Sir Charles Shaw in his 1843 report to Lord Ashley MP on 'the education,

²³ See, for example: Catherine Hall and Sonya O. Rose, *At Home with the Empire: Metropolitan Culture and the Imperial World* (Cambridge, United Kingdom: Cambridge University Press, 2006).

²⁴ Stanley Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge: Cambridge University Press, 1988).

²⁵ Radhika V. Mongia, "Impartial Regimes of Truth," *Cultural Studies* 18, no. 5 (September 1, 2004): 749-68; Ann Laura Stoler, "Chapter 5: Commissions and Their Storied Edges," in *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, New Jersey, 2010), 39.

²⁶ Matthew R. Keller, "When Is the State's Gaze Focused? British Royal Commissions and the Bureaucratization of Conflict," *Journal of Historical Sociology* 27, no. 2 (2014): 204-35.

moral, and physical condition' of the working class. "What is Manchester," he asks, but a "home colony" within England, populated by "a new class of men - a peculiar race."²⁷ He argued that the low mental and physical condition required particular forms of governance unnecessary for the morally and physically healthy upper classes. As such, Shaw called for placing manufacturing districts under "modified colonial governance" to ensure the proper development of the people therein.²⁸

Imperial historians have written extensively on the centrality of knowledge in colonial states: both in terms of what Bernard Cohn calls "investigative modalities" and their outcomes.²⁹ Scholars have shown how European understandings of racial categories and social hierarchies, rationalism, reason, and science propelled and legitimated empires. These epistemic commitments influenced colonial institutions and methods of rule, while scientific disciplines themselves, such as statistics and cartography, were worked out in and through imperial expansion.³⁰ Others have demonstrated the continued importance of knowledge production in contemporary state projects: Nadia Abu El-Haj has traced the role of archaeology in the construction of Israeli nationalism, while Saul DuBow has highlighted how the cultivation of specific truths contributed to white settler dominance in South Africa as well as post-apartheid

²⁷ Charles Shaw and Anthony Ashley Cooper, "Manufacturing districts: replies of Sir Charles Shaw to Lord Ashley regarding the education, and moral, and physical condition of the labouring classes," (London, England: John Ollivier, 1843), 43.

²⁸ Charles Shaw and Anthony Ashley Cooper, "Manufacturing districts," 43.

²⁹ Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton University Press, 1996).

³⁰ See, for example: Lesley B. Cormack, *Charting an Empire: Geography at the English Universities, 1580–1620* (Chicago: University of Chicago Press, 1997); C. A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (Cambridge University Press, 1996).; Lewis Pyenson, *Empire of Reason: Exact Sciences in Indonesia, 1840-1940, Empire of Reason* (Brill, 1989); Catherine Delmas, Christine Vandamme, and Donna Spalding Andréolle, *Science and Empire in the Nineteenth Century: A Journey of Imperial Conquest and Scientific Progress* (Newcastle-upon-Tyne, England: Cambridge Scholars Publisher, 2010).

politics.³¹ Instead of taking colonial commissions at face value, scholars in postcolonial and subaltern studies have examined them, in Adam Ashforth's term, as "theatres of state power."³² They have flagged the particular ways commissions constituted truths and highlight how the inquiry contains the means of making itself true.³³ Aside from the few focused analyses I will discuss below, the colonial commission of inquiry tends to be enfolded in broader histories of European rule. It is often understood as a small part of a system of rule with larger epistemic coordinates, which are by now well established if not uncontested.³⁴

More recently, academics have shaded and sharpened these histories. They have focused on the relationship between liberalism and imperialism, drawing European theory out of its privileged position. Their emphasis on the foundational influences of colonized people on imperial practices themselves makes room to think about how the colonial commission of inquiry was more than a simple import from the guts of British domestic rule. Max Weiss and Jens Hanssen's edited volumes on liberal thought in the Arabic-speaking world destabilize the "the apparently symbiotic relationship between intellectual history and European traditions of liberalism."³⁵ In doing so, Weiss and Hanssen also argue that colonial contexts shaped liberalism in Europe. Karuna Mantena's intellectual history of Henry Maine and his influence on what she terms 'late imperial ideology' also takes up this recontextualizing effort. In recounting Maine's influence on colonial British practices of indirect rule, Mantena shows how the forms and 'alibis'

³¹ Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society* (United States: University of Chicago Press); Saul Dubow, *A Commonwealth of Knowledge: Science, Sensibility, and White South Africa 1820-2000* (Oxford, United Kingdom: Oxford University Press, 2006).

³² Adam Ashforth, "Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms," *Journal of Historical Sociology* 3, no. 1 (1990): 1-22.

³³ Pierre Bourdieu, *Acts of Resistance: Against the New Myths of our Time* (Cambridge, UK: Polity Press, 1998), 95.

³⁴ Ian W. Campbell explores this theme in his chapter "A Double Failure: Epistemology and the Crisis of a Settler Colonial Empire" in his recent work, *Knowledge and the Ends of Empire* (Cornell University Press, 2017).

³⁵ Jens Hanssen and Max Weiss, eds., "Preface," in *Arabic Thought beyond the Liberal Age: Towards an Intellectual History of the Nahda* (Cambridge: Cambridge University Press, 2016), xviii.

of liberal imperialism were dynamic and historically contingent. Her approach risks portraying ideological commitments as relatively consistent and shared among imperial actors. Ann Laura Stoler's critiques of imperial intellectual history and epistemology intervene here. She argues that as "epistemic considerations are neither transcendent nor abstract," everyday colonial agents drew on much more than liberal theory in the formulation of their decisions.³⁶ Her emphasis on "vernacular epistemic practice" is a vital corrective to a totalizing understanding of thought.³⁷

Adam Ashforth's 1991 book on the 'grand tradition' of South African Native Affairs commissions is one of few works that focus specifically on the colonial commission of inquiry. These commissions, he explains, were central in South African states' formulation of policy towards Africans and were relatively consistent between British colonial rule and independent South Africa. As "schemes of legitimation," Native Affairs inquiries set the parameters of a problem and justified through these borders new actions to regulate African life.³⁸ Drawing on Foucault's insights on the imbrication of truth and power, Ashforth argues that in the modern state "the real seat of power is the bureau, the locus of writing."³⁹ He notes how the commission is a form endowed with a certain authority due to its 'truth-seeking procedures,' though he does not focus on the mechanics of such procedures. Rather, he reads commission reports as literary texts, examining their internal coherence and the discourses employed. His work compellingly shows how political discourses are worked out through the commission, but the level of his theoretical abstraction tends to deemphasize how discourses operated alongside other vectors of colonial state power.

³⁶ Ann Laura Stoler, "Epistemic Politics: Ontologies of Colonial Common Sense," *The Philosophical Forum* 39, no. 3 (2008): 351.

³⁷ Ann Laura Stoler, "Epistemic Politics: Ontologies of Colonial Common Sense," 350.

³⁸ Adam Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa* (England: Oxford University Press, 1990), 15.

³⁹ Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa*, 5.

Radhika V. Mongia employs Foucault's insights in a more focused way in her work on 19th century British commissions into indentured labour in Mauritius and Guiana. She draws on Foucault's concept of a 'regime of truth' to show how commissions of inquiry served as a technique of colonial governance through the cultivation and performance of impartiality. Foucault characterized a regime of truth as: "the types of discourse [society] harbors and causes to function as true"; "the mechanisms and instances which enable one to distinguish true from false statement"; "the way in which each is sanctioned"; "the techniques and procedures which are valorized for obtaining truth"; and "the status of those who are charged with saying what counts as true."⁴⁰ Interpreting colonial commissions as productive of a 'regime of truth' along these lines enables critical assessment of their processes without accepting the particular ways they constitute and assert truths. In Mongia's framing, the process of commission itself works to legitimate the ultimate findings, rather than "the 'truths' it might in fact constitute and circulate."⁴¹

As illuminating as her account is, however, it is marked by a certain rigidity. This might be due to the force of the term 'regime' itself, which evokes an internal security that obscures the muddiness of colonial bureaucracy. In the broad scope of his work, Foucault shades his definition of the term in different ways. In a later lecture, this one from 1979, Foucault framed a regime of truth as a "particular type of discourse and *a set of practices*," wherein the discourse "legislates and can legislate on these practices in terms of true and false."⁴² This formulation

⁴⁰ Michel Foucault, "La fonction politique de l'intellectuel," *Dits et écrits*, vol. II: 1976–1988, ed. D. Defert and F. Ewald, Paris: Gallimard, 2001, trans. C. Gordon, "The political function of the intellectual," *Radical Philosophy*, 17 (Summer 1977), 13.

⁴¹ Mongia, 751.

⁴² Michel Foucault, "10 January 1979," in *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, François Ewald, and Alessandro Fontana, Michel Foucault (London: Palgrave Macmillan UK, 2008), 18. Emphasis mine.

opens more space for the inconsistencies and incoherence of colonial truth-production. Colonial commissions drew upon contingent and variable practices of obtaining, evaluating, and sharing knowledge. The transcripts of the Peel Commission and the Tagart/SADC reports are punctuated by moments of scission, between commissioners, witnesses, and epistemic frames. I do not intend to suggest that the presence of these strange ambiguities and unexpected admittances in these texts means they exist somehow outside the “general politics of truth” Foucault describes. Rather, they prompt different questions in the same vein. If every society has its politics of truth, as Foucault asserts, how did colonial commissioners know, or think they could know, the situations they were tasked to adjudicate?

These are the questions Stoler takes up in her work on commissions in the Netherlands Indies. She argues that the “vernacular epistemic practice” of colonial policymakers is intimately bound up with the practice of colonial truth-production. She differentiates between the ‘big’ epistemological commitments of imperial formations and the “lived epistemic space” in which “empire’s architects and agents operated.”⁴³ Commissioners drew on uneven logics to understand and interpret what evidence they saw, heard, or felt. Imperial policy makers’ own experiences of empire, their particular histories, and their personal visions were vital components of their colonial common sense. This line of thinking deepens Keller’s argument that the histories of British commissions reveal the strategies of colonial governance as a “field of options” rather than a “convergent set of bureaucratic routines.”⁴⁴ Keller also points out that colonial commissions continually used “different casual routes to navigate the same terrain;” even when reading reports written concurrently on the same issues, “one has no sense of agreement on the

⁴³ Stoler, “Epistemic Politics: Ontologies of Colonial Common Sense,” 349.

⁴⁴ Keller, “When is the States’ Gaze Focused?,” 227.

basic terms of the debate.”⁴⁵ His comments highlight another of Mongia’s important insights: one commission was rarely enough. She argues, though, that repeated inquiries into the same problems served to constitute a discursive field, “wherein certain regularities emerge as common principles across superficially divergent positions.”⁴⁶ Moreover, the continual use of the inquiry “secures and reproduces” its own impartiality and legitimacy as a technique.⁴⁷

The large quantities of information which commissions sought and produced, in their various forms and times, seldom disturbed existing relations of power. While the colonial commission offers a window into the “ensemble of practices” according to which “the true and false are separated,” these practices were neither transcendent nor immutable. Nor were they as strict as a first reading of Foucault’s concept of ‘regimes of truth’ might have us believe. Attending to how they were breached, battered and buttressed offers insight into the “specific effects of power attached to the true” in colonial governance.⁴⁸ Drawing primarily from Stoler’s insights on vernacular epistemic practices and Foucault’s regimes of truth, I argue that the processes of 20th century colonial commissions reveal subtle valences of imperial rule and power’s cling to truth. Commissions in Bechuanaland and Palestine reveal much more about the undertakers than their purported objects.⁴⁹ The inquiry was not merely a bureaucratic tool to be pulled out and deployed in moments of crisis, but part of a practice of making things true. It produced real anxieties in its architects and its findings brought about long term political shifts. In both Palestine and Bechuanaland, these inquiries took place in the immediate context, or

⁴⁵ Keller, “When Is the State’s Gaze Focused?,” 225.

⁴⁶ Mongia, 762.

⁴⁷ Ibid, 764.

⁴⁸ Foucault, 1980, quoted in Radhika V. Mongia, “Impartial Regimes of Truth,” 751.

⁴⁹ Edward W. Said, *Orientalism* (New York: 1st Vintage Books, 1979). I’m thinking here specifically of something Said lays out very simply in his introduction, when he writes on page 6 that “I myself believe that Orientalism is more particularly valuable as a sign of European Atlantic power over the Orient than it is a veridic discourse about the Orient.”

hovering threat, of territorial reallocation – a process to be mediated, theoretically, by the British. And in both sites, too, contests for land and sovereignty were to be governed by a certain kind of knowledge; that which could be gathered through the supposedly objective, impartial process of the colonial inquiry. While the transcripts of these inquiries are marked by the rigidity of British colonial administrative practice, they also contain fractured narratives, moments where the logic of imperialism dissolves, and its architects found themselves suddenly, disconcertedly, adrift.

Chapter One

“The Masarwa can and will be raised”

Accusations and politics of slavery in the Bechuanaland Protectorate, 1926-1935

In March 1935, the South Africa District Committee (SADC) of the London Missionary Society (LMS) met in Serowe, the ‘native capital’ of the Bechuanaland protectorate of Great Britain. At the request of the LMS Board of Directors in England, the SADC convened a sub-committee to investigate a pressing issue: accusations that Tswana elite living in the Bamangwato Reserve of Bechuanaland were actively using a weaker ‘tribe’ as slaves.⁵⁰ Under the chairmanship of Reverend A.J Haile, the sub-committee’s report was dominated by testimony from Bamangwato Chief Tshekedi Khama, who thoroughly contested the existence of slavery in his territory. Tshekedi Khama acknowledged the lower social status of the people in question, alternately called Masarwa and bushmen in the report (though the current preferred term is San), but justified their standing as the natural result of their stage of development. The existent relationship between Bamangwato and San, he told the SADC, was a traditional feature of Tswana social organization and ought to be respected as such. But the allegations against which he protested were part of a much longer sociopolitical genealogy, sparked by internal Tswana power struggles mediated in complex ways by and through the prerogatives of 20th century empire.

In fact, the missionaries were latecomers to the moral panic. The Bechuanaland slavery controversy had been percolating for nearly a decade prior to their committee meeting. It first flashed across the pages of English language newspapers in 1926, appearing in periodicals from Johannesburg to Palestine. Throughout the late 1920s, imperial journals such as *Round Table* and *The Royal Africa Society* featured articles on the topic, mourning the lack of effective

⁵⁰ Paul Stuart Landau, *The Realm of the Word: Language, Gender, and Christianity in a Southern African Kingdom* (Portsmouth, Heinemann: 1995). The term Bechuanaland and/or ‘the protectorate’ used throughout this paper refers to the area of today’s Republic of Botswana. However, from 1885-1895 there existed another side-by-side colony called British Bechuanaland, which is today part of the Republic of South Africa. Due to this history, there are today many Tswana people living in South Africa.

cooperation between missionaries and the colonial government in combating African slavery. Public interest in the issue, as well as the League of Nation's interest in anti-slavery, seems to have stimulated the British High Commissioner in South Africa to appoint a commission of inquiry into the matter. Mr. E.S.B Tagart, former Secretary of Native Affairs in Northern Rhodesia and son in law of Sir Herbert Sloley of the Basutoland Administration, was chosen to lead the 1931 investigation.⁵¹ Tagart arrived in Bechuanaland when the protectorate's very status was uncertain; South African takeover pressure was strong but fiercely opposed by Tswana leaders and local missionaries. The SADC inquiry was a direct, if belated, response to Tagart's 1931 investigation. The missionaries' ability to contest the official government inquiry was not grounded in their close relationship to the administration but, paradoxically, their distance from it, through their affiliation with the Tswana Chieftaincy.

In the following pages, I will sketch out a brief overview of the slavery controversy's development and its central figures, as well as why and how these accusations of slavery took on such significance. Inspired by Tshekedi Khama's rhetorical moves in his testimony, the following section makes the Tagart Report and the SADC report talk to one another. The two reports are markedly different in form and content. While Tagart worked alone and did travel within the reserve, visit some cattle-posts, and conduct interviews with witnesses, the SADC sub-committee was five members strong and their report includes only their dialogue with Tshekedi Khama and his chosen witnesses. However, the staggered dialogue between these two inquiries reveals the malleability of inquiry and the different ways colonial actors drew on colonial knowledge, what they knew and what they thought they knew or could know, about Africans.

⁵¹ Neil Parsons and Michael Crowder, "Notes to 1931," in Charles Fernard Rey eds. Neil Parsons and Michale Crowder, *Monarch of all I Survey: Bechuanaland Diaries* (Gaborone, Botswana: Botswana Society, 1980), 246.

The politics of naming here are dense and contested. I use the term Bamangwato throughout to maintain consistency with contemporary politics. The sources I draw upon refer to a specific group of Tswana people called Bamangwato by the British, though the more accurate spelling is baNgwato. They were only one of eight Tswana kingdoms in Bechuanaland, but the most dominant among them. Their language is seTswana, though the sources used in this paper are all in English. Many Tswana people also lived in South Africa and groups were not bounded exclusively by colonial borders. The stratifications of Tswana society along lines of birth and cattle wealth meant that different groups experienced the pressures of colonialism differently.⁵² The lowest social strata were composed of non-Tswana groups who had been conquered as kingdom zones expanded in the 19th century.

According to Crowder and Miers, such non-Tswana groups were “incorporated as ‘subject tribes,’ each of which had a different status in the social and political hierarchy.”⁵³ In the Bamangwato kingdom, the lowest non-Tswana group was the Basarwa (singular, Mosarwa), though the sources I draw on mainly use the term Masarwa, which was common at the time. As Pnina Moftazi-Haller and other scholars have pointed out, the prefix ‘Ma’ in Setswana carries strong pejorative connotations. ‘Ba’ is the plural prefix in Setswana used to refer to people. As a signifier of exclusion, the ‘Ma’ prefix refers to things outside the social collectivity and is derogatory when applied to people. It is related to the social organization of Tswana life, where chiefs and other elites lived in central villages, far from the remote cattle posts tended by subject people or those outside of the Tswana social interior. Sarwa (with Ma or Ba prefix) is a

⁵² For example, the concentration of cattle and land access in the hands of the Chief and his orbit meant that the ‘middle class’ of Tswana men were increasingly drawn into patterns of labour out-migration to the Transvaal mines. N.S Mudzinganyama, “Articulation of the modes of production and the development of a Labour Reservoir in southern Africa - 1885-1944: The case of Bechuanaland,” *Botswana Notes and Records Volume 5*.

⁵³ Suzanne Miers and Michael Crowder, “The Politics of Slavery in Bechuanaland,” in *The End of Slavery in Africa*, ed. Suzanne Miers and Richard L. Roberts (Madison and London: University of Wisconsin Press, 1988), pg 174.

seTswana word not chosen by the people it refers to. Pnina Motzafi-Haller's anthropological work with women in Tasmane, Botswana indicates that some socially ostracized women described themselves as BaSarwa in the 1990s.⁵⁴ However, in 2003, San communities (as represented by the Working Group of Indigenous Minorities in Southern Africa and the South African San Institute) publicly stated their preference to be called by their distinct community names or the collective term San. This is the term I will use throughout the paper, with the occasional inclusion of a distinct San community name when historically visible.

My effort is not to adjudicate whether or not San people were actually slaves or enslaved. It is not entirely clear if they were, in this place at this time, but other historians have shown that some San people were clearly enslaved at other times and sites across the region of Southern Africa.⁵⁵ As hunter-gatherers, San people came into frequent and often violent contact with frontier settlers and pastoralists, both of European and African origin, and were violently pushed off of their lands. And there are ongoing conflicts over the rights of San people in Botswana, crystallized by their steady eviction from the Central Kalahari Game Reserve (CKGR) and underwritten by clear histories of the genocidal violence they suffered.⁵⁶ Moreover, the definition of slavery itself is unstable; it changes in definition and evocative force over time. What is clear in this context, at least, is that enslavement did not correlate to the mechanism of sale.

⁵⁴Pnina Motzafi-Haller, *Fragmented Worlds, Coherent Lives: The Politics of Difference in Botswana* (Westport, Conn. :, 2002); Maria Sapignoli, ed., "The 'Bushmen Problem,'" in *Hunting Justice: Displacement, Law, and Activism in the Kalahari*, Cambridge Studies in Law and Society (Cambridge: Cambridge University Press, 2018), 71–111.

⁵⁵ Nigel Penn, "The British and the 'Bushmen': The Massacre of the Cape San, 1795 to 1828," *Journal of Genocide Research* 15, no. 2 (June 1, 2013): 183–200.

⁵⁶ Maria Sapignoli, "'Bushmen' in the Law: Evidence and Identity in Botswana's High Court," *PoLAR: Political and Legal Anthropology Review* 40, no. 2 (November 2017): 210–25; Robert K. Hitchcock, "'We Are the First People': Land, Natural Resources and Identity in the Central Kalahari, Botswana," *Journal of Southern African Studies* 28, no. 4 (2002): 797–824.

When I began reading around these sources, beginning with the reports then moving into the ways and places they were written about, I felt compelled to map them all out, to find a cohesive frame into which they might all fit and in which they might all make sense. This approach never worked. The uncertainty, conflictual accounts, and partial truths that so frustrated me are themselves vital components in the slavery controversy and its narration. I follow Ann Stoler in thinking of these divergent inquiries as indicative of “a fractured social reality, one derived from fragmented knowledge as well as from competing hierarchies of credibility through which violence was read.”⁵⁷ Though the SADC report reproduced Tshekedi Khama’s testimony in full, as well as the comments from other witnesses he brought with him, they are among the few Tswana voices narrated directly.⁵⁸ The Tagart report also included sporadic quotations from Tswana interviewees, some named and others not, alongside quotes from white settlers, missionaries, and lower-level administrators. The selectivity of his quotations reminds readers of the affectivity in choosing who to include: some interviewees deemed reasonable witnesses, others not. By what criteria did he make such distinctions? Tagart reported that he travelled to cattle-posts with his translator, Mr. Germond, and there worked with Sethlaletheto, an interpreter who, though ‘Mongwato’ himself, had apparently grown up with San people and was able to communicate with them easily.⁵⁹

⁵⁷ Ann Laura Stoler, “‘In Cold Blood’: Hierarchies of Credibility and the Politics of Colonial Narratives,” *Representations*, no. 37 (1992): 153.

⁵⁸ “The Masarwa (Bushmen): Report of an Inquiry by the South Africa District Committee of the London Missionary Society,” Serowe: LMS Publisher, 1935, pg 1-18. For brevity, I will refer to this report as the SADC report in citations and in text.

⁵⁹ E. S. B. Tagart, “Report on the Masarwa and on Corporal Punishment among Natives in the Bamangwato Reserve of the Bechuanaland Protectorate” (London, Dominions Office confidential print, 1932; and Pretoria: Official Gazette of the High Commissioner, 12 May 1933). Republished in “Slavery: Report of the Advisory Committee of Experts,” Appendix Two, Second Session of the Committee, Geneva: The League of Nations, 1935, pg 30-45. In keeping with the primary sources, and for ease, I will refer to this document as the ‘Tagart Report’ throughout the thesis.

According to Tagart, this may have been the most valuable part of the inquiry, “affording as it did an opportunity to obtain first-hand impressions of the mentality and physical condition of the Masarwa, and the atmosphere in which they lived.”⁶⁰ He also recorded that the cattle-post meetings were very well attended, thanks to Sethlaletheto’s efforts. Unfortunately, these valuable interviews were neither were not transcribed nor included in the final report. With that in mind, I am cognizant of the limitations of using colonial sources, especially in attempting to gesture at the political impact of commissions of inquiry activity on African politics. These limitations inform the scope of my research, as the narrative I will tell here is less about San experiences than attempts, from missionaries, Tswana elites, and government officials, to shape and form them through their particular visions.

Broad framing

Understanding the contours of the protectorate’s history is necessary in grasping the stakes at hand here; why Tshekedi Khama went head to head with the British administration, why the missionaries took his side, and why the slavery accusations gained international attention in the first place. But there are two broader themes from South African regional history in need of address: the precarious position of the protectorate itself, as well as the resistance to its possible incorporation, and rising racial laws in South Africa. In the 19th century, the swath of Southern Africa just above the British Cape Colony was controlled by strong Tswana kingdoms, the largest and most powerful of which was the Bamangwato. Drawing on their preexisting missionary and military relationships with Tswana kings, Britain declared a protectorate over the area in 1885. They moved to protect their access to the African interior and reduce German

⁶⁰ Tagart Report, 31.

influence on the continent, while some Tswana kings, including Bamangwato King Khama III, hoped to use the British as a buffer against aggressive white settlers. Britain wanted to keep expenses down and internal problems minimal; their main imperial concerns lay elsewhere.

The Bechuanaland protectorate was not intended to be a long term involvement, never mind the precursor to an independent nation-state; rather, British policymakers assumed the area would soon be parceled into British Rhodesia or, after 1910, incorporated into South Africa. As such, the British administrative offices of the territory remained outside the Protectorate's borders in South Africa and investment and administrative staff/infrastructure were extremely minimal. The British administration assumed the role of central government, while the Tswana 'tribal' administration became the local government. Bechuanaland thus experienced indirect rule in its zenith: a skeletal British colonial apparatus on the ground, with most responsibilities, such as tax collection, dispute settlement, left to Tswana leaders and 'traditional' law.⁶¹ White settler land ownership and expropriation in Bechuanaland was minimal compared to neighbouring Namibia and Rhodesia.⁶² Anthony Kirk-Greene's description of European provincial administration and population as a "thin white line," heavily reliant on African intermediaries for everyday practices of governance and even survival, might be applied to Bechuanaland.⁶³

The South Africa Act of 1909, which established the Union as a separate state from Great Britain, included provisions for the eventual inclusion of other British territories, including Bechuanaland. South African politicians were committed to incorporating the remaining areas of

⁶¹ Anthony J. Dachs, "Missionary Imperialism—The Case of Bechuanaland," *The Journal of African History* 13, no. 4 (October 1972): 647–58.

⁶² A.J. Christoper, "Official Land Disposal Policies and European Settlement in Southern Africa 1860–1960," *Journal of Historical Geography* 9, no. 4 (October 1, 1983): 369–83.

⁶³ A. H. M. Kirk-Greene, "The Thin White Line: The Size of the British Colonial Service in Africa," *African Affairs* 79, no. 314 (1980): 25–44.

British administration into the Union. Policymakers repeatedly lobbied Britain for control of the protectorates; in 1925 the newly installed Nationalist-Labour government in South Africa formally requested transfer; Union ministers tried again at the London Economic Conference of 1933; and in 1934 General Hertzog raised the issue in the House of Assembly and several months later General Smuts propounded on the subject publicly in his lectures at the University of St. Andrews.⁶⁴ While the Unionists' principal argument was that the protectorates were a natural part of South Africa, they also emphasized that the current system of indirect native governance was economically inefficient.

Calls for integration were also motivated by labour shortages in South African industry, particularly from the rapacious Transvaal mines. The Union government also mobilized economic and trade policies to pressure the protectorate. In 1924, they severely restricted cattle exports from Bechuanaland, Swaziland, and Basutoland.⁶⁵ This had a devastating effect on Bechuanaland's cattle-centric economy. Stephen Ettinger highlights the political ramifications of the policy, which "gave the South African Government a weapon it could use in trying to pressure London to hand over the HCTs (High Commission Territories.)"⁶⁶ As the cattle economy contracted, the clientage relationships which underpinned the indigenous economy were eroded.⁶⁷ By the 1930s, no Africans had trading licenses in the protectorate and, according to Parsons and Crowder, Tswana kingdoms were increasingly "transformed into native labour

⁶⁴ "The protectorates and the union," *The Round Table*, 24:96, 1934: 785.

⁶⁵ Stephen Ettinger, "South Africa's Weight Restrictions on Cattle Exports from Bechuanaland, 1924-41," *Botswana Notes & Records*, vol. 4 (1972), 24.

⁶⁶ Ettinger, "South Africa's Weight Restrictions on Cattle Exports from Bechuanaland, 1924-41," 27.

⁶⁷ Pnina Motzafi-Haller, "When Bushmen are known as Basarwa: gender, ethnicity, and differentiation in rural Botswana," *American Ethnologist* 21(3), 544.

reserves” as colonial “development was equated with British mining capital and white settler farmers.”⁶⁸

As *The Manchester Guardian* reported, the LMS mounted strong opposition to the idea of incorporation. Rev. A.M Chirgwin, African secretary of the LMS, told *The Manchester Guardian*, that the best policy “is that of indirect rule, which means that chiefs are retained and supported in their positions by the British government.”⁶⁹ Chirgwin emphasized that “it is the view of the natives that matters,” and that “the natives of Bechuanaland are not a conquered people, they came under [the British government’s protection] of their own free will.”⁷⁰ In 1935, the LMS passed an official resolution urging the British Government to protect the independence of the protectorates from the Union, unless residents themselves approved incorporation. Reiterating Chirgwin’s 1934 arguments, the resolution stated that as Bechuanaland came into the Empire by their own choice, the British government had no right to transfer it to another power. It also explained that ‘Bechuana people’ were unwilling to accept the conditions of segregation experienced by natives in the Union, citing the recent colour-bar legislation and labour inequalities.⁷¹ In his statement to *The Manchester Guardian*, Chirgwin also reminded readers that “race antagonism,” “land-hunger,” and “anti-native policy” were high in South Africa, all of which threatened Bechuanaland’s residents.⁷²

⁶⁸ Neil Parsons and Michael Crowder, “Introduction,” in *Monarch of All I Survey : Bechuanaland Diaries, 1929-37*, eds. Parsons and Crowder (Gaborone: Botswana Society, 1988), xix.

⁶⁹ “Missionary Critics of General Hertzog’s Claim,” *The Manchester Guardian*, April 28, 1934, ProQuest Historical Newspapers: The Guardian and the Observer, pg 8. www-proquest-com/historical-newspapers/native-protectorates/docview/483636638

⁷⁰ Ibid.

⁷¹ Regrettably, I have been unable to access this resolution directly, so am drawing my summary of its contents from an article published about it. “Incorporation Proposal: Missionary Society’s Objections,” *The Manchester Guardian*, April 26, 1935; pg 13, ProQuest Historical Newspapers: The Guardian and the Observer,

⁷² “Missionary Critics of General Hertzog’s Claim,” *The Manchester Guardian*, April 28, 1934, pg 8. ProQuest Historical Newspapers: The Guardian and the Observer.

Here is the second major regional theme - the rise of segregationist ideology and tightening race laws in South Africa. Though the formal apartheid policy is understood as coming into effect in 1948, with the election of the Nationalist Party, it was rooted in decades of prior legislation. Moreover, restrictive racial policies were enacted in various pre-Union provinces, most notably in Natal and Transvaal. But 20th century segregation, Saul Dubow explains, was articulated in the context of South Africa's rapid industrialization and designed to defend the existing white supremacist social order from the threat posed by an African proletariat.⁷³ Jonathan Hyslop has shown how the white working class in South Africa was involved in this process too, as white workers engaged in sustained labour militancy to protect their relatively privileged positions from cheaper African or Asian labour.⁷⁴ Dubow suggests that the segregation policies really took off, however, following the First World War, as catalyzed the increasing political radicalism of the urban black working class. Indeed, from the 1920s onwards, South African law is perforated with legislation restricting the rights of 'Natives (Africans), Indians, Asians, and Coloureds.'

Tradition and its vices

Under the Bechuanaland Protectorate, Tswana kgosi (kings) were re-titled as chiefs, and though they retained responsibility for civil jurisdiction, they were theoretically subjected to the authority of the colonial government.⁷⁵ Much literature has focused on the practice of inventing

⁷³ Saul Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36* (Houndmills, Basingstoke, Hampshire: 1989).

⁷⁴ Jonathan Hyslop, "The Imperial Working Class Makes Itself 'White': White Labourism in Britain, Australia, and South Africa Before the First World War," *Journal of Historical Sociology* 12, no. 4 (1999): 398-421.

⁷⁵ N.S Mudzinganyama, "Articulation of the modes of production and the development of a Labour Reservoir in southern Africa - 1885-1944: The case of Bechuanaland," *Botswana Notes and Records Volume 5*, 53. Neil Parsons, "A Trinity of Dusky Kings," *King Khama, Emperor Joe, and the Great White Queen* (Chicago: University of Chicago Press, 1998).

or constructing African chieftaincies and tradition to serve colonial exploitation.⁷⁶ In Bechuanaland, this perspective obscures the dynamic negotiations and variable invocations of tradition by Tswana chiefs, British administrators, and missionaries. The Tswana chieftaincy's authority was made acceptable - not blindly accepted by gullible subjects - through its relative continuity in leadership structure and family genealogy, as well as the kingdom's relative strength in the face of white settler aggression. The British administration's strategy of relying on the chief's authority and pre-existing structures of customary law, was, more so than in more developmentally dense areas such as the Belgian colony of Rwanda-Burundi, a pragmatic decision.⁷⁷ British reliance on Tswana elites and organizational structures, including the administration of justice through the kgotla (leaders meeting/court), however, meant these practices took on different resonances and were subject to new pressures.

The brief removal of Tshekedi Khama as chief in 1933, in response to an incident in which he ordered the flogging of a European, indicates the ambivalence of tradition's mobilization in Bechuanaland.⁷⁸ Khama was deposed because he applied traditional law outside of its traditional reach, inscribing on a white man an inversion of the colonial bodily logic. District Commissioner Rey, thrilled to finally have a reason to oust "the little devil," moved quickly to convict Tshekedi Khama. Worried that Khama's trial would provoke native unrest, in a comic display of white power, the High Commissioner sent British marines by train to landlocked Bechuanaland. But the efforts to literally banish Tshekedi Khama failed - public protest ensured his reinstatement only a few weeks later, though the reputations of both Rey and

⁷⁶ John L. Comaroff, "Reflections on the Colonial State, in South Africa and Elsewhere: Factions, Fragments, Facts and Fictions," *Social Identities* 4, no. 3 (October 1998): 321-61.

⁷⁷ Susan Pedersen, "Market Economies or Command Economies?" in *The Guardians: The League of Nations and the Crisis of Empire* (Oxford University Press, 2015), 233-260.

⁷⁸ "The protectorates and the union," *The Round Table*, 24:96, 1934: 785.

the High Commissioner were not so quick to recover.⁷⁹ As Karen Fields notes, if the logic (here, the necessity) of indirect rule drew African elites into the colonial order, then “the same logic drew the administration into the customary order.”⁸⁰ Rey’s diaries make clear the degree to which administrators were limited by this relationship. While the chiefs’ capacities were changed and, to some degree restricted, as the flogging example indicates, colonial officials likewise were often forced to accede to local leaders, in fear of what Thomas Spear calls ‘the colonial nightmare’ of sustained violent opposition.⁸¹

Missionaries also drew on the seductive power of tradition. The LMS enjoyed close - though not necessarily cordial - relationships with colonial administrators in Bechuanaland.⁸² According to Rey, the LMS “consistently endeavoured to interfere in political and administrative manners, and has achieved nothing else.”⁸³ Though he frequently disparaged the LMS - for example, an entry from October 1934 describes their missionaries as “useless, lying, idle, hypocritical, canting swine” - the context and frequency of their mentions in Rey’s diaries show how missionaries enjoyed access to levers of power in Bechuanaland *through* their work with the Tswana elite. This is well-exemplified in the case of Mr. Jennings, Rey’s least favourite missionary. Though Rey described Jennings as “a poisonous toad,” he also noted that it was he “who has been responsible for most of the trouble we have had with Tshekedi and the Bamangwato about mining and other matters.”⁸⁴ Despite his extreme distaste for the man, Rey

⁷⁹ John Comaroff, “Bourgeois Biography and Colonial Historiography: [Dedicated to the Late Michael Crowder],” *Journal of Southern African Studies* 16, no. 3 (September 1990): 550–62.

⁸⁰ Karen E. Fields, *Revival and Rebellion in Colonial Central Africa* (Princeton, N.J.: Princeton University Press, 1985), 73.

⁸¹ Thomas Spear, “Neo-Traditionalism and the Limits of Invention in British Colonial Africa,” *The Journal of African History* 44, no. 1 (2003): 3–27.

⁸² Charles Fernand Rey, “Diary entry from 26 October, 1934,” in Charles Fernand Rey, eds. Parsons and Crowder, 174.

⁸³ Parsons and Crowder, Appendix to Charles Fernand Rey, 206.

⁸⁴ Rey, “Diary entry from 28 January, 1931,” in Parsons and Crowder, pg 55.

had to meet with Jennings and his colleagues repeatedly in order to get the everyday work of administration done.

Firming the ground

Edwin Wilmsen has argued that the interpellation of the San people as a weak, backwards and servile ethnic group is directly related to British colonial policy's deliberate retribalization, "with its system of indirect control in the hands of indigenous African authorities and its emphasis on ethnic and cultural separatism."⁸⁵ Moftazi-Haller, too, has noted the contingency of what she calls 'Basarwa identity,' positing that it has served as a marker of in-group identity for other people, such as the Batswapong, and is in that sense socially mediated.⁸⁶ However, it is not an empty category: San people have distinct histories and languages, and as Moftazi-Haller's own work illustrates, continue to face particular forms of discrimination in contemporary Botswana.

From the late 17th century onwards, San people in the Cape Colony were victims of genocidal violence from Afrikaner trekboers and stock-farmers. As hunter-gatherers, San people needed access to wide swaths of land and consistent water access. Their survival was linked to that of the ecological system. This was antithetical to the commercial pastoralist cattle economy introduced by Afrikaner stock farmers, which required huge swaths of land, natural resources, and a rapidly expanding colonial frontier.⁸⁷ San people tenaciously resisted their dispossession, participating in cattle theft, attacks on Afrikaner settlements, and self-defense. But by the 1780s

⁸⁵ Edwin N. Wilmsen, "The Real Bushman is the Male One: Labour and Power in the Creation of Basarwa Ethnicity," *Botswana Notes & Records*, Vol. 22 (1990): 29.

⁸⁶ Pnina Motzafi-Haller, "Beyond Textual Analysis: Practice, Interacting Discourses, and the Experience of Distinction in Botswana," *Cultural Anthropology* 13, no. 4 (1998): 522–47.

⁸⁷ Mohamed Adhikari, *Anatomy of a South African Genocide* (Athens: Ohio University Press, 2011).

and 90s, as the frontier pushed further into the middle escarpment of the Cape, violence escalated into explicitly expiratory campaigns (commando attacks) against San hunter-gatherers living in the territory. Mohamed Adhikari has compellingly argued that this process was a genocidal one.⁸⁸ Afrikaner commandos were brutally violent, often resulting in the murder of San adults, deemed too hostile to be labourers, and the theft of San children to work on trekboer farms.⁸⁹ As Susan Newton-King shows, frontier farmers were especially desperate for San captive labour due to their distance from both the monetary economy and Cape Town's slave labour market.⁹⁰ Indeed, trade in San children was part of a larger regional system and not the exclusive purview of white Afrikaner farmers. "As early as 1850," as Barry Morton notes, San children were "sold by some baTswana rulers to Boer traders from the Western Transvaal."⁹¹ Morton's claim is supported by a comment from Phethu, one of Khama's advisors also present at the SADC sub-committee meeting, who reflected that "long ago" there was "a certain amount of exchanging Masarwa for goods," though the practice was stopped "long before the Government came into the country."⁹²

Though San genocide is most often associated with the Dutch colonial period, Nigel Penn highlights how genocidal practices continued after the British conquered the Cape Colony in 1795, both through extermination and the assimilation of captive children. Jared McDonald suggests that the abduction and enslavement of San children was a central component in the

⁸⁸ As Adhikari argues in *Anatomy of a South African Genocide*, "the weakness of the colonial state and its tenuous control over frontier areas gave settlers, who had access to arms, wide discretion to act against indigenes." (18)

⁸⁹ Jared McDonald, "'We Do Not Know Who Painted Our Pictures': Child Transfers and Cultural Genocide in the Destruction of Cape San Societies along the Cape Colony's North-Eastern Frontier, c.1770–1830," *Journal of Genocide Research* 18, no. 4 (October 1, 2016): 519–38.

⁹⁰ Susan Newton-King, *Masters and Servants on the Cape Eastern Frontier, 1760-1803* (Cambridge: Cambridge University Press, 2002).

⁹¹ Barry Morton, "Servitude, Slave-trading, and Slavery in the Kalahari, in *Slavery in South Africa: Captive Labor on the Dutch Frontier*, eds. Elizabeth A. Eldredge and Fred Morton (Westview Press: Boulder, California, 1994), 217.

⁹² SADC report, 25.

genocidal campaign against them, with long-term cultural consequences.⁹³ San groups also continued to lose territory; it is likely that San presence in the Protectorate was one long-term consequence of frontier warfare and their slow expulsion from the Cape. The LMS played a central role in later British efforts to ‘civilize’ the San through frontier mission stations, with dispensation from the British government to establish new stations outside the colony, such as at Toornberg in 1814 and Hephzibah in 1816.⁹⁴ But as Elizabeth Elbourne shows, this process contradictory, short-lived, and did little to moderate the violence.⁹⁵ Moreover, commando attacks on San groups continued throughout the 19th century. Pastoral African groups shared with white settlers a dependence on cattle, which occasionally drew them into shared attacks on San cattle-raiders.

Maphakela Lekalake, one of the LMS’s first African ordained ministers, described the cyclical nature of this process to the SADC sub-committee. His account illuminates the frequent movement, violence, and dispossession endured by San people and is worth reproducing here. In the olden-days, he begins, “the Masarwa in the veld were constantly annoying the Batlhaping by killing their herdsman and stealing their cattle.” In response, “the Batlhaping used to go out armed to scare them away [and] at some places like Bolelakgapu they slaughtered a large number of Masarwa.” The survivors fled to the Konogata Hills and were driven once again to steal cattle for food, this time some from white settlers as well. In response, “both the White and Black people went out armed and slaughtered a large number of Masarwa.” Survivors from that

⁹³ Jared McDonald, “‘We Do Not Know Who Painted Our Pictures’: Child Transfers and Cultural Genocide in the Destruction of Cape San Societies along the Cape Colony’s North-Eastern Frontier, c.1770–1830t.” This allows parallels to cultural genocides in other sites of the empire, including the residential school system in Canada.

⁹⁴ Nigel Penn, “The British and the ‘Bushmen’: The Massacre of the Cape San, 1795 to 1828,” *Journal of Genocide Research* 15, no. 2 (June 1, 2013): 183–200.

⁹⁵ Elizabeth Elbourne, “Peace, genocide and empire: The London Missionary Society and the San in early nineteenth-century southern Africa,” draft paper from Elbourne.

attack then fled to Khe, where they began to steal cattle once more from around Kuruman. But white settlers, “led by William Chapman went out armed against them [and] there again in Khe the Bushmen were fearfully slaughtered.” One again, the survivors were forced to relocate - this time to Langberg, until “the time came when the Langberg district was divided into farms and given out to White people” and the San “were inherited with the farms.” Lekalake concluded that “to-day it may be said that they ‘set-free’ like the Natives, but they are not really free.” It is unclear from where Lekalake drew this narrative, but it is possible that he heard it from San farm labourers themselves, as his evangelical work included preaching to them at the farms. “Many of them live a very unhappy and very miserable life,” he told the SADC.⁹⁶

When Tswana kingdoms consolidated around the Kalahari in the early 19th century, they encroached on San peoples’ rapidly shrinking hunting and living grounds. According to Tshekedi Khama, seasonal hunting relationships developed between San and Tswana, enabled in part by high European demand for African animal skins and ivory.⁹⁷ In Khama’s framing, declining conditions pushed some San people to tend, sometimes seasonally and sometimes permanently, Bamangwato cattle-posts in exchange for milk and meat. It was also an effective way to reduce cattle-theft and violence on the fringes of Tswana settlement, as well as consolidate power for cattle-owners through dependency relationships. Cattle-tenders thus became part of a system of variably coercive labour called bolata (sing. malata), a term which signifies not personal ownership but social inferiority and economic dependency, as part of family-based clientage relationships.⁹⁸ The bolata system shares some features with the forced labour on Afrikaner farms; San people could not leave the cattle-post without permission, were

⁹⁶ SADC report, 26.

⁹⁷ SADC report, 8.

⁹⁸ Mabuna Nlshwa Gadibolae, “Serfdom (Bolata) in the Nata Area 1926-1960,” *Botswana Notes and Records Vol. 17* (Sep 1985), 26.

inherited or passed between families, and were excluded from the monetary economy. Though San people were technically allowed access to the kgotla, the central political gathering of leaders, Maria Sapignoli notes that for many, the kgotla system was part of “an alien power structure, inviting their participation only to the extent that it could mitigate the worst abuses in conditions of their domination.”⁹⁹

In the early 1900s, many San lived and worked in family groups at remote Bamangwato cattle-posts, herding cattle that did not belong to them. Some San people, particularly those living around the Tati and Ghanzi districts, which in 1885 the Protectorate administration redistributed to white freehold farmers, became labourers or squatters on the new farms.¹⁰⁰ Others, particularly children, lived with Tswana families and worked as domestic servants. Some experienced abuse from cattle-owners. The SADC sub-committee members had clearly heard rumours of various violences; for example, Miss Taylor recounted a case in Molepole when a San child goat-herd was struck by her ‘master’ for losing a goat.¹⁰¹ The question of San child labour hovers around the edges both the Tagart report and the SADC meeting. While Tagart mentions two cases wherein orphaned San children were taken into Bamangwato homes against the will of their extended families, he concludes that “with regard to what has been called Child slavery we can find no evidence of it as a system.”¹⁰²

But in the SADC’s discussion period with Khama and his group of ‘advisors,’ there are frequent references to non-Tswana children working for Bamangwato families. Sergola, for

⁹⁹Maria Sapignoli, ed., “The ‘Bushmen Problem,’” in *Hunting Justice: Displacement, Law, and Activism in the Kalahari*, Cambridge Studies in Law and Society (Cambridge: Cambridge University Press, 2018), 77.

¹⁰⁰I. Schapera, “The Native Land Problem in the Tati District,” *Botswana Notes and Records* 3 (1971): 219–68; Mathias Georg Guenther, *The Farm Bushmen of the Ghanzi District, Botswana*, Ethnologie (Stuttgart Hochschulverlag, 1979).

¹⁰¹ SADC report, 23.

¹⁰² SADC report, 30.

example, explained his father “got a couple of little Masarwa boys and two little girls,” who were “orphans” brought to Serowe.¹⁰³ In justification of this practice, Tshdeki Khama and his advisors made similar claims as white settlers did in the early 19th century - the children in question were orphaned, or abandoned by their brutal families, and were ‘saved’ by outside intervention. Based on the patterns of violence recounted above, the orphan-status (though this itself is murky) of San children is a product of warfare and, historically, a warfare consciously engineered to obtain children as captive labour. While Tagart may be correct in his assessment that there was no ‘system’ of child slavery, there was a certainly an ongoing practice of child-taking. In the 20th century, this practice may have been more closely linked to the later effects of genocidal frontier warfare; namely, the loss of hunting ground and ecological damage, which meant, in Lekalake’s words, that many “Bushmen are dying of hunger.”¹⁰⁴

Accusations and their ripples

“The Masarwa are slaves. They can be killed. It is no crime, they are like cattle. They have no liberty. If they run away their masters can bring them back and do what they like in the way of punishment. They are never paid. If the Masarwa live in the veld, and I want any to work for me, I go out and take any I want. (Simon Ratshosa, quoted in Miers and Crowder 1988, 172)”

The defining parameters of slavery and forced labour themselves were shifting quickly in the early 20th century, as powers at the League of Nations sought to maintain both the moral rigour of their new imperialism and their access to cheap labour for development in Mandate territories. Susan Pedersen traces this humanitarian push-pull in her work on the League of Nations. While the 1923 Temporary Slavery Commission kicked off over a decade of

¹⁰³ SADC report, 23.

¹⁰⁴ SADC report, 26.

international investigations into the phenomenon, including in Bechuanaland, the League itself took only hesitating, partial stances. Pedersen connects their weakness on the issue to massive famine in Rwanda-Burundi, which Belgium reframed as proof of pressing need for labour in colonial developmental projects, such as roads.¹⁰⁵ Slavery in name, however, could be roundly condemned by all parties, including the Belgians. Today, too, slavery is weighted term, carrying with it particular connotations in different contexts. The Global North tends to impose a specific and heavily mediated history of slavery of the Atlantic slave trade on the term. Though the after-lives of chattel slavery in the American south have conditioned contemporary responses to slavery in North America, I focus here on a different political effect of the term and its early 20th century miasmas.

The Bechuanaland slavery issue appeared in the British press in 1926, under the headline “Subject Race Made Slaves,” in *The Nottingham Evening Post*. The article reported that “a form of slavery exists in the British Protectorate of Bechuanaland,” between a “subject tribe” called the Masarwa or bushmen and the “dominant Bamwangato tribe.”¹⁰⁶ This framing of the issue was repeated in various other English newspaper and journal articles published from 1926 to 1935, and seems to have garnered relatively high interest, even appearing in the *Palestine Post*.¹⁰⁷ The 1926 Nottingham Post article includes a few tantalizing clues as to the origins of the accusations. According to the article, “it was stated by a native witness, a grandson of King Khama, that slavery was still existant in the Protectorate.”¹⁰⁸ The native witness was not named directly, but a contextual reading suggests that the individual in question was Simon Ratshoa,

¹⁰⁵ Susan Pedersen, “Market Economies or Command Economies?,” *The Guardians*.

¹⁰⁶ “Subject Race Made Slaves.” *The Nottingham Evening Post* (Nottingham, England), Saturday, June 19, 1926; pg 7; Issue 14972. Their (mis)spelling.

¹⁰⁷ See: “Slavery in British Protectorate: Tribesmen Forced to Work for Nothing,” *The Palestine Post*, Jun 28, 1933.

¹⁰⁸ “Subject Race Made Slaves.” *The Nottingham Evening Post* (Nottingham, England), Saturday, June 19, 1926; pg 7; Issue 14972.

grandson of King Khama III and close relative of acting Regent Chief Tshekedi Khama.¹⁰⁹ Like Tshekedi Khama, Simon Ratshoa was born into a wealthy, well-positioned Tswana family. His father worked closely with King Khama III, even travelling with him to London to lobby against the British South Africa Company (BSA) in 1895.¹¹⁰ However, the close relationship between the Ratshoas and the Khamas soured in the mid-1920s, as Simon and his brothers John and Obedtise competed for influence under Tshekedi Khama's new regime. Ousted from influence by another rival family, led by Phethu Mphoeng, one of three Tswana witnesses who accompanied Tshekedi to the SADC hearing, the Ratshoas were disciplined by Khama and refused to attend a kgotla to which they had been summoned.

The kgotla was convened to discuss, according to Phethu's testimony in 1929 court proceedings, "the question of certain Masarwa girls in the possession of Oratile the wife of [Simon Ratshoa]," who had "originally taken these girls by force from Chief Sekgoma's wife (Tshekedi Khama's predecessor) and the Chief had taken them back by force."¹¹¹ In response to their insubordination, Tshekedi ordered the Ratshoa brothers - hereditary elites twice his age - to be publicly flogged. Before this humiliation could be inflicted, Simon and Obeditse escaped, grabbed their guns, and attempted to assassinate Tshekedi at his home.¹¹² But they missed their mark: Tshekedi was only wounded slightly above the left hip, while the brothers were promptly arrested for attempted murder. While imprisoned, Mphoeng and a group of his men destroyed the Ratshoa's property, including their houses and possessions. They also reportedly took some of

¹⁰⁹ Q.N Parsons, "Shots for a Black Republic? Simon Ratshoa and Botswana Nationalism," *African Affairs*, Oct., 1974, Vol. 73, No. 293 (Oct., 1974), 450.

¹¹⁰ Neil Parsons, *King Khama, Emperor Joe, and the Great White Queen*.

¹¹¹ Testimony of Phethu Mphoeng, Defendant's evidence, Simon Ratshoa vs. Chief Tshekedi Khama, March 21, 1928, pg 44-45, excerpted in Chief Tshekedi Khama v Ratshosa and another (Bechuanaland Protectorate) [1931] UKPC 72 (10 July 1931), The Special Court of the Bechuanaland Protectorate, Privy Council Appeal No. 4, https://www.bailii.org/uk/cases/UKPC/1931/1931_72.html.

¹¹² Parsons and Crowder, *Diaries*, editorial notes, 240.

their cattle and - notably - the San girls in question.¹¹³ The 1929 court records I accessed are from the Ratshoa's efforts to acquire legal restitution for the property destroyed by Mphoeng.

During his criminal trial in 1926, Simon Ratshoa declared that slavery was rampant in Bechuanaland and the San were owned and abused by Bamangwato elites. His accusation was so far beyond the scope of the trial itself that the British Magistrate presiding commented that it appeared the native administration "was being attacked under the cover of a criminal trial."¹¹⁴ The Magistrate seems to have been correct. This was, according to Simon Ratshoa's unpublished memoir, his "supreme effort" - to "astound the whole civilized world" and prove that slavery existed in the Bechuanaland Protectorate.¹¹⁵ Ironically, of course, the circumstances that precipitated his trial involved the transfer of San people between his household and another. This suggests that Ratshoa was motivated by neither a belief in the immorality of coercive labour nor a disdain for the hierarchical organization of Tswana society, but internal African elite politics. The Ratshoa family's change in political fortunes, their assassination attempt, and the allegations against Tshekedi Khama, were conveyed partly through rumour, different and conflictual first-hand accounts, and reconstructed posthumously through court records. They make part of the "fractured social reality" of colonial Bechuanaland, wherein British administrators were drawn into African politics in ways they did not fully understand but assumed they could.

As Richard Huzzey has demonstrated, British anti-slavery rhetoric was mobilized to justify imperial expansion in Africa from the late 19th century onwards.¹¹⁶ Simon Ratshoa's

¹¹³ Chief Tshekedi Khama v Ratshosa and another (Bechuanaland Protectorate) [1931] UKPC 72 (10 July 1931), The Special Court of the Bechuanaland Protectorate, Privy Council Appeal No. 4. This also raises interesting questions of the gendered dynamics of San labour, which no secondary sources I read discussed in great detail. This would be an excellent avenue for future research.

¹¹⁴ Simon Ratshoa Evidence 1926, quoted in Suzanne Miers and Michael Crowder, "The Politics of Slavery in Bechuanaland," 336-37.

¹¹⁵ Simon Ratshoa, quoted in Q.N Parsons, "Shots for Black Republic."

¹¹⁶ Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca, United States: Cornell University Press, 2012).

weaponization of slavery was a familiar tactic made newly salient by the context of international norms and law produced by the League of Nations. In the mid-1920s, a coalescence of the Anti-Slavery Society, the League, and the International Labour Organization (ILO) sought to enshrine the protection of ‘free labour’ in international law. Led by British policymakers, most notably Lord Lugard, the British delegate to the League, their efforts culminated in the 1926 Slavery Convention. As Susan Pedersen notes, the Convention was generally regarded as a British project: “an effort to seize the moral high ground while forcing other imperial powers to dance to Britain’s tune.”¹¹⁷ While the Slavery Convention was relatively toothless, calling upon consenting signatories to “prevent and suppress the slave trade” and to bring about “progressively and as soon as possible” the “complete abolition of slavery in all its forms,” it carried significant normative weight.¹¹⁸ The codification of anti-slavery in international law established the abolition of slavery and the slave trade as a criteria of legitimate governance, in keeping with 19th century precedents, though forced labour remained usefully ambiguous.

The mechanics of indirect rule complicated these interpretative politics. While white enslavement of African people could be clearly understood and condemned as wrong, what about ‘traditional’ African labour practices that happened to be coercive? Though the 1926 Convention stipulated that imperial powers could not use native chiefs to recruit forced labour for development projects under the guise of ‘tradition’ or ‘tribute,’ this condition was not generally enforced.¹¹⁹ And while in 1922 the Anti-Slavery Society in Britain could protest the South African government’s bombing of the Bondelswart rebellion in their Mandate territory of South

¹¹⁷ Susan Pederson, “Market Economies or Command Economies,” *The Guardians : The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 243.

¹¹⁸ Jean Allain, “Slavery and the League of Nations: Ethiopia as a Civilised Nation,” *Journal of the History of International Law* 8: 213–244, 2006.

¹¹⁹ Susan Pedersen, “Market Economies or Command Economies?,” *The Guardians*.

West Africa as a clear case of colonial abuse, they were much more ambivalent towards African-on-African forced labour. The Bamangwato-San relationship challenged the rubrics of what Ann Laura Stoler calls ‘colonial common sense’ in a similar way. It was not, in Pedersen’s words, “the sort of emotionally charged and morally unambiguous cause with which [humanitarians] were most comfortable.”¹²⁰ It provoked uneasy questions around the boundaries of tradition, indirect rule, and the ideological currents of empire. The LMS and the British administration responded to these problems through remarkably similar mechanisms - the inquiry, the sub-committee - but through them articulated different inflections of colonial responsibility and policy. And for Ratshoa, anti-slavery pressure was a useful tool in his ongoing disputes with Khama. Whether his accusations were intended for ears in Geneva or not, Ratshoa correctly identified the real locus of the League’s power: not in the enforcement of international laws but the performance of appropriate state behaviour.

Commissions in conversation

In July 1931, several years after the first allegations first surfaced in the British press, Mr. E.S.B Tagart was appointed to lead an inquiry into the conditions of San people in Bechuanaland. The terms of reference were established to enquire into:

“The conditions under which Masarwa are employed by the Bamangwato tribe; the nature, extent, and system of their remuneration, if any; the extent to which they are free to engage in any occupation or transfer their services from one employer to another, or move from one place to another, and able to exercise such freedom; their general conditions of life, including their status s in regard to rights of person and property; and the circumstances which have led to the present subject position of these people;”

Tagart arrived in Cape Town from Southampton, England on July 6th, 1931, where he met with the British High Commissioner and the Imperial Secretary. His report narrates the progress of his inquiry in the first-person and reads similarly to a travel-log or a diary. After his spell in

¹²⁰ Susan Pedersen, “New from the Orange River,” *The Guardians*, 120.

Capetown, Tagart then travelled to Mafeking, the administrative centre of Bechuanaland (Mafeking, remember, in South Africa), where he set his itinerary, took evidence from administrators, and chose an interpreter. He stayed with Colonel Rey, whose diary entries on the occasion of their meeting convey a cracked-out optimism. “It’s lucky we have several spare rooms and some good servants!” Rey wrote on the day of Tagart’s arrival.¹²¹ He informed Tagart of his firm belief that San people were slaves to the Bamangwato, one of his many points of contention with Tshekedi Khama. In their already fraught relationship, Rey’s view on the slavery question caused considerable conflict between the two men.

After his visit with Rey, Tagart arrived in Serowe on July 17th and was introduced by the Chief Tshekedi Khama and other Bamangwato leaders. Tagart conducted interviews with both Africans and Europeans in Serowe for ten days, then travelled northward for three weeks to meet with San people working at cattleposts. Next, Tagart returned to Serowe for a few days to finalize a few more interviews, then Francistown to obtain evidence from Europeans who had “considerable experience among natives in the Bamangwato reserves,” took a quick detour to visit friends in Northern Rhodesia, and finally met up once more with the High Commissioner in Pretoria.¹²² There, Tagart participated in a conference on ‘native legislation’ alongside other colonial officials, including Colonel Rey and Patrick Duncan, deputy leader of the South African party under General Smuts.¹²³ That Tagart concluded his trip in this way reiterates the connections between the protectorate and South Africa, where Smuts worked to establish himself as simultaneously a liberal internationalist and an architect of apartheid.¹²⁴

¹²¹ Rey, “Diary entry July 13th-19th, 1931” eds. Parsons and Crowder, *Monarch of All I Survey :Bechuanaland Diaries, 1929-1937*, 80.

¹²² Tagart report, 28.

¹²³ Tagart report, 31.

¹²⁴ Mark M. Mazower, “Jan Smuts and Liberal Imperialism,” *No Enchanted Palace* (Princeton University Press, 2009), 28-65.

The SADC's terms of reference were markedly different from Tagart's. Established by the LMS Board in London, the SADC was directed to:

Confer with Chief Tshekedi with a view to determining what steps may be taken to secure for the Masarwa full liberty in the disposal of their labour and in the control of their persons, and by Educational and Evangelistic work among them, to fit them more worthily to take the place of free men in the life of the Bamangwato tribe. The Board will look to receive in due course a report from the District Committee on the subject.

The sub-committee's members, Rev. A. J Haile, Mr. Gavin Smith, Mr. Burns, Mr. Jennings, and Miss Taylor, hoped their efforts would be "stepping stones to more positive future advances towards a full Christian civilisation" in Africa.¹²⁵ Miss Taylor was one of few female LMS representatives working in Bechuanaland, having arrived in Molepole in 1926 to work as a midwife among the Bakwena people. She, as well as Rev. A.J Haile and Mr. Burns, missionized in Molepole before the LMS station was handed over to the United Free Church of Scotland in 1931.¹²⁶ Mr. Jennings was a former chairman of the SADC and worked closely with Khama in his attempt to prevent the implementation of the British South Africa Company's 1893 mining concession in Bamangwato territory. Though he disliked Smith and Burns, Rey reserved particular venom for Jennings, characterizing him as an "unspeakable brute" and a liar.¹²⁷ He grudgingly respected Rev. Haile on the basis of his work at Tiger Kloof and never mentioned Miss Taylor. Generally, Commissioner Rey's diaries reflect his disdain, as well as that of other administrators, for the LMS as simply "nonconformists of the lower or even working class come to make good in the colonies."¹²⁸ The majority of their report is a direct transcript of Tshekedi Khama's testimony, while the second largest section is composed of a question-and-answer period with Tshekedi Khama, three of his 'hereditary chiefs,' and his secretary. The actual policy

¹²⁵ SADC report, 33.

¹²⁶ Dr A. Merriweather, "Molepole Mission History," *Botswana Notes & Records*, Volume 1, Issue 1, Jan 1968, p. 15 - 17.

¹²⁷ Rey, "Diary entry from Saturday 14 - Sunday April 22, 1934," in Parsons and Crowder, 153.

¹²⁸ Parsons and Crowder, "Editorial Notes to pages 47 to 51," *Monarch of All I Survey*, 245.

recommendations of the SADC make up barely seven pages. The reports differ, clearly, in the kind and degree of evidence heard. While Tagart travelled to San cattle-posts, the SADC sub-committee undertook no such research effort and relied exclusively on Tswana witnesses, chosen by Tshekedi Khama, to understand the situation.

The consensus view, shared by Tshekedi Khama, Tagart, and the SADC, was that the San were “a race more backward than the Bamangwato.” Tagart wrote that “they are only now emerging from the ‘collecting’ stage, have so far shown little aptitude for cultivation, speak a barbarous language, and can boast no tribal organisation.” However, he admitted, “they happen to be human beings and, as such, may be presumed to possess potentialities for progress non-existent in the lower animals.”¹²⁹ In his testimony to the SADC, Tshekedi Khama framed the San in similar terms, while positioning the Bamangwato as a fully-developed people group and civilizing force. The Bamangwato, he told the missionaries, “have all along tried to keep the Masarwa in the country, and to get them to abandon some of their more primitive modes of life.”¹³⁰ The reference here to keeping San people ‘in the country’ refers to the Tswana role in territorializing nomadic San people through their work at cattle posts.

The SADC shared and endorsed Tshekedi Khama’s framing of the San-Bamangwato hierarchy as native custom: a time-honoured African practice, different from the labour abuses perpetrated by Europeans. To the missionaries, the condition of the San was part of Tswana tradition, but simultaneously a marker of the San’s - and to a quieter, implicit extent, the Tswana’s - primitive nature. Their report stated that “to say without qualification that the Masarwa should be free to go where they like *would not be in keeping with the traditions of*

¹²⁹ Tagart report, 35.

¹³⁰ SADC report, 17. This might be a reference to migrant labour, but it also tracks with previous LMS discourses of civilizing the San by keeping them in agricultural settlements, as mentioned earlier.

tribal life,” and moreover, European legislation “in a matter such as the uplift of a very backward people like the Masarwa, can at best only play a small and initial part.”¹³¹

Tagart concluded that San people were victims of forced labour at the hands of the Bamangwato, with occasional instances of outright abuse, including examples of Bamangwato elites forcibly removing orphaned children from their extended families. Instead of framing his report within the humanitarian or moral problems of forced labour, Tagart instead emphasized the inferior quality of the genre of work itself. Citing Revered Willoughsby of the LMS, Tagart noted that what the natives needed was not mere work, but “ingrained habits of industry,” which the existence of a servile labour class undermined.¹³² The idea that appropriate and specific forms of work would condition the native was a common one, but Tagart’s main concern was that the condition of San people was “symptomatic” of a broader issue within the body politic which required a “stricter regime to which more attention should be paid.”¹³³ He wrote that administrators in the Bamangwato reserve “never appeared to have regarded [the Masarwa] as [their] business,” and that “what is true of the official is equally true of the missionary,” who hoped to improve the condition of the San through the education of their ‘masters.’¹³⁴ LMS efforts in Bechuanaland did center on Bamangwato, with whom they had a working relationship, and on mission school Tiger Kloof, which aimed to Christianize Africa through a vanguard of educated Africans drawn from the existing Tswana elite.¹³⁵ The transcript of the SADC sub-committee meeting, moreover, reveals their ignorance of San people and their living conditions.

¹³¹ SADC report, 29;32.

¹³² Tagart, 39. Interestingly, this mirrors rhetoric used by British colonial officials to describe Afrikaner farmers in the early 19th century.

¹³³ Tagart, 43.

¹³⁴ Tagart, 37.

¹³⁵ Rev. Willoughsby, *Tiger Kloof: The London Missionary Society’s Native Institution in South Africa* (London: The London Missionary Society, 1912), 111.

After listening to Tshekedi Khama's testimony, which was organized in seven sections: "the present condition of these people [Basarwa], their position as cattle-herds, freedom of contract, rights of person and rights to lands, nature of remuneration received, 'child-slavery,' and their mental capacity," the SADC convened a question-and-answer period.¹³⁶ Tshekedi Khama and his witnesses, as well as the SADC's "old friend" Maphakela Lekalak, the first African ordained minister from the Molepole mission station, were treated as authorities on the San. Mr. Gavin Smith asked them "how far is it possible to approach the Masarwa in their own language?," while Mr. Haile wondered "whom do they recognise as Chief? Is it the Chief of the Bamangwato?," and Mr. Burns requested Tshekedi's insight on LMS policy directly.¹³⁷ "If an Evangelist was sent to work in [the villages of Pave, Mabeleapodi and Shashane], Mr. Burns queried, "would they form a suitable centre from which to reach the Masarwa and bring them into touch with education and Christianity?"¹³⁸ Other questions put to the Bamangwato representatives included whether or not the San had headmen/tribal leaders, if they had access to hunting reserves within the Bamangwato district (they did not), if they could be "raised intelligently," what would happen if they were "released," and how their interpersonal dynamics were organized.¹³⁹ Despite their obvious unfamiliarity with San circumstances, the SADC sub-committee members did not invite any San people to testify to their own circumstances.

Tagart's report repeatedly emphasized the need for centralized control over the lives of Bechuanaland's African inhabitants in order to ensure their civilizational advancement. To this end, he recommended the registration of both San and Bamangwato in a mandatory census and greater supervision of cattle posts by District Administrators. Tagart called for instituting new

¹³⁶ SADC report, 2.

¹³⁷ SADC report, 18-19.

¹³⁸ Ibid, 22.

¹³⁹ Ibid, 18-20.

taxes on San people, further incorporating them into the administrative nexus of the colonial government. Previously excluded from the Hut Tax due to their client status, Tagart argued that including San people in the taxation system would encourage them to leave their Tswana masters and seek paid employment. This tracks with broader historical arguments about the role of the Hut Tax (which carried fines if not paid) in precipitating labour migration, as wage-earning jobs were scarce.¹⁴⁰ His recommendations are underlined by a vision of progress in stages, through which Africans must be diligently shepherded. After all, he reminded readers, the difference between the San and the Bamangwato “is a difference in degree, and not in kind, as the Bamangwato would have us suppose.”¹⁴¹ Tagart conceded that his recommendations “tend to derogate from the powers exercised by the chief of the Bamangwato tribe” and thereby “conflict with the policy of indirect rule hitherto encouraged.” However, he continued, the San case ultimately proved the failure of indirect rule and thereby the necessity of “closer control by the European over the native authority.”¹⁴²

Historians have traced how missionary and humanitarian ideologies in Southern Africa began to shift towards racial segregation in the early 20th century. They were part of a phenomenon Saul Dubow characterizes as ‘liberal segregationism,’ which was represented as a moderate and reasonable approach to governing groups divided by inherent and primordial differences.¹⁴³ To many concerned Britons, having different structures for natives was only logical, especially if they were under threat from rapacious colonists or industry. A statement shared by Sir Charles Warren at a 1903 meeting of the Aborigines Protection Society and the

¹⁴⁰ N.S Mudzinganyama, “Articulation of the modes of production and the development of a Labour Reservoir in southern Africa - 1885-1944: The case of Bechuanaland,” 53.

¹⁴¹ Tagart report, 35.

¹⁴² Ibid.

¹⁴³ Saul Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36*.

British and Foreign Anti-Slavery Society exemplifies this point of view. The issue at hand stemmed from the 1903 Native Labour Commission, which reported that the mines and infrastructure of Transvaal were short 220,000 labourers and called for forced recruitment of ‘native’ labour from Central Africa to fill the gap. Warren opposed the imposition of forced labour on ‘the natives’ and instead called for poor whites to fill labour shortages, because “the mixture of the native and white man in the labour field is [...] a destruction to both, morally and financially.” The only way to avoid such a mutual degradation “is to keep large native reserves or territories, like Basutoland, where [natives] can work and improve according to their own powers.”¹⁴⁴

The rapid industrialization of South Africa and the ensuing growth of an urban black population was involved in stimulating this approach, but it also drew legitimacy from cultural anthropology, eugenics, and other examples of white supremacist rule, including the Southern United States. But liberal segregationism was also a conscious rejection of the old 19th century ‘missionary model’ approach, which sought to supplant African custom and culture with European. Carol Summers has demonstrated how, in Southern Rhodesia, missionaries gradually transitioned from espousing a ‘civilizational’ to a segregationist approach. By the 1920s, she notes, they promoted “the construction of disciplined communities of Africans Christians who would be taught to accept duties and responsibilities” rather than fought for African inclusion in a “humanistic and individualistic European civilization.”¹⁴⁵ Richard Elphick likewise argued that the ideas of apartheid emerged among Dutch Reformed Church (DRC) missionary thinkers in the

¹⁴⁴ Statement by Sir Charles Warren, “Native Labour in South Africa: Report of a Public Meeting,” jointly convened by the Aborigines Protection Society and the British and Foreign Anti-Slavery Society, Westminster, April 29, 1903, in Sunderland, D., & Uzoigwe, G.N. (eds.) *Economic Development of Africa, 1880–1939: Labour and Other Aspects of Development* (Routledge, 2011), 51-70.

¹⁴⁵ Carol Summers, “Disciplining Change,” *From Civilization to Segregation: Social Ideals and Social Control in Southern Rhodesia, 1890-1934* / (Athens, Ohio: 1994), 140.

1930s, though English-speaking missionaries were also involved in early 20th century ideas of differentiated institutions for Africans.¹⁴⁶

Karuna Mantena's discussion of cultural difference as a demand for protective colonial rule is relevant here, though there were tensions between missionaries' hopes for a common Christian society and arguments for the separation of Africans.¹⁴⁷ Moreover, the motivations behind segregationist policies were more varied than Mantena's analysis of Henry Maine and 'late imperial ideology' suggests. For example, Summers connects the transition in missionary thought to white settler anxieties over (largely unfounded) perceptions of educated Africans in Rhodesia obtaining political power. If Africans were educated like whites, they threatened the neat distinction between civilized Europeans and backwards natives. The SADC report construed native society as inherently different from European, but it understood the relationship between the two differently. While Tagart, much like Colonel Rey, saw in the slavery controversy cause to restrain the traditional authority of the chiefs and consolidate administrative power in European hands, the SADC disagreed. Their report framed life in Bechuanaland as contingent upon and managed by 'traditional' practices that required protection and preservation. To undo them would be to undo the thin fabric of native society, risking complete anarchy and colonial instability. The SADC's policy recommendations largely align with Mantena's description of an understanding of "native society as simultaneously intact and vulnerable," a vision that "underpinned the paternalistic impulse of late imperial rule."¹⁴⁸ However, their recommendations were also mediated by their unique colonial positioning - their close and mutually beneficial

¹⁴⁶ Richard Elphick, *The Equality of Believers: Protestant Missionaries and the Racial Politics of South Africa* (Charlottesville: University of Virginia Press, 2012).

¹⁴⁷ Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (New Jersey: Princeton University Press, 2010).

¹⁴⁸ Karuna Mantena, "Introduction," *Alibis of Empire*, 6.

relationship with the Bamangwato elite. The ‘big’ epistemological commitments Mantena identifies was not the only scaffolding around which missionaries constructed their approaches.

The conceptualization of freedom as the ability to dispose of one’s labour as and when desired was one such major commitment shared by the SADC and Tagart, though their reports approached the issue differently. This understanding is also continuous with 19th century LMS policy towards the San, which sought to prepare San people to work as farm labourers by Christianizing, territorializing, and ‘civilizing’ them on frontier mission stations.¹⁴⁹ In their recommendations, the SADC explicitly critiqued the imposition of European rubrics of legibility onto the Bamangwato-San relationship. They agreed there was no slavery in the Protectorate, only a backward tribe struggling in the backyard of another. To separate them from their cultural foundations and incorporate them into the wage labour market too early, they warned, would do significant harm. While Tagart saw the servile labour conditions of the San as an impediment to their progress, as it inculcated the wrong habits of affect, the SADC instead saw the bolata system as a necessary precondition for eventual freedom. The San’s current status as less-than entirely free was, just as Tshekedi Khama said, natural. According to the SADC, the only hope to raise the San to a higher civilizational level was by and through the existing ‘tribal’ structures, as “any attempt to introduce ameliorative measures by Government action independently of the Chief and his people would fail in its object.”¹⁵⁰

Conclusion

Tagart’s recommendations hinged on San incorporation into the body politic of Tswana society - releasing them to pursue wage labour, including them in the Hut Tax, allocating

¹⁴⁹ Nigel Penn, “The British and the ‘Bushmen’: The Massacre of the Cape San, 1795 to 1828,” 188-189.

¹⁵⁰ SADC report, 27.

Tswana land to them for cultivation, and registering them in a census. His recommendations threatened Tswana autonomy and, as such, were contested by Tswana elites, through and with their LMS allies. It appears that Tagart's recommendations were not unique: the two other British Protectorates, Swaziland and Basutoland, were also visited by imperial commissions and were dosed with similar policies. A 1934 report from the *International Labour Review* cites Tagart's report as part of the British government's larger overview of labour problems in Basutoland, Bechuanaland and Swaziland in the 1930s. The report concluded that "the system of administration through the natural tribal authorities" can no longer "be regarded as adequate as practised in the territories."¹⁵¹ Though Tagart's report responded to a specific incident, it is interesting that similar policy recommendations - namely, to turn away from indirect rule - were espoused by separate commissions in the Protectorates.

Tshekedi Khama's use of the SADC commission as a platform for his perspective was part of his life-long effort to keep the British out of his business. He was ultimately successful in doing so: Bechuanaland spurned its allocated fate and transitioned to an independent nation-state in 1966. The new state's first President was Seretse Khama, Tshekedi Khama's nephew, for whom he had been ruling in regency since the nineteen-twenties. Ironically, it was Seretse Khama who endured the most pressure from South Africa. His marriage to a white British woman, Ruth Williams, in 1948, was reviled by the apartheid regime, whose lobbying was instrumental in pushing the British government to exile the couple.¹⁵² Their story and its

¹⁵¹ "Labour Problems of Basutoland, Bechuanaland, and Swaziland," *International Labour Review*, vol. 29, no.3, March 1934, p. 398.

¹⁵² Susan Williams, "The Media and the Exile of Seretse Khama: The Bangwato vs. the British in Bechuanaland, 1948–56," in *Media and the British Empire*, ed. Chandrika Kaul, Palgrave Studies in the History of the Media (London: Palgrave Macmillan UK, 2006), 70–87.

emotional appeal became the dominant narrative around the Khama family in the 20th century, while accusations of slavery dimmed in apparent significance.

Several years after the Tagart report was published, the British High Commissioner did get around to a few of his recommendations. In 1935, an assistant magistrate, Mr J.W Joyce, began to implement Tagart's recommendations. He found that while many San people were willing to pay tax, most refused to live in government settlements and were unwilling to move from cattle-posts. Joyce also carried out Tagart's suggested census, reporting that in 1936 there were 9,540 San people in the Bamangwato reserve, with another 1000 possibly uncounted.¹⁵³ Following independence, the Botswana national government pursued an assimilative policy towards San people. Their approach was underwritten by a progressivist narrative of African civilization, a vision undermined by the presence of hunter-gatherers (or those perceived to be), and was generally consistent with the recommendations of both commission reports. San people were to be resettled in agricultural areas, discouraged from hunting, and 'civilized.'¹⁵⁴

¹⁵³ Janet Hermans, "Official Policy towards the Bushmen of Botswana: A Review, Part I," *Botswana Notes and Records* 9 (1977): 55–67. It is difficult to contrast these numbers with contemporary figures, as the Botswana national census does not record language nor ethnicity.

¹⁵⁴ Maria Sapignoli, "Dispossession in the Age of Humanity: Human Rights, Citizenship, and Indigeneity in the Central Kalahari," *Anthropological Forum* 25, no. 3 (July 3, 2015): 285–305.

Chapter Two

Testifying in Palestine *Bureaucratic practices and prejudices*

In November 1936, a decade before it was bombed by a Zionist paramilitary group, Jerusalem's King David Hotel received a new group of guests. The arrivals included Lord Peel, former secretary of state in India; Laurie Hammond, former governor of Assam; Morris Carter, former governor of Tanganyika Territory, and Horace Rumbold, former commissioner in Constantinople with experience in Tehran and Cairo. They were joined by Harold Morris, head of London's Industrial Court, and Reginald Coupland, an Africanist and Oxford Professor, as well as by their secretary, J.M Martin.¹⁵⁵ Men of similar pedigrees were fixtures of the King David Hotel. In addition to wealthy civilian guests, the hotel hosted the British government's

¹⁵⁵Laila Parsons, "The Secret Testimony of the Peel Commission (Part I): Underbelly of Empire," *Journal of Palestine Studies* 49, no. 1 (November 1, 2019): 7–24; Penny Sinanoglou, *Partitioning Palestine: British Policymaking at the End of Empire* (University of Chicago Press, 2019).

secretariat, army headquarters, and the local offices of various security and intelligence services during the latter half of the Mandate period.¹⁵⁶ Designed to evoke “the memory of the ancient Semitic style and the atmosphere of the glorious period of King David,” the luxurious hotel was likely a welcome respite for the group of Britons after their long journey from England.¹⁵⁷ Indeed, its comfort and high walls served both as a reprieve for British officials and as their army’s command centre in 1936, when anti-colonial revolt broke out and groups of Palestinian rebels seized control of the countryside.¹⁵⁸

This uprising precipitated Peel and his companions’ arrival. The men were members of a royal commission ordered by the British government to inquire into the ‘underlying causes’ of the unrest. While the Palestinian revolt was the object of the commission’s investigation, their conclusions, released in early 1937, had consequences far beyond its immediate circumstances. Their recommendations carry particular significance in the textual history of Palestinian dispossession, as they first introduced the concept of partition and made public the British government’s acknowledgement of the Mandate’s untenability. The Peel Commission functioned primarily by hearing oral evidence from witnesses and, in most cases, interrogating them. Unlike some previous British commissions to Palestine, such as the Shaw Commission of 1930, the commissioners did not travel extensively within Palestine to host interviews.¹⁵⁹ Rather, witnesses came to them. Some were invited, others put themselves forward with specific grievances. For

¹⁵⁶ Bruce Hoffman, “The Bombing of The King David Hotel, July 1946,” *Small Wars & Insurgencies* 31, no. 3 (April 2, 2020): 594–611.

¹⁵⁷ Quoted in Daniella Ohad Smith, “Hotel Design in British Mandate Palestine: Modernism and the Zionist Vision,” *Journal of Israeli History* 29, no. 1 (March 2010): 99–123.

¹⁵⁸ Hoffman, 601.

¹⁵⁹ Pinhas Ofer, “The Commission on the Palestine Disturbances of August 1929: Appointment, Terms of Reference, Procedure and Report,” *Middle Eastern Studies* 21, no. 3 (1985): 349–61; Note, however, that according to a *Palestine Post* article the commissioners did travel informally to Northern Palestine and visiting sites including the Kadoorie Agricultural School. “Peel Commission for Five Day Tour,” *The Palestine Post*, November 20, 1936, The National Library of Israel, <https://www.nli.org.il/en/newspapers/pls/1936/11/20/01/>.

three months, the commissioners worked in the ballroom of the former Palace hotel. Originally built to house the World Islamic Congress, by the late 1930s it was made defunct by the brighter, more modern King David Hotel. The commissioners took evidence sitting in brown leather armchairs, with a tall chairman's seat in the centre. They were grouped around a large horse-shoe table, with a space in the hollow's centre for witnesses to sit.¹⁶⁰

The commission held both public and secret sessions; the public ones were open to the press as well as casual viewers, while the secret ones included only the witness, commissioners, and secretary J.M Martin. Regardless, the Commission always broke for tea in the afternoon. Some witnesses gave testimony in public prior to the break, then returned to testify privately afterwards. The spaces of commission were flexible in this sense, but the possibility of movement between public and secret zones was not universal. The transcripts of the public sessions were accessible nearly immediately and received detailed coverage in both the Arabic and Hebrew press. They, alongside the commission's 1937 final report, have been available for academic scrutiny for nearly a century. The secret testimony, however, was de-classified by the British government only in 2017. Its pages reveal that Britons participated in greater numbers and spoke for much longer during secret sessions. As Laila Parsons has highlighted in her analyses of the documents, Zionist leaders also made frequent and prolonged use of the secret sessions - for example, Chaim Weizmann spoke in-camera no less than four times. And as British officials "favoured the secret sessions as a space where *the business of commission* could

¹⁶⁰ "[FSI]Where the Commission will Sit," [PDI]The Palestine Post[PDI], 12 November 1936, The National Library of Israel, <https://www.nli.org.il/en/newspapers/pls/1936/11/13/01/>.

get done,” the exclusion of Palestinians from this space both continued and reinforced their distance from political power.¹⁶¹

In the following pages, I will examine how the Peel Commission functioned as a technique of colonial governance bound umbilically to physical, violent repression. To begin, I briefly contextualize the Peel commission and the political struggles raging at the time of commissioners’ arrival in Palestine. My next section draws on Foucault’s notion of a regime of truth and Miranda Fricker’s conceptualization of epistemic injustice to analyze the function of colonial commissions and the truths they circulate. The rest of the chapter is dedicated to witness testimony from the Peel Commission and an analysis of their exchanges with commissioners.

The density - both literally and figuratively - of the secret testimony precludes its comprehensive engagement in a single paper. As such, I focus on three witnesses: Sir Arthur Wauchope, High Commissioner of Palestine; Chaim Weizmann, leader of the World Zionist Organization, and George Antonius, Lebanese scholar and former employee in the Palestinian government. Wauchope and Weizmann were chosen based on their leadership roles in their respective organizations, though I treat neither metonymically. As they both participated in the secret sessions on multiple occasions, I trace their positions and rhetoric over the course of their exchanges with commissioners. Antonius, on the other hand, testified only once and only in public. As a former employee in the British administration as well as a Cambridge graduate, he was part of a small group of Arabs adjacent to British government. Some of these men enjoyed a certain degree of influence in Palestinian society. Despite his privileged position, however, Antonius’s testimony lays bare the structural exclusion of Palestinians from the commission.

¹⁶¹ Laila Parsons, “The Secret Testimony of the Peel Commission 1: Underbelly of Empire,” 10. For more on the Peel Commission, see: Lori Allen, *A History of False Hope: Investigative Commissions in Palestine* (Stanford University Press, 2020) and Penny Sinanoglou, *Partitioning Palestine: British Policymaking at the End of Empire*, (University of Chicago Press, 2019).

Reading the Peel Commission transcripts alongside histories of the Palestinian revolt is a dysphoric experience: the two events seem to belong to parallel worlds. In one, commissioners ask questions in clipped grammar and debate intricate textual interpretations; in another, Palestinians are tied to the front of British trucks as human deterrents to sniper and mine attacks.¹⁶² But to contend with the unfolding of Mandate politics requires an incorporation of the bureaucratically mundane with the force of anti-colonial revolt and the violence of colonial repression. In his second secret testimony, Wauchope told commissioners that “had the Royal Commission not been coming, then martial law probably would have been declared.”¹⁶³ The colonial inquiry in Palestine, then, was a fellow technique of governance and problem resolution under what Pedersen describes as the League of Nations’ system of normative imperialism.¹⁶⁴ This calls for a supplementary approach to analyzing British commissions to Palestine, integrating both a critique of the contingency of truth and knowledge produced by colonial commissions with an understanding of what Foucault calls ‘premodern’ power, direct, spectacular, and violent exercises of sovereign strength.¹⁶⁵

Broad framing

The British Mandate in Palestine did not recognize the national existence of Palestinians, which freed the British from any obligation to foster their institutional development or eventual independence. Historians have shown that Zionist leaders were intimately involved in the

¹⁶² Matthew Hughes, “From Law and Order to Pacification: Britain’s Suppression of the Arab Revolt in Palestine, 1936-39,” *Journal of Palestine Studies* 39, no. 2 (Winter 2010): 6–22.

¹⁶³ Wauchope, Secret Testimony, Paragraph 8040, page 453. Access to the secret testimony transcript courtesy of Laila Parsons.

¹⁶⁴ Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire*.

¹⁶⁵ A helpful parallel to my approach here is framed in Andrea C. Westlund, “Pre-Modern and Modern Power: Foucault and the Case of Domestic Violence,” *Signs* 24, no. 4 (1999): 1045–66. See also, Joy James, *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture* (Minneapolis: University of Minnesota Press, 1996).

drafting of the Mandate itself, while the British policymakers ensured the “complete absence of any input from Arab sources.”¹⁶⁶ The Mandate preamble’s mention of “the historical connection” of the Jewish people to Palestine and the idea of a Jewish “national home” enshrined Zionism’s foundational claims in international law and overwrote the existent, lived connection between Palestinians and Palestine.¹⁶⁷ As such, the British government administered a tiny country with two increasingly antagonistic groups, while endowing only one - the Zionists - with national recognition. The Palestinian leadership, dismayed by their marginalization, refused to accept the terms of the Mandate or negotiate within its parameters. In effect, this meant they were excluded from even limited communal recognition or participation in rule. Palestinians were thus barred from the power structures that would determine their fate, considered members of a broader ‘Arab community,’ while the Yishuv enjoyed official, international recognition through the Jewish Agency and was able to construct a powerful para-state apparatus with influence conferred by their legitimacy under international law. Rashid Khalidi has called this constitutional and legal matrix an ‘iron cage,’ from which Palestinians were unable to extricate themselves.¹⁶⁸

A petition submitted to the High Commissioner in 1936 by leading Arab officials put it well when it said that Palestinians were driven into “a state verging on despair” after nearly two decades of colonial oppression. It also stated that the Palestinian population had little faith in “the value of official pledges and assurances” from the Mandate government, while they

¹⁶⁶ John J. McTague, “Zionist-British Negotiations over the Draft Mandate for Palestine, 1920,” *Jewish Social Studies* 42, no. 3/4 (1980): 251.

¹⁶⁷ “The Palestine Mandate,” https://avalon.law.yale.edu/20th_century/palmanda.asp.

¹⁶⁸ Rashid Khalidi, *Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston, United States: Beacon Press, 2006).

regarded Palestinian officials in its employ with “odium and suspicion.”¹⁶⁹ The recent failure of a proposed Jewish-Arab legislative body, which may have allowed Palestinian leaders a modicum of influence, added to the nation-wide sense of disillusionment with British rule.¹⁷⁰ Moreover, in the mid-1930s, the long-standing issue of Jewish immigration flashed up with new force. Zionists pushed for higher quotas as fascist policies threatened Jewish life in Europe, while Palestinians increasingly viewed Zionist settlement as an existential threat. Though embedded in this specific context, Mustafa Kabha characterizes the revolt not as a direct response to particular policies but rather as a “spontaneous outburst” of “popular dynamism,” two characteristics which make its texture difficult to grasp historically.¹⁷¹ Beginning with a national boycott and continuing into armed struggle, the revolt overturned prior patterns of Palestinian self-assertion. The boycott initially extended to the Peel Commission itself, after the British government rejected the Palestinian demand for a stoppage in immigration during the investigation, but the Arab Higher Committee (AHC) was eventually convinced by neighbouring Arab Kings to participate in only the public sessions.¹⁷²

The scramble by Palestinian rebels to build independent Palestinian political structures, such as the Courts of the Revolt, produced new hierarchies of legitimacy and power in Palestinian society. By 1937, urban political leaders were usurped by individuals from rural and lower classes who led rural rebel guerrilla forces. In this sense, the revolt was both a rejection of

¹⁶⁹ “Memorandum Submitted by Arab Senior Government Officials to the High Commissioner,” June 30, 1936, Palestinian Journeys Online, <https://www.paljourneys.org/en/timeline/historictext/6718/memorandum-submitted-arab-senior-government-officials-high-commissioner>.

¹⁷⁰ Simon Davis, “‘Irish & Roman Catholic Which Upsets All the People Here’: Michael McDonnell and British Colonial Justice in Mandatory Palestine, 1927–1936,” *Twentieth Century British History* 29, no. 4 (December 1, 2018): 497–521.

¹⁷¹ Mustafa Kabha, “The Courts of the Palestinian Arab Revolt, 1936–39,” in *Untold Histories of the Middle East: Recovering Voices from the 19th and 20th Centuries*, ed. Amy Singer, Christoph Neumann, and Selcuk Aksin Somel (London, United Kingdom: Taylor & Francis Group, 2010), 197.

¹⁷² Lori Allen, *A History of False Hope: Investigative Commissions in Palestine*.

Palestinian political elites' prior policies of attempted negotiation and cooperation with the Mandate government, as well as their individual social roles. The delicate position of Palestinian elites came to bear on their capacity to testify before Peel, as I will discuss later. In response to the revolt, the Mandate government also introduced new forms of judicial process, including military courts and forms of martial law. While extension of military law legalized violence, foreclosed any possibility of Palestinian legal recourse, and ensured that "ordinary Palestinians would feel the brunt of Britain's military power," the British military also perpetuated a culture of devastating extra-legal violence.¹⁷³ The brutality of Britain's counter-insurgency tactics, including collective punishment through home demolition, arbitrary violence, and government sanctioned torture, contributed to a climate of terror and the eventual breakdown of the revolt's national cohesion.¹⁷⁴ Though the revolt did suffer from internal discord, it is vital to emphasize the centrality of colonial repression in its failure.¹⁷⁵

Commissions and colonial governance

The Peel commission is part of multiple historical concatenations. Most narrowly conceived, it is a key link in the chain of external investigations into Palestine and it built from, as well as overturned, the conclusions of past work. It is part of a dense colonial archive, part of Palestine's unasked inheritance; generations of policymakers talking around the same problems. As Penny Singalou has noted, the Peel report and its eventual partition plan "were very much

¹⁷³ Hughes, "From Law and Order to Pacification," 9.

¹⁷⁴ Matthew Hughes, *Britain's Pacification of Palestine: The British Army, the Colonial State, and the Arab Revolt, 1936–1939*, Cambridge Military Histories (Cambridge: Cambridge University Press, 2019).

¹⁷⁵ Jacob Norris, "Repression and Rebellion: Britain's Response to the Arab Revolt in Palestine of 1936–39," *The Journal of Imperial and Commonwealth History* 36:1 (2008), 29. Note that while martial law was not formally declared, the British military operated with relative impunity, especially from 1937–39.

part of a dialogic continuum” of preexisting reports and memoranda on Palestine.¹⁷⁶ Previous procedure, findings, and decisions from the six prior commissions (King-Crane 1919, Palin 1920, Haycraft 1921, Betram-Young 1926, Shaw 1929-30, Hope Simpson 1930) created a density of precedent for witnesses and commissioners alike to draw from.¹⁷⁷ Indeed, the lack of lasting change generated by previous inquiries partially motivated the Arab Higher Committee’s (AHC) initial boycott of the 1936 proceedings.¹⁷⁸ However, the Peel commission was simultaneously embedded in practices of international governance due to Britain’s responsibilities under the League of Nations’ Mandate system. Its findings would be reviewed by the Permanent Mandates Commission (PMC), whose “supra-colonial jurisdiction” various witnesses invoked in their testimonies.¹⁷⁹ Widening the temporal and geographic lens further, however, reveals that the Peel commission also stands in a much longer history of inquiries undertaken by European empires of their colonial subjects. The majority of the commissioners themselves were part of this history; Lord Peel was a member of the joint select committee on the Indian constitution in 1933-34; Morris Carter was chairman of the 1932-33 Kenya land commission; and Laurie Hammond was chairman of the Indian delineation committee 1935-36.¹⁸⁰

Commissions of inquiry have been oft-employed tactics in the imperial arsenal, with varying consequences for the colonial subjects and situations investigated. Ann Laura Stoler differentiates between the ‘big’ epistemological commitments of imperial formations (qualified

¹⁷⁶ Penny Sinanoglou, “British Plans for the Partition of Palestine, 1929-1938,” *The Historical Journal* 52, no. 1 (March 2009): 151.

¹⁷⁷ Lori Allen, *A History of False Hope: Investigative Commissions in Palestine*.

¹⁷⁸ Allen, “Universalizing Liberal Internationalism,” in *A History of False Hope*.

¹⁷⁹ Natasha Wheatley, “Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations,” *Past & Present* 227, no. 1 (May 1, 2015): 205–48.

¹⁸⁰ Sinanoglou, “British Plans for the Partition of Palestine, 1929-1938,” 148.

knowledge; objectivity, reason, science, racial taxonomies) and the “lived epistemic space” in which “empire’s architects and agents operated.”¹⁸¹ She argues that imperial policy makers' own experiences of empire, their particular histories, and their personal visions were vital components of their colonial common sense. The behavioural norms and expectations of the British elite also figured into this epistemic repertoire. Their logic set the terms of evidence itself, drawing in and pushing out kinds of knowledge deemed reasonable or not. The evidence and methodology mustered in this exercise changed over time; the kind of intimate vignettes which Stoler identifies in the 1871 Indies European Pauperism Commission’s reports were less common by the twentieth century. The Peel Commission’s insistence on economic statistics, land surveys, and immigration levels became both a legitimization of their inquiry’s validity and a new way to tell a similar story about people undergoing colonization.¹⁸²

As Radhika V. Mongia argues, the process of commission; namely, hearing witnesses, questioning witnesses, and reviewing information, itself works to legitimate the ultimate findings as fact, rather than “the ‘truths’ it might in fact constitute and circulate.”¹⁸³ This discursive effect was not lost on Palestinians. Rather, it was an essential argument in their initial boycott of the Peel commission. A public letter published by the AHC, summarized in the *Palestine Post*, explained that as “the Arab population entertain[s] no hope that the Government will give favourable consideration to their cause,” they therefore “see no advantage in cooperating with the Commission.”¹⁸⁴ Lori Allen has emphasized this AHC policy as emblematic of a shift in Palestinian politics, wherein the leadership began to reject the ‘liberal internationalism’ promised

¹⁸¹ Stoler, “Epistemic Politics: Ontologies of Colonial Common Sense,” 349.

¹⁸² Stoler, “Chapter 5: Commissions and Their Storied Edges,” in *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, 42.

¹⁸³ Mongia, 751.

¹⁸⁴ “[F]or the Arabs’ Letter to Peel Commission NON-COOPERATION,” *The Palestine Post*, 13 November 1936. Newspapers: The National Library of Israel, <https://www.nli.org.il/en/newspapers/pls/1936/11/13/01/article/7..>

by the Mandate system.¹⁸⁵ But the fact remains that the AHC rescinded their boycott in late 1936 and some Palestinians did testify publicly.

Mongia frames the inquiry as an ongoing technique or modality of liberal governance, undergirded by the liberal notion that “truth-as-objectivity is the pre-eminent kind of truth.”¹⁸⁶ In this framing, truth is singular and demanding: for British commissioners, truth is something that necessarily can be gotten to the bottom of. The commissioners’ consistent demand for and reliance upon statistics as ultimate, unvarnishable truth exemplifies the kind of impartial facts they desired.¹⁸⁷ In his address to the commission’s opening ceremony, Lord Peel framed impartiality as the central aim of the commission. He told the gathered crowd of dignitaries that he and his fellow commissioners “were most anxious to begin [their] task here in Palestine with minds as free as possible from any prepossession and from all preconceived ideas.” However, he also thanked the Palestine Government for providing “figures, statistics and descriptions of administrative detail” which “have given [them] a framework” from which to “appreciate the evidence which will be laid before [them].”¹⁸⁸

The mechanics of the Peel commission, in its evidentiary preferences and the orientation of commissioners, were predicated on impartiality as a marker of authentic truth. They valued clear evidence, statistics and figures. The Jewish Agency (JA) was well-prepared to furnish such materials. According to Sinanoglou, the JA’s prepared evidence, cited by Zionist witnesses in

¹⁸⁵ Allen, *A History of False Hope: Investigative Commissions in Palestine*.

¹⁸⁶ Mongia, 751.

¹⁸⁷ Britain’s development policy in Palestine at this time was similarly focused on using modern techniques to draw from the natural world. See: Fredrik Meiton, “The Radiance of the Jewish National Home: Technocapitalism, Electrification, and the Making of Modern Palestine,” *Comparative Studies in Society and History* 57, no. 4 (October 2015): 975–1006.

¹⁸⁸ “An Impartial Body,” transcript of Lord Peel’s address in *The Palestine Post*, 13 November 1936. Newspapers: The National Library of Israel, accessed March 1, 2021, <https://www.nli.org.il/en/newspapers/pls/1936/11/13/01/article/7>. Moreover, as Sinanoglou notes, commissioners did receive information prior to their departure, most importantly large amounts of memoranda from the Jewish agency.

both public and secret sessions, gave the impression of “an efficient, scientific, and optimistic settlement operation, hampered only by the inefficiency and lack of enthusiasm of government.”¹⁸⁹ In his secret testimonies, Weizmann did his utmost to make this apparent to the commissioners, arguing that if Palestinians were more thoroughly subdued and Zionists better supported, the Mandate would be a resounding success. Unlike the JA, the AHC, formed shortly before the commission’s arrival and slowed by their initial boycott, did not have the departments of statistics and economics necessary to furnish such compelling information. Moreover, policymakers struggled to understand British reinterpretations of Ottoman land laws and Palestinian land holding without familiar European rubrics of property ownership, such as the concept of ‘state land.’¹⁹⁰ Martin Bunton has shown that “a great deal of discretion” was left to individual British legal administrators in adjudicating property law, often with incoherent and unruly outcomes.¹⁹¹ Ian Campbell notes that statistics presented to Russian imperial bureaucrats on Kazak resettlement in Central Asia offered “a range of competing solutions,” despite “the patina of empiricist rigour with which they were equipped.”¹⁹² In Palestine, Zionist testimonies to the inquiry - both public and secret - worked to mold and form their statistics towards particular solutions. Palestinians thus faced a significant evidentiary disadvantage.

According to Peel’s speech, the commissioners were determined that “as regards views and judgments on the affairs of Palestine,” they must “apply minds fresh and impartial to the problems.”¹⁹³ However, ‘impartial’ was neither a neutral nor a stable category. Palestinian

¹⁸⁹ Penny Sinanoglou, “The Peel Commission in Palestine,” *Partitioning Palestine: British Policymaking at the End of Empire*, (University of Chicago Press), 89.

¹⁹⁰ Martin Bunton, *Colonial Land Policies in Palestine, 1917–1936* (London, United Kingdom: Oxford University Press, 2007).

¹⁹¹ Martin Bunton, “Inventing the Status Quo: Ottoman Land-Law during the Palestine Mandate, 1917–1936,” *The International History Review* 21, no. 1 (March 1, 1999): 28–56.

¹⁹² Ian W. Campbell, “A Double Failure: Epistemology and the Crisis of a Settler Colonial Empire,” in *Knowledge and the Ends of Empire* (Cornell University Press, 2017), 159.

¹⁹³ “An Impartial Body,” transcript of Lord Peel’s address in *The Palestine Post*.

witnesses who testified in public, such as businessman Fu'ad Saba, experienced this first-hand. Saba argued that the nominally economic but actually political policies of the Mandate government, such as specific tax rates for fellaheen, contributed to the “economic annihilation” of Palestine.¹⁹⁴ In discussing a confidential government report that he could not furnish directly to commissioners, Saba told them he “may have put in what [he] heard.” Peel’s reply was cutting: “Well, don't put in what you hear; tell us facts and figures.” Morris followed up with a clear dismissal, “I think your impression must have been wrong,” he told Saba.¹⁹⁵ Though Saba cited an impartial and government-produced source, his interpretation of it was unacceptable to commissioners.

Miranda Fricker’s concept of “testimonial injustice,” wherein the prejudices of the hearers undermine the credibility of the speakers, is useful in thinking this through. For Fricker, testimonial injustice is one manifestation of epistemic injustice, “in which someone is wronged specifically in their capacity as a knower.”¹⁹⁶ Palestinians were the people most able to dispel the myths around their own credibility, but their capacity to engage in the Peel Commission was compromised by the same epistemic injustice that undermined their trustworthiness. This is clear in many offhand comments throughout the transcript, such as one made by Lord Peel disclaiming that he referenced a set of figures with “very great hesitation” as “they were put in by the

¹⁹⁴ Public testimony of Fu'ad Saba (AHC) to the Peel Commission, January 19, 1937, pg 333. Source courtesy of Laila Parsons, autumn 2020. The Mandate government’s favourable protections for Jewish industries, Saba emphasized here, “are not economic” because they were clearly unsustainable. He argued that they functioned instead as an “artificial door” to enable higher rates of Jewish immigration. Moreover, Saba asserted that the “injustice of the tax burden” on fellaheen also revealed a political motivation: to place farmers under “such economic conditions as will help in forcing him to sell his land” (331). Taken together, these nominally economic but actually political policies of the Mandate government contribute to the “economic annihilation” of Palestine (333).

¹⁹⁵ “Arab Economy in Palestine: Fuad Saba’s Evidence Before Commission,” *The Palestine Post*, January 17, 1937, Newspapers: Israel National Archive, <https://www.nli.org.il/en/newspapers/pls/1937/01/17/01/article/9>.

¹⁹⁶ Miranda Fricker, “Testimonial Injustice,” *Epistemic Injustice: Power and the Ethics of Knowing* (London, United Kingdom: Oxford University Press, 2007), 20.

Arabs.”¹⁹⁷ He also jovially dismissed the experience of a Palestinian witness, commenting that he “could not quite believe it when some of our Arab witnesses suggested that under the Turkish government they got on very much better.”¹⁹⁸

This dynamic was not lost on the Arabic-reading public. An 1937 article in popular Palestinian Arabic newspaper *Falastin* pointed out that Lord Peel was “able to deal with Jewish witnesses in an excellent way;” for them he was “down to earth” and had a “good sense of humour.” As the article highlighted, however, the jokes between Zionists and Britons were made at the expense of Palestine.¹⁹⁹ Commissions to Mandate Palestine operated in a broader context of ongoing power relations and epistemic murkiness whose nuance is not fully captured by Foucault’s descriptive framework. The imbrication of the colonial inquiry in the messiness of the colonial everyday is well-captured in the social pages of *The Palestine Post*, an English language newspaper founded by Zionists and read widely by British expats in Palestine.²⁰⁰ It reported that on the afternoon of the commissioner’s arrival, the British administration held an opening ceremony to mark the inquiry’s commencement. Hosted in a converted ballroom of the former Palace Hotel, both Wauchope and Peel wore three piece suits and gave official speeches to the gathered crowd of dignitaries. Arab politicians, most notably Jerusalem mayor Husayn Fakhri al-Khalidi, refused to attend. An observer noted that the empty seats were easily filled by Zionists and Britons, who, along with their wives, came from across the country to take the

¹⁹⁷ Peel, Secret Testimony, paragraph 8068, page 455. This comment likely referred to Fu’ad Saba’s public testimony, where he pressed the commission on the economic injustice of the Mandate.

¹⁹⁸ Wauchope ST2, par. 8078, pg 455.

¹⁹⁹ “الورد بيل بارع في التتكيث اخجل تواضعنا ودعانا للتبرع ببلادنا” *Filastin*, July 15, 1937, Jrayed Collection, The National Library of Israel, <https://www.nli.org.il/en/newspapers/falastin/1937/07/15/01/>. Translation by Iman al-Ajaj, April 24th, 2021.

²⁰⁰ Michael Omer-Man, “This Week in History: ‘The Palestine Post’ Is Established,” *The Jerusalem Post*, *JPost.Com*, December 3, 2010, <https://www.jpost.com/features/in-thspotlight/this-week-in-history-the-palestine-post-is-established>. By 1936, the paper reportedly had a distribution of roughly 4000 papers/day and was considered a vital tool for Zionists in influencing British opinion.

Palestinians' places. Prior to the speeches and the seated portion of the ceremony, while the guests gathered in the gardens outside, a band played 'Rule, Britannia' into the blazing sun.²⁰¹ That night, the road to High Commissioner Wauchope's home was strewn with nails, popping the tires of several guests invited to dine in honour of Lord Peel and his colleagues.²⁰²

"The aim is good, but the difficulties are great:" High Commissioner Wauchope's Testimony

Sir Arthur Wauchope's testimony bookended the Peel commission's secret testimony sessions in Palestine. He first addressed the commissioners in a secret session on Monday, November 16th and Tuesday 17th, 1936, then reappeared before them on Monday, January 18th, 1937. In the interim, the Peel commission heard hundreds of hours of evidence and drew on schemes for partitioning Palestine. The commission began with Wauchope's testimony in order to establish a basic framework for their inquiry. Wauchope offered a tightly organized explanation of the revolt's 'underlying causes,' keeping his testimony thoroughly within the terms of reference. He interacted with commissioners smoothly, used similar language, and he complied seamlessly with the procedure of commission. His established position within the British imperial administrative apparatus bequeathed him this procedural ease, as well as reinforced the preexisting epistemic privilege he carried. Wauchope's relationship with the commissioners seems, at first glance, as smooth as one might expect: he was, after all, the High Commissioner of a colonial holding in discussion with fellow imperially-minded bureaucrats. Stoler's characterization of European pauperism commissions as "sites where shared

²⁰¹ "[FSI]Distinguished Gathering At Government House," [FSI]*The Palestine Post*[PDI], November 13, 1936, The National Library of Israel, <https://www.nli.org.il/en/newspapers/pls/1936/11/13/01/article/5>.

²⁰² "After Midnight," *The Palestine Post*, November 13, 1936, The National Library of Israel, <https://www.nli.org.il/en/newspapers/pls/1936/11/13/01/>.

understandings were justified and rehearsed” is useful in understanding this dynamic.²⁰³

Wauchope’s testimonies also include, however, moments of slippage. These instances, as well as - crucially - the responses of commissioners, show the fragility of their shared logic and the anxiety its exposure provoked.

Wilful myopia was a feature of Wauchope’s testimony and a common theme throughout the secret testimony transcripts. As Laila Parsons has argued, it was also a central component in the sensibility of imperial policymakers. By focusing on “on more prosaic issues” such as the “precise application of procedures, the technical aspects of development projects, the rigor in a particular analysis, and the completeness of evidence,” most British officials elided the moral complications of their profession.²⁰⁴ Wauchope also shared with commissioners an insistence on the apolitical nature of colonial administration.²⁰⁵ In discussing ‘economic absorptive capacity’ as the measure for Jewish immigration to Palestine, Peel raised that “you cannot force into a country people not particularly wanted,” even if they might find work. Wauchope responded that the subject was, “you might say, a political question.” Peel did not appreciate this framing. “Political has a nasty meaning,” he told Wauchope, the question was rather one of “considerations of statesmanship and the general requirements of the country.”²⁰⁶ Refracting the moral ambiguity of introducing immigrants against the wishes of the demographic majority as an issue of ‘statesmanship’ was one way for commissioners to foreclose the ethical problems of British policy.

²⁰³ Stoler, “Commissions and their Storied Edges,” *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, 144.

²⁰⁴ Parsons, “Secret Testimony: Part 1,” 13.

²⁰⁵ Ironically, this mirrors the arguments of Palestinian ‘men of capital,’ who argued that economics were essentially above politics. See: Sherene Seikaly, “Men of Capital in Mandate Palestine,” *Rethinking Marxism* 30, no. 3 (July 3, 2018): 393–417.

²⁰⁶ ST, Wauchope 1, pg 27.

Wauchope's testimonies include few examples of outright racism or antisemitism. He occasionally invoked the 'civilizational gap' between Palestinians and Zionist Jews and he did make several disparaging remarks about both Zionists and Arabs that cleaved to preexisting racialized tropes. Generally, however, his testimony was relatively bloodless. Compared to the anti-Arab racism of other witnesses, Wauchope was particularly mild. Though the commissioners, Peel and Coupland in particular, were also much more forthcoming about their prejudicial understandings, none of their points of view were particularly surprising. Rather, as Stoler frames it, colonial commissioners "mirror[ed] even as they produc[ed] the prevailing idioms of colonial common sense."²⁰⁷ They drew on stock images, well-developed in other parts of the empire and at home, common enough to be part of the imperial vernacular. These included vague fears of 'Jewish influence' and a malignant kind of fond paternalism towards Arabs.²⁰⁸ Arabs and Jews were frequently contrasted on a civilizational scale, though neither group were 'quite right;' Jews were framed as almost frighteningly modern, Arabs as frustratingly backwards.²⁰⁹ Twice in his secret testimonies Wauchope challenged this shared logic, provoking serious discomfort in the commissioners.

Near the end of Wauchope's first secret testimony, after another anesthetizing discussion of the Mandate text, Peel wanted to turn the conversation to the "administrative side" of things.²¹⁰ His concern was the "point of equivalents" between Jewish and Arab communities and how Wauchope understood the 'double duty' of the Mandate in regards to fund allocation.²¹¹ Did not equality actually entail inequality, from a budgetary standpoint, given the uneven needs of

²⁰⁷ Stoler, "Chapter 5: Commissions and Their Storied Edges," 143.

²⁰⁸ Zionists were often simply referred to as Jews, though commissioners slipped between terms relatively often.

²⁰⁹ Parsons, "Secret Testimony: Part 1," 13.

²¹⁰ Wauchope ST 1, par. 599, pg 31.

²¹¹ Ibid.

the two groups? Peel assumed, he said, that Wauchope and his administration shared the view, one certainly “taken by High commissioners in the past,” that “the Arabs are, generally speaking, at a lower stage educationally and socially than most of the Jews.”²¹² So did Wauchope understand equity of treatment to mean providing more funding for Arab schools, “in order to bring them up” to the Jewish level of educational advancement?²¹³ Wauchope told him no, the administration provided equal funding to Jewish and Arab schools based on the school-age population of each group.

Peel made his disapproval as clear as a Briton could: “may I ask you, is that right, because you might need [more funding] to nurse the Arab up to the standard of the Jew?”²¹⁴ Wauchope did not offer a justification of this policy, other than its inherent pragmatism. For him, distribution of school funding was not a political problem. Among the other issues at stake, moreover, Wauchope clearly had no interest in spending time on what he saw as a non-issue. Peel saw things differently: given their dramatically different capacities, to treat Jews and Arabs equally was simply bad policy. With a transcendent stiffness, Peel remarked that it appeared that Wauchope took “the view that as between the two races they must have just the same amount.”²¹⁵ This view implicitly challenged the link between race and civilization advancement, unsettling what Peel and his commissioners thought they knew about effective colonial administration. Wauchope’s departure from this shared logic was a mark on his leadership.

Wauchope’s final interview in January, 1937, included a similarly disquieting interaction. Asked if there was “much sign of Arab appreciation” for the Zionist effort in land acquisition and agriculture, Wauchope replied unequivocally: “there is no appreciation,” he told them. This

²¹² Ibid.

²¹³ Wauchope ST 1, par. 602, pg 31.

²¹⁴ Ibid.

²¹⁵ Ibid.

would have sufficed as a response. But he chose to continue, telling commissioners that he did not “think the Arabs as a whole have benefitted very much” from Zionist enterprise.²¹⁶ Although “the Jews say that they [Arabs] have imitated Jewish methods in their orange groves,[...] there are very rich and very intelligent Arabs who have made their money in citrus groves without any imitation of the Jews,” he explained.²¹⁷ This was a strong position for the High Commissioner of Palestine to take. The foundational premise of the Mandate system was, after all, that advanced nations ought to tutor and guide the uncivilized ones to a proper stage of development. Moreover, British policy in Palestine hinged on exporting much of the real work of this uplift in Palestine to Zionists, whose engineers received development contracts and whose leadership structures were empowered. Wauchope’s comment that Arabs had not significantly benefitted from British-sponsored Zionist enterprise nor Zionist example contradicted these fundamental precepts. It seems that Wauchope’s years in Palestine had shown him, to some degree, the thinness of the Mandate’s veneer. But as he wrote to Thomas Hodgkins in 1936, a former employee and friend who left the administration on moral grounds, Wauchope felt he had “more of a chance of lessening [suffering and bitterness] by serving within Government ” than abandoning the job entirely.²¹⁸

Peel reacted strongly to Wauchope’s comment and pushed back on it immediately. “Have there been any signs of the Arabs elsewhere, outside the citrus groves, taking up intense cultivation?” he pointedly asked.²¹⁹ Close cultivation of the land was enshrined in the Mandate

²¹⁶ Wauchope ST 2, par. 8051, pg 454. That he chose to continue at this juncture is itself interesting. Wauchope’s testimony was marked by a certain frustrated restraint. He generally avoided expanding on his points unless specifically asked to do so. Why he felt compelled to make this statement, which he surely knew would be inflammatory, is an open question. That this was his last interview, near the end of the commission’s work, might have been a contributing factor. It is possible his initial hopes for the commission were proven empty by this point.

²¹⁷ Ibid.

²¹⁸ Letter from Arthur Wauchope to Thomas Hodgkins, 27 May 1936, , in E.C Hodgkins ed., *Thomas Hodgkins: Letters from Palestine 1932-36* (London, UK: Quartet Books, 1986), 189.

²¹⁹ Wauchope ST 2, par. 8051, pg 454.

text and was part of a larger British imperial vision of resource development; in other words, Arabs were not supposed to know how to do it correctly on their own.²²⁰ When Wauchope told him there were multiple other examples of successful independent Arab agricultural projects, Peel hardly paused. He began to cite specific Zionist settlements. “In places like Birket Ramadan, Huleh, and so on,” he asked, “[Arabs] are getting distinct benefits, are they not?”²²¹

He pushed Wauchope for several minutes, trying to prove that the Arabs - and the entire country of Palestine - had been improved by Jewish presence. Wauchope eventually conceded that he “did not want to imply that the Arabs have gained nothing from the Jews,” simply that the Zionists’ “claim that they have benefited all the Arabs is an exaggerated one.”²²² Even this did not placate Peel, who continued to push, driving Wauchope to admit that Arabs were improved, at the very least by their proximity to Zionists and their superior way of ‘working’ Palestine.

At first glance, it is curious that Wauchope’s seemingly minor deviations from the expected so unnerved Lord Peel. Undoubtedly, Wauchope’s opinions mattered to the commissioners; he was the head of the administration they arrived to investigate. They wanted his expertise, or at least the sanction it may have offered to their eventual recommendations, but they arrived expecting a certain kind of it - in content and form. The recent Shaw Commission report of 1930, after all, outlined essentially the same ‘underlying causes’ of unrest that Wauchope presented. Already by 1936, the problem of Palestine was not a novel one. And Wauchope mostly delivered what was expected of him. Palestinian historiography and popular memory certainly do not regard Wauchope as an emancipatory or even a sympathetic figure,

²²⁰ Jacob Norris, “Agents of Development: Jews, Arabs and the Middlemen of Empire,” *Land of Progress*, 64-98.

²²¹ Wauchope ST 2, par. 8054, pg 454.

²²² Ibid, par. 8060, pg. 454.

central as he was in suppressing the Arab Revolt and overseeing the day-to-day violences of colonial rule.²²³

But Wauchope's comments were destabilizing for precisely this reason: he was generally considered a fluent speaker and practitioner of colonial common sense. In Foucault's terms, he was "charged with saying what counts as true."²²⁴ The impact of his two dissenting interactions points to something more fundamental than mere difference of opinion. They show the unevenness of shared colonial common sense, calling into question what commissioners thought they knew and, in Stoler's words, the "habits they developed to know it."²²⁵ If the Arabs had not benefitted from Zionist enterprise, as so loudly asserted by both Zionists and Britons, then not only was the legitimacy of British colonialism in Palestine suspect, but so too the racial categories that made such a claim possible. Moreover, if Arabs did not require the 'uplift' Peel imagined, what was the British administration doing in Palestine at all?

"We here are really the pioneers of Western civilization:" Weizmann's testimony

Weizmann gave secret testimony on four separate occasions. After each, he was invited to return or chummily warned that he might be asked back. He used the confidentiality of the in-camera sessions to discuss the limitations of the British administration in Palestine, as well as to respond to testimonies which had "transpired in public" and whose content had worried the Zionist Organization.²²⁶ The length and frequency of his testimonies indicates his importance as

²²³ Michael J. Cohen, "Sir Arthur Wauchope, the Army, and the Rebellion in Palestine, 1936," *Middle Eastern Studies* 9, no. 1 (1973): 19–34. Note that Wauchope actually attempted to restrain the army's suppression of the revolt in hopes of avoiding declaring martial law. In his view, this would have only exacerbated the existing Palestinian resentment of British rule.

²²⁴ Foucault, 1980, quoted in Mongia, "Impartial Regimes of Truth," 751.

²²⁵ Stoler, "Epistemic Politics: Ontologies of Colonial Common Sense," 350.

²²⁶ Weizmann ST4, pg 377, par. 6610.

a witness, while their content and tenor reveal how he related to commissioners not only as a Zionist leader (they met also, though less, with Ben Gurion and other luminaries) but also as - in some sense - a colleague. Weizmann acknowledged this dynamic himself, telling commissioners in his fourth testimony that “really we are now speaking not like a Commission of Enquiry, you do not put me in the dock or even the witness box, and I appreciate that deeply.”²²⁷ After all, Weizmann was familiar, he was pragmatic, and he was connected. He made his reach clear to commissioners on various occasions; citing private meetings with League of Nations PMC Chairman Orts, telegrams of support from British Prime Minister MacDonald, and private correspondences with Arab governments.²²⁸

As a central figure in nationalist Israeli history, today Weizmann wears a hagiographic glow most other witnesses to the Peel Commission do not - excepting, perhaps, Churchill and Ben Gurion.²²⁹ According to his admirers and critics alike, Weizmann was uniquely charismatic, politically shrewd, and as one biographer memorably put it in 1944, “rooted in Eastern religion and Western scientific culture.”²³⁰ His personal charm and familiarity with the subtleties of upper-class British social norms are clear in his interactions with commissioners. Even when he was briefly dismissed from the Zionist leadership in the early 1930s, “there was no replacement for Weizmann’s gravitas and standing with the British political elite.”²³¹ In fact, Weizmann self-

²²⁷ Weizmann ST4, pg 381, par. 6646. The topic of their conversation, at this point, was the feasibility of partition. This reflects the role of Zionist policymakers in shaping British policy and the exclusion of Palestinians from this formative process.

²²⁸ Weizmann ST2, pg 207, par. 3173; 208, 3186; 377, 6610.

²²⁹ See, a recent example: Jehuda Reinharz and Motti Golani, “Chaim Weizmann From the Balfour Declaration to the Establishment of the State of Israel,” in Cohen, M.J. (Ed.). *The British Mandate in Palestine: A Centenary Volume, 1920–2020* (1st ed.). Routledge, 2020; Fraser, T. G. *Chaim Weizmann : The Zionist Dream*. Haus Histories. (London: Haus, 2009).

²³⁰ Meyer Wolfe Weisgal, and Felix Frankfurter, eds. *Chaim Weizmann : Statesman, Scientist, Builder of the Jewish Commonwealth*. (New York: Dial Press, 1944.)

²³¹ Nimrod Lin, “People Who Count: Zionism, Demography and Democracy in Mandate Palestine” (Thesis, 2018), <https://tspace.library.utoronto.ca/handle/1807/92119>, 153. In his testimony, Weizmann refers to this period as his break and dismisses the work of the Organization in his absence. The dismissal seems to have left a lasting sting.

consciously invoked his own Britishness throughout his testimonies. He also made frequent use of the grand ‘we’ when discussing policy with the commissioners. His tactics served to both reaffirm his kinship with commissioners and to differentiate himself, as well as the Zionists he represented, from the uncivilized Arabs. “I am sufficiently trained in the British school,” he told commissioners, when asked about his proposed round-table meetings with Arab representatives, to know life “is a system of compromise.”²³² The Arabs, who refused the offer, clearly did not grasp that reality.

Weizmann also distinguished himself from religious, unassimilated Eastern European Jews in a similar way. Discussing the impossibility of the Jewish national home ever being ‘completed,’ Weizmann told Rumbold: “I am a rational human being, and I had the privilege of living for thirty years or more in England, so I understand your mentality,” in contrast to Orthodox Jews, he said, who would never grasp the concept of a finite national home due to their particular messianic aspirations.²³³ His separation of the ‘traditional,’ religious Jew from the rational, scientific Zionist was a common feature of the racial/civilizational discourse at this time, embedded both in the commissioners’ understanding as well as Zionism’s interior politics.²³⁴ This dynamic is clear in the sharp difference between the receptiveness of commissioners to the testimony of the representative Orthodox body, Agudath Israel, and ‘modern’ Jews like Weizmann.²³⁵ His position on one side of this Jewish binary contributed significantly to the cordiality afforded to him by commissioners.

²³² Weizmann ST2, pg 160, par. 2411.

²³³ Weizmann ST 1, pg 58, par. 994.

²³⁴ Bryan Cheyette and Nadia Valman, “Introduction: Liberalism and Anti-Semitism,” *Jewish Culture and History* 6, no. 1 (August 2003): 1–26.

²³⁵ That the Agudath representatives spoke through an interpreter poetically highlights this structural difference.

However, neither the more positive associations of Zionism nor Weizmann's Britishness were stable. Weizmann himself acknowledged that he stood between worlds, having to interpret "the British mind to the Jews in Palestine and the Jewish mind to the British."²³⁶ This bifurcation, of which they were all conscious, meant that Weizmann could never be fully part of the British culture he mediated. In fact, his frequent invocations of his own Britishness served merely to reinforce the divisions between him and the commissioners. The body of the secret testimony is spotted with the British elite's quiet antisemitism, or what Lara Trubowitz calls British "civil antisemitism," which was "politically and publicly persuasive only by appearing decisively unfanatical."²³⁷ However, this antisemitism did not preclude British policymakers from working with Jews. Rather, the idea of a 'white but not quite,' modern Jew was an important part of long-term British support for Zionism. It was also instrumental in the way development policies were enacted in Palestine, as "the basic preference for Jewish enterprise was enshrined in the legal structures of the Palestine Mandate."²³⁸

Weizmann invoked these themes repeatedly throughout his testimonies, drawing on a shared vision of Zionists as a modernizing force in the Middle East and, more crucially, of Jews as elevated above Palestinian Arabs in a civilizational and racial hierarchy. Jews, he reminded commissioners, were not the natives colonial officials were used to dealing with; in fact, they were not natives at all but "a complex European people."²³⁹ This was not a novel approach for Weizmann: Nimrod Lin shows how the Zionist Organization effectively leveraged this perceived

²³⁶ Weizmann ST 1, pg 51, par. 925.

²³⁷ Lara Trubowitz, "Acting like an Alien: 'Civil' Antisemitism, the Rhetorized Jew, and Early Twentieth-Century British Immigration Law," in *The Jew in Late-Victorian and Edwardian Culture: Between the East End and East Africa*, ed. Eitan Bar-Yosef and Nadia Valman, Palgrave Studies in Nineteenth-Century Writing and Culture (London: Palgrave Macmillan UK, 2009), 79.

²³⁸ Jacob Norris, "Agents of Development Jews, Arabs, and the Middlemen of Empire," 98.

²³⁹ Weizmann ST1, pg 52, par. 928.

civilizational gap to forestall the legislative council promised by the Passfield White Paper. Weizmann himself successfully argued that because Palestinian Arabs were not advanced enough to be trusted with self-governance, they had to be initiated into democratic politics from the bottom-up, through municipal councils. As he wrote to Lord Balfour in 1921, to “invite the general population to send representatives to an elected assembly would merely be to create further opportunities for corruption and intrigue,” and “while it is admittedly desirable that the political education of Palestine should be undertaken without delay,” it was unwise to start with a national council.²⁴⁰ By 1936, when the legislative council was debated in Parliament, this position was repeated by British MPs, including Churchill and Leo Amery, who had been briefed by Weizmann prior to the debate.²⁴¹ Their opposition ended the legislative council proposal once and for all. According to Wauchope and some contemporary historians, the council’s end was one of the precipitating factors for the revolt, which broke out shortly thereafter.²⁴²

In his secret testimonies to the Peel Commission that same year, Weizmann further emphasized his portrayal of Arab backwardness and Zionist excellence. Early in his very first in-camera session, he told commissioners that the only disturbance caused by Zionist settlement was that necessarily incurred by civilizational uplift, “just like the introduction of the motor car into a country, and the camels are worried and disturbed until the adjustment takes place.”²⁴³ In doing so, he positioned Zionists as a natural partner in the British civilization effort and redirected blame for failed diplomacy efforts onto Palestinians. Negotiations or compromise

²⁴⁰ Weizmann letter to Balfour, “The Situation in Palestine”, 21.7.1921, WA, quoted in Nimrod Lin, “People Who Count: Zionism, Demography and Democracy in Mandate Palestine,” (PhD dissertation, University of Toronto, 2018), 30-21.

²⁴¹ Nimrod Lin, ““People Who Count: Zionism, Demography and Democracy in Mandate Palestine,” 160-161.

²⁴² ST, Wauchope. Parsons refers to the council’s decline in her work, as does Lori Allen in *A History of False Hope*.

²⁴³ Weizmann ST1, pg 48, par. 909.

were useless, he warned commissioners, after all - where were the Arabs? “Here we have been grilled,” he said, while the Arabs sat up “in the hills” and responded to the commission with “sneers, jeers, and insolence.”²⁴⁴ His framing found sympathetic ears. It was also a foundational component of Weizmann’s central argument to the commission; namely, that the cause of the Arab revolt was not Zionist colonization but the failure of the British administration to forcefully and enthusiastically carry out the Mandate.

He questioned why the British government used force to quell natives elsewhere in the empire, but not Palestine. The Arabs will never “come to terms,” he told them, without force.²⁴⁵ In two separate testimonies, Weizmann wistfully referenced the flogging of ‘natives’ in Bombay. Stating that while he was “not a partisan of flogging,” he wanted to know: “what is the difference between a Moslem in Bombay and a Moslem in Jaffa?”²⁴⁶ It was unthinkable, he told commissioners, that “Great Britain should recede from the task to which she has set her hand” and bow to the people “who murder women and children and nurses.”²⁴⁷ Under present conditions in Palestine, Weizmann said, “there are people who want to work,” and “on the other hand, people who hold a dagger.”²⁴⁸ The perception of Zionists as partners in development takes on a moral dimension here: Zionists not only can be worked with, but *should* be worked with. Though the British-Zionist relationship in 1936 was riven with mutual grievances and frustrations, the fundamental compatibility of their civilizational and racial perceptions contributed both to the salience of Weizmann’s arguments and his capacity to be heard.

²⁴⁴ Weizmann ST3, pg 219, par. 3341.

²⁴⁵ Weizmann ST3, pg 216, par. 3326.

²⁴⁶ Weizmann ST2, pg 164, par. 2453.

²⁴⁷ Weizmann ST3, pg 220-221, par. 3345.

²⁴⁸ Weizmann ST3, pg 24, par. 3309.

“This great moral injustice”: Antonius’ Testimony

Like other Arab intellectuals of his time, Antonius’s approach to Palestinian politics was connected to his standing vis-a-vis class, social hierarchy, and power.²⁴⁹ Born in Lebanon to a wealthy Syrian Christian family and steeped in British education (including his undergraduate experience at Cambridge), Antonius held mid-level positions in both the pre-war British government in Egypt and the Palestinian administration under the British Mandate.²⁵⁰ With years of experience in Palestine, both as an official and a civilian; “the worst of both worlds,” as he commented drily to Commissioners, Antonius positioned himself as less a technical expert than a “student of affairs.”²⁵¹ Though he mentions the three issues centralized in the Peel Commission’s final report - sovereignty, land, and immigration - Antonius emphasized their “moral and psychological” consequences on Palestinians.²⁵² For example, in discussing Palestinian farmers rendered landless by property sales conducted by absentee land-owners, Antonius told the Commissioners that “quite apart from the material loss,” landlessness also incurs “the loss of the moral values and moral characteristics which people acquire when they live on the land and live an agricultural life.”²⁵³ Antonius invoked the principles of the League (and Britain’s inconsistency in applying them) to press the commissioners. They were presented with an opportunity, he told them, to do “something towards the removal of this great moral injustice.”²⁵⁴

²⁴⁹ Jens Hanssen and Max Weiss, “Introduction: Language, Mind, Freedom and Time: The Modern Arab Intellectual Tradition in Four Words,” in *Arabic Thought beyond the Liberal Age: Towards an Intellectual History of the Nahda*, ed. Jens Hanssen and Max Weiss (Cambridge: Cambridge University Press, 2016), 1–38.

²⁵⁰ Susan Silsby, “George Antonius: The Formative Years,” *Journal of Palestine Studies* 15, no. 4 (1986): 81–98.

²⁵¹ Antonius testimony, 359. Public testimony to the Peel Commission is available in multiple locations. Antonius’s can be read in Aaron Kleiman, ed., *The Rise of Israel: The Royal Commission Report, 1937*, vol. 23 (New York: Garland Pub., 1987), pp. 43–450. The page numbers refer not to the pages in the book but on the reproduced document itself.

²⁵² Antonius testimony, 365.

²⁵³ Antonis testimony, 364.

²⁵⁴ Antonius testimony, 366.

His choice to pursue this rhetorical strategy should be understood in light of his background and academic standpoint, as well as the close context of the Arab revolt.

The coverage of the commission's public sessions in the Arabic press meant that witnesses served the dual audience of British policymakers and the Arabic speaking public in Palestine and beyond. While the AHC initially rescinded its boycott, an aura of suspicion still hung over the proceedings. As secret sessions were closed to the press and public, there was no way to be sure what went on behind those doors. A December, 1935 article in *Filastin* noted this dynamic, writing that some of "the sessions were secret because the employees themselves asked that," but "no one knows who those witnesses are, not even the High commissioner."²⁵⁵ Antonius himself pointed to the Palestinians' general "loss of confidence" in the British government, a sentiment that undermined public trust in the inquiry.²⁵⁶ Readers are offered an excellent snapshot of this dynamic in two brief exchanges between Antonius and the commissioners. At the beginning of his testimony, the Chairman clarified with Antonius if he had sent in a precis and asked if he wished to make a statement. Antonius corrected him: "I have been invited to give a statement," he said, distancing himself from the proceedings.²⁵⁷ Through this small difference in phrasing, Antonius minimized his own participatory agency.²⁵⁸ The influence of public scrutiny is made even clearer in his second logistical scuffle. When Sir Harold Morris attempted to confirm that Antonius would give private evidence later that afternoon, Antonius replied that "I am prepared to certainly, if you wish. But not unless you wish me to." Morris's confused

²⁵⁵ "شرتوك يعلن فشل الوكالة اليهودية هل سخر اللورد بيل من شرتوك؟", *Filastin*, 13 December 1936, The National Library of Israel, <https://www.nli.org.il/en/newspapers/falastin/1936/12/13/01/article/6>. Translation by Iman al-Ajaj, April 24th, 2021.

²⁵⁶ Antonius testimony, 364.

²⁵⁷ Antonius testimony, 364.

²⁵⁸ Susan Silsby Boyle, *Betrayal of Palestine: The Story of George Antonius*, 1st ed (Boulder, Colo.: Westview Press, 2001). Silsby recounts here that the commission's secretary, John Martin, actually travelled to Antonius's home in Karm al-Mufti in an effort to convince him to testify. Antonius initially refused based on the commission's limited terms of reference. See pages 246-247.

response forced Antonius to establish that he would “rather finish [his] testimony in public, if it is all the same.” No, Morris replied, “it is not all the same,” but “it shall be in public if you desire it.”²⁵⁹ The publicity of the proceedings and climate of revolt made speaking in private with British policymakers untenable for Arab elites such as Antonius, who moved socially with prominent AHC families.

It is unlikely that the informal, conversational space of the secret sessions - between Zionists, Britons, and policymakers - would have held its shape if a Palestinian had entered the room. The written length of Antonius’s testimony shows that he spoke uninterrupted for minutes at a time, and though his moral stridency may have affected the commissioners, he was not questioned as an expert witness. They made few remarks during Antonius’s testimony, except to correct him (an opportunity Coupland seemed to relish) or ask shallow questions. Even if he had been able to accept Morris’s offer to speak in private, it seems unlikely that Antonius’s treatment would have drastically changed. Perhaps the informal pragmatism of the private sessions was contingent on the individuals within it; a sense of shared practice that necessarily excluded Palestinians. Though Silsby notes that Antonius’s class and educational background enabled him to acquire the “taste, manners, and identity of an elite Englishman,” clearly these were conditional advantages.²⁶⁰

A significant portion of Antonius’s testimony focused on discrimination against Palestinians, from everyday racist attitudes to racialized pay differentials within government positions. His personal experience of such unequal treatment had led him to quit his job within the Palestinian administration several years prior. As Silsby argues, the administrative and personal problems which Antonius personally faced “essentially represented on a micro level the

²⁵⁹ Antonius Testimony, 366.

²⁶⁰ Silsby, “George Antonius: The Formative Years,” 85.

fundamental problems of British pro-Zionist colonial rule in mandatory Palestine.”²⁶¹ And in Antonius’s framing, the British administration in Palestine treated Zionists as “entitled to every kind of consideration, every kind of hearing,” while Arabs were granted no such privileges and were treated as if they “must be watched.”²⁶² On a 1935 visit to Geneva, Antonius told Commissioners, he was shocked to notice similar discrepancies: while the PMC’s shelves were loaded with Zionist literature “properly docketed and read and minuted,” there was not “a single Arabic newspaper,” never mind an individual capable of reading or translating Arabic. Though Rumbold suggested that this was mere “slackness on the part of the League,” Antonius clearly saw the issue as proof of the international community’s discrimination against Arabs, as the PMC had not only Palestine but “three ‘A’ Mandates to supervise whose language was Arabic.”²⁶³ But fine, “call it slackness if you like,” he told Rumbold.²⁶⁴ This speaks to the immediate context of the League’s oversight and the awareness among Arab intellectuals of the gap between its purported moral commitments and concrete action.²⁶⁵ Indeed, Antonius mentioned that many Arabs felt the “dice were loaded against them” at the League, where their “petitions and memoranda were dismissed rather summarily” by the PMC.²⁶⁶

Antonius’s testimony shows how the racism and “psychological phenomenon” of British colonialism in Palestine were part of a broader nexus of discriminatory practices.²⁶⁷ We might understand this as a multi-levelled experience of Fricker’s testimonial injustice, wherein the

²⁶¹ Silsby, “George Antonius,” 85.

²⁶² Antonius Testimony, 360.

²⁶³ Antonius Testimony, 363.

²⁶⁴ Antonius Testimony, 363.

²⁶⁵ Natasha Wheatley, “Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations,” *Past & Present* 227, no. 1 (May 1, 2015): 205–48; Susan Pedersen, “Chapter Three: A Whole World Talking,” in *The Guardians: The League of Nations and the Crisis of Empire* (Oxford University Press, 2015): 77–104.

²⁶⁶ Antonius Testimony, 362.

²⁶⁷ Antonius Testimony, 360.

prejudices of the hearers undermines the credibility of the speakers. Antonius commented that part of his motivation to visit Geneva in the first place was because “the bias revealed by the PMC, the apparent bias, was difficult to accept as being real bias.” His testimony shows how epistemic injustice functioned in multiple instances: the on-the ground British administration in Palestine, the League of Nations’ PMC, and the Peel commission itself. The detached suspicion of Antonius’s interlocutors, particularly Coupland, shows how his credibility was undermined by his identity as an Arab, regardless of his wealthy and educated background. Interestingly, the credibility excess given to Zionists - what Antonius describes as the willingness of the British government to *hear* them - was also based on prejudice and some antisemitism.²⁶⁸ The dominance of Zionist priorities at the PMC reflects the vertical extension of their epistemic advantage, but there is more to understand about its mechanics: some of Zionism’s most effective lobbyists were, as Weizmann’s testimony shows, produced from the upper echelons of the British government.

Conclusion

British soldiers had ridden their cars and motorbikes through Palestine since the first World War, as part of the Allied offensive against the Ottoman Empire. A distant relative of mine, Percy Reeve, was among many young British men sent to Palestine and Syria. His diaries refer to these places before they were marked by new borders and before they were designated as Mandates by the League of Nations. Reeve’s entries, though dominated by prosaic concerns like his search for butter and jam, include flashes of Palestine in 1916. He described the fertility of the land and Arab cultivators’ “good crop,” the trenches carved out by the Ottoman army, and

²⁶⁸ However, I wouldn’t consider this an “epistemic injustice,” as it did not undermine Zionists’ ability to be heard but in fact enhanced it.

accidentally knocking down kids in Jerusalem with his motorcycle. Reeve arrived in Palestine in 1916 and only left in 1919.²⁶⁹ He was there, kicking up dust, when the Balfour Declaration was declared and the war won, and he left right before San Remo formally passed Palestine over to Britain. His place was filled by other young men like him, from the British Isles' lower-middle class, men who adored Jaffa oranges and patrolled Palestinian villages. These soldiers emblemize the mundanity and continuity of foreign military presence in Palestine.²⁷⁰ Though I focused my analysis on the discussions and rhetorical moves of imperial policymakers, my Great-Great Uncles' diaries remind me that behind them and all around them was physical force.

Following WWI, imperialism was optimistically repackaged in the League of Nations Mandate system. According to Pedersen, the Mandate system functioned not as a consistent, benevolent structure of international governance but, in some instances, as a fickle mechanism of norm generation. With the legitimacy of empire threatened by new ideological currents, including Bolshevism and Wilsonianism, the Mandates' promises of trusteeship and self-determination provided a justificatory veneer for colonial rule. As the military repression of the 1936 Arab revolt makes clear, the practices of Mandate governance were both continuous with pre-1918 colonial rule and only variably moderated by the League's legitimating power. Ultimately, the PMC's efficacy was limited by its lack of enforcement mechanisms and political maneuvering within the League itself. That the British government adhered so zealously to the bureaucratic processes of the League while avoiding its purported commitments highlights the

²⁶⁹ *Uncle Percy's Diaries*, Transcribed October 2005 by David Reeve, Ottawa, Canada, from a copy prepared by Lois Scragg, Oakamoor, Staffordshire, U.K. Personal copy of author, available upon request.

²⁷⁰ Seán William Gannon, "'Our Irish Constabulary': The British Palestine Gendarmerie, 1922–1926," in *The Irish Imperial Service: Policing Palestine and Administering the Empire, 1922–1966*, ed. Seán William Gannon, Cambridge Imperial and Post-Colonial Studies Series (Cham: Springer International Publishing, 2019), 23–60.

gap between rhetoric and action on which the system was built and which Antonius so astutely recognized.²⁷¹

However, only a decade after liberal internationalisms' halcyon beginning, the 'moral tradition' of the British empire and its agents was increasingly weathered. The League's shine began to dim, as did any remaining hopes of an easy transition to self-governance in Palestine. Zionist lobbying took on new urgency as antisemitic laws tightened around European Jews. The tenacity of the Arab revolt and the Palestinian resistance movement embarrassed the British government internationally, earning them rebukes from the PMC for their inadequately forceful response. Meanwhile, Jaffa's old city was still rubble after its demolition a few months earlier, in June 1936, by British dynamite.²⁷² In this context, Peel, Hammond, Carter, Rumbold, Morris, and Coupland were sent to Palestine, ready and willing to "apply minds fresh and impartial" to the problems before them.²⁷³ Their interactions with Wauchope, Weizmann and Antonius show how civilizational and racial prejudices were foundational, though varied in their manifestations, in their colonial common sense.²⁷⁴

Their final report, published in 1937, recommended ending the British Mandate in Palestine and partitioning the territory into independent Arab and Jewish states. The commissioners framed partition as the only permanent solution to the conflict. Unlike prior British policy documents, including the Balfour Declaration and the Mandate text, the Peel report recognized the existence of two national communities in Palestine with incompatible

²⁷¹ Pedersen, "The Meaning of the Mandates System: An Argument," *Geschichte Und Gesellschaft* 32, no. 4 (2006): 560–82.

²⁷² Hughes, "From Law and Order to Pacification."

²⁷³ "Full text of Lord Peel's Address: Impartial Body," *Palestine Post*, 13 November 1936, National Library of Israel, <https://www.nli.org.il/en/newspapers/pls/1936/11/13/01/article/7>.

²⁷⁴ Parsons, ST I, 13.

national aspirations.²⁷⁵ Moreover, it acknowledged what Palestinians had been protesting for decades: that Britain could not simultaneously “concede the Arab claim to self-government and secure the establishment of the Jewish National Home.”²⁷⁶ With no budget or public appetite for a “rigorous system of repression,” no possibility of reconciliation between the national groups, and the need to protect British relationships with rising Arab states and ‘world’ Jewry, the report argued that the Mandate was untenable. But the three central issues of land, sovereignty, and immigration, still had to be dealt with. Though cantonisation theoretically addressed these matters, it would keep Britain financially and politically entangled as the mediating power. The report concluded that cantonisation included many of the issues inherent in partition, such as inequality between Arab/Jewish economies and holdover minority populations in the ‘wrong’ area, without partition’s “supreme advantage” of “eventual peace” - and British withdrawal.²⁷⁷ The report presaged two themes of Palestinian politics in the mid-20th century: the involvement of neighbouring Arab states and forced population transfer.

²⁷⁵ Peel, W. et al., "Report of the Palestine Royal Commission" (1937), UNISPAL, available at <http://unispal.un.org/pdfs/Cmd5479.pdf>, retrieved 21/06/2014.

²⁷⁶ Ibid, 375.

²⁷⁷ Ibid, 379.

Chapter Three

Slavery and Sovereignty

Defining social hierarchies, colonial intermediaries, and afterlives

Today, when drawing Palestine and Southern Africa into the same frame of analysis, the most obvious vector of comparison is apartheid rule.²⁷⁸ Indeed, the Israeli states' ongoing dispossession and alienation of Palestinians is, in many immediate ways (such as the agonizing process of crossing checkpoints), evocative of the term's Afrikaans meaning: separateness, the state of being apart. But work on this topic is politically fraught and, when it enters public debate, often inflammatory. Legacies of Jewish suffering and the ghostly force of the Holocaust are both a complication of and a shield against the charge of apartheid in Israel. In a similar distortion, Nelson Mandela's election in 1994 and the enfranchisement of millions of African voters has become, for many, a powerful story of justice and redemption. This narrative overwrites the ongoing fallout of apartheid rule in South Africa and its historical legacies.²⁷⁹ My focus on British colonial rule in the early twentieth century predates 1948, the year of both the 'apartheid election' in South Africa and the Palestinian Nakbha. However, threads pulled by comparative work on apartheid run through my analysis as well; the making of social

²⁷⁸ Sean Jacobs, Jon Soske, and Achille Mbembe, *Apartheid Israel: The Politics of an Analogy* (Chicago, United States: Haymarket Books, 2015), Ilan Pappé et al., *Israel and South Africa: The Many Faces of Apartheid* (London, United Kingdom: Zed Books, 2015); Uri Davis, *Israel: An Apartheid State* (London, United Kingdom: Zed Books, 1987).

²⁷⁹ Some of this history has been destroyed entirely through the falling apartheid government's sanitization of archives. See, Verne Harris, "The Archival Sliver: A Perspective on the Construction of Social Memory in Archives and the Transition from Apartheid to Democracy," in *Refiguring the Archive*, ed. Carolyn Hamilton et al. (Dordrecht: Springer Netherlands, 2002), 135–60.

hierarchies, the contingent power of colonial knowledge production, and state violence. Stepping further back in time illuminates the longevity of these themes. It also foregrounds the specific role of British colonial rule in shaping the preconditions for both South African apartheid and Israeli ethnic cleansing.

The comparative method, as an academic methodology, generally contrasts two relatively equivalent objects in hopes of illuminating a particular theme or question. The chosen objects are compared in specific and selective terms; population growth, degree of personal freedom, and so on. One of the most frequent entities of comparison is the nation-state. These histories, like all histories, require significant authorial decision-making. What makes one scale (micro vs macro), one period (modern vs premodern), one vector (taxation vs birth rate) more relevant than any other? Comparative history has been critiqued for reifying the very categories it uses; for cloaking the subjective in the empirical. It has also been charged with a tendency towards ‘methodological nationalism,’ wherein scholars reify the state as the central unit of comparison.²⁸⁰ Others, especially those working in subaltern studies, have critiqued the comparative method’s Eurocentric roots and continued effects.²⁸¹ Dipesh Chakrabarty’s call to ‘provincialize Europe’ has been echoing through academia for over two decades; Edward Said’s *Orientalism* has been cited for over four.²⁸² It is by now clear that racial and civilizational hierarchies draw their discursive power from the act of contrast.

²⁸⁰ Andreas Wimmer and Nina Glick Schiller, “Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology,” *International Migration Review* 37, no. 3 (September 1, 2003): 576–610.

²⁸¹ Alessandro Stanziani, “Why We Need Global History,” in *Eurocentrism and the Politics of Global History*, ed. Alessandro Stanziani (Cham: Springer International Publishing, 2018), 1–19.

²⁸² Edward W. Said, *Orientalism*; Dipesh Chakrabarty, *Provincializing Europe, Provincializing Europe* (New Jersey, United States: Princeton University Press, 2009).

Ania Loomba connects this explicitly to comparative histories. She highlights how racial categories in the West “depended upon making particular kinds of comparisons,” which served to “deepen, broaden, and fine-tune the idea of a ‘natural’ hierarchy between peoples and groups.”²⁸³ But she also asks whether or not the act of comparison can be turned against itself; if we can “make use of the comparative method to question these categories themselves.”²⁸⁴ Companions of comparative history include transfer studies and *histoire croisée*. These approaches, though quite different, self-consciously address and build from the limitations of strict comparison. They posit that sites of comparison are rarely discrete, bounded entities; rather, they are often places of mutuality and movement. Transfer studies emphasizes the process and consequences of phenomena moving from one site to another, while *histoire croisée* centres the act of intercrossing itself as an object of analysis.²⁸⁵ The primary materials I analyze from Palestine and Bechuanaland could be muscled into any of these approaches.

To be sure, these different histories are crossed by familiar faces, ideas, and techniques. Sir Herbert Samuel, the first High Commissioner of Palestine (1920–1925), appears in the transcript of a 1903 meeting of the Aborigines Protection Society and the British and Foreign Anti-Slavery Society and shares his thoughts on the “moral,” “economic,” and “physical objections” to the proposal of forced African labour in Transvaal mines.²⁸⁶ And according to the *Anti-Slavery Reporter and Aborigines Friend* journal, when Tshekedi Khama travelled to London in March, 1930 to protest the proposed mining concession in the Protectorate, he met

²⁸³ Ania Loomba, “Race and the Possibilities of Comparative Critique,” *New Literary History* 40, no. 3 (2009): 501.

²⁸⁴ Loomba, 502.

²⁸⁵ Michael Werner and Bénédicte Zimmermann, “Beyond Comparison: *Histoire Croisée* and the Challenge of Reflexivity,” *History and Theory* 45, no. 1 (2006): 30–50.

²⁸⁶ Statement by Sir Herbert Samuel, *Native Labour in South Africa: Report of a Public Meeting*, jointly convened by the Aborigines Protection Society and the British and Foreign Anti-Slavery Society, Westminster, April 29, 1903, pg 15.

with Lord Passfield on multiple occasions. That same year, Passfield recieved a deputation of Palestinians, who travelled to London to argue they deserved representative government. The transcript of their meeting reflects the maddening circularity of such petition efforts, captured in a comment by one Palestinian leader, Raghib Nashashibi, that “we are going back and not forward, because nothing is being done.”²⁸⁷ Finally, General Smuts, a professed supporter of Zionism, was offered the post of High Commissioner of Palestine in 1928.²⁸⁸ These are just a few examples of many crossovers.

In tracing the politics of inquiry in Palestine and Bechuanaland, we can try to address Loomba’s question. Studying iterations of the colonial commission in two different contexts enables deeper understanding of the inquiry not simply because it shows us more range. It also better illuminates different articulations of the politics and techniques of 20th century colonial knowledge. Colonial knowledge creation was not a hegemonic process. Nor was the knowledge they produced generated solely through their processes; rather, colonial commissioners drew on their prior experiences of empire, imperial archives (for example, Tagart’s report begins with his acknowledgement of the time he spent prior to departure reading all he could find about Bechuanaland), and the authority of their chosen intermediaries. Rather than a regime of truth, these inquiries reveal the piecemeal process of early 20th century imperial practice. In this chapter, I discuss the commissions in Bechuanaland and Palestine together. I focus specifically on three main themes: the adjudication and maintenance of categories, colonized peoples’ uses of the inquiry and its limitations, as well as the afterlives of the truths each produced.

²⁸⁷ Meeting Transcript of Deputation to the Secretary of State for the Colonies from Arab Palestinian Interests Regarding the Position of Palestine, British Colonial Office, London: May 6, 1930. Source provided courtesy of Laila Parsons.

²⁸⁸ “High Commissionership of Palestine Offered to General Smuts,” *Jewish Telegraphic Agency*, September 9, 1928, sec. Archive, Jewish Telegraphic Agency, <https://www.jta.org/1928/09/09/archive/high-commissionership-of-palestine-offered-to-general-smuts>.

Defining social hierarchies

Examining how commissions dealt with and in social hierarchies foregrounds the role of race without ascribing it too much determinative force on its own terms. Ordered in one place and carried out in another, colonial commissions often were stages on which familiar scripts of civilizational and racial hierarchies were rehearsed and ‘proven.’ The Peel commission secret testimonies, the SADC meeting transcript, and the Tagart report draw on familiar phrases and images faithful to what Stoler calls “the truth-claims of racialized rule.”²⁸⁹ They largely conform with what one might expect; casual racism, cruel asides, paternalism, and Eurocentrism are all consistent features. Commissioners and missionaries arrived with certain expectations, formed by their cultural milieu as well as their personal backgrounds. And in both Bechuanaland and Palestine, commissioners were protective of the categories they expected. The commission transcripts show similar patterns of ‘race thinking’ in the formulation of reports and policy. Irene Silverblatt draws her use of this term from Hannah Arendt, defining it as “any mode of construing and engaging social hierarchies through the lens of descent.”²⁹⁰ Race thinking gets at how categorizing people is tied to power without relying fully on 19th century parameters of racial science. It better describes, for example, the ways Tshekedi Khama articulated the

²⁸⁹ Stoler, “Commissions and Their Storied Edges,” in *Along the Archival Grain*, 144.

²⁹⁰ Irene Silverblatt, “Modern Inquisitions,” in *Imperial Formations*, ed. Peter C. Perdue, Carole McGranahan, and Ann Laura Stoler, s (Santa Fe, New Mexico: School for Advanced Research Press, 2007), 283. The relationship between British colonial caste management in India and tribal organization in Africa, for example, emerges slightly from the conceptual fog if addressed through this lens.

differences between Bamangwato and San people in his testimonies to the SADC. Tagart and the Peel commissioners employed similar forms of race-thinking to differentiate groups in Bechuanaland and Palestine.

But their ideas about race were integrally connected to British visions of development, in which colonized people were measured against and expected to progress to a particular civilizational type. Developmental ideas intersected with antisemitic racial views regarding Jewish capital and project management in Palestine, whereas the pastoral economy of Tswana society served to justify or prove their stance as more civilizationally advanced than San people. Maria Sapignoli has described the situation of San people in postcolonial Botswana as one in which “their mobility and attachments to a foraging way of life were understood and acted upon as indications of ‘poverty,’” in both a material and cultural sense.²⁹¹ These commission texts indicate, however, that this perspective was relatively continuous with that of both Tswana elites and British administrators in the colonial period. Likewise, the agricultural and landholding practices of Palestinians were frequently invoked by both Zionists and Britons as indicators of their relative primitivism and the need for colonial guidance. Both sites of commission implicated these social hierarchies in particular policy efforts, in justification of profoundly discriminatory policies. Tagart’s push for the incorporation of San people reflected his understanding of the differences between African peoples as indices of progress, while Peel and his co-commissioners clearly saw deep and inherited divisions between Jews and Arabs. While the use of hierarchies to justify differential treatment were near-ubiquitous in this period, after all, the entire structure of the Mandate system rested on similar foundations, these inquiries also reveal the contingencies of categorization.

²⁹¹ Sapignoli, ed., “The ‘Bushmen Problem,’” 90.

In Palestine, British development policy was closely connected to their disparate visions of Jewish and Arab racial characteristics. There was a highly specific and contextual division, as both Arabs and Jews could be considered with ambivalence in different early 20th century racial categorizations. Sarah Gualtieri has demonstrated that, in the early 1900s, Syrian immigrants to America were often successful in claiming legal whiteness and thereby citizenship, though they faced varied degrees of social antagonism.²⁹² Jews were also regarded with racial suspicion; seen to occupy a discomfiting middle ground, not black but certainly not white. In colonial racial hierarchies, as Jacob Norris argued, “this frequently translated into a view of Jews as an intermediary race between white Europeans and natives.”²⁹³ The Peel secret transcripts reflect Norris’s framing, as both Zionists and Britons repeatedly invoked a hierarchical vision of Jews as superior to the ‘native’ Arabs. An understanding of Zionists as a modernizing force in Palestine was necessarily twinned by a belief that Arabs occupied a lower civilizational standing, unable or unwilling to modernize the country.²⁹⁴ However, despite the proximity of prominent Zionists to British policymakers, Jews were still necessarily, quietly, outsiders. Even Weizmann, despite all his gravitas and connections, could never be fully fluent in what Parsons describes as “the common codes and expectations of British imperial culture.”²⁹⁵

Some racist assumptions could go unsaid but mutually understood, while others - those traits vital for differentiation amongst groups - were repeated often. A discussion on the Zionists’ claims that they did not receive enough funding from the Administration - despite the fact, in the

²⁹² Sarah Gualtieri, “Claiming Whiteness: Syrians and Naturalization Law,” *Between Arab and White: Race and Ethnicity in the Early Syrian-American Diaspora* (California, United States: University of California Press, 2009), 52-81. But Syrians were only considered white in opposition to what they could not be, which was aswad, black.

²⁹³ Norris, “Agents of Development Jews, Arabs, and the Middlemen of Empire,” *Land of Progress*, 86. There is an obvious irony in assigning Palestinians the role of backwards natives while simultaneously superimposing Zionist claims of true indigeneity in Palestine.

²⁹⁴ Norris’s work also highlights how Palestinian entrepreneurs were eager to participate in the industrialization process but actively marginalized by the British administration.

²⁹⁵ Parsons, “The Secret Testimony of the Peel Commission (Part II): Partition,” 17.

commissioner's view, that they were generously funded by external donors - highlights the subtleties of this dynamic. Zionists' refusal to "recognize the fact that they have got more money" was interpreted as their refusal to participate willingly in the sacrifices required of the civilizational superior. No one needed to call Zionists greedy to get the point across.²⁹⁶ Tagart also took for granted that his reports' administrative interlocutors would share his understanding that native witnesses were less reliable than European. He named European witnesses individually but generally referred to African speakers collectively and relied on colonial administrators to provide the foundational evidence. But he was careful to highlight in this report that, although Tshekedi Khama portrayed the Bamangwato as fundamentally distinct from the San, the difference was a matter of *degree* and not *kind*. Similarly, in reviewing the 'Basarwa question,' the SADC heard only from Tswana witnesses and did not concern themselves with San people themselves.

In Bechuanaland, the colonial rigidity of tribal organization tightened and reshaped boundaries between groups, as well as deepened social hierarchies between them. These imposed divisions are a common theme in imperial histories, as colonial rule often caused such rigidity to its own ends of classification and rule. The British colonial state allocated significant authority to the 'native administration,' composed of 'customary' rulers and law. Mahmood Mamdani has characterized indirect rule in Africa as a technology of governance predicated on the definition and management of differences. Race and tribe were essential vectors of definition. "If the central state justified discrimination against the native race on civilizational grounds," Mamdani argues, "the local state justified discrimination in favor of the native tribe on grounds of origin

²⁹⁶ See, Wauchope ST 1, par. 604-608, pg 31.

and difference.”²⁹⁷ In Bechuanaland, Tswana kingdoms were considered the primary native group, despite their relatively recent arrival in the territory. The Bamangwato were seen as the most advanced group among them, in no small part due to their long relationship with English missionaries. Tswana were differentiated racially from whites, but in terms of ethnicity or tribe from other African groups. San people, as the transcripts attest, were considered by all parties to be the lowest and most pathetic of these groups, in desperate need of uplift. Tagart, the SADC, and Tshekedi Khama all contrasted San and Bamangwato people on an evolutionary or progressive scale. Khama’s insistence, echoed by the SADC, that San people occupy a lower stage of social development (as evidenced by their sporadically nomadic lifestyle, intellectual immaturity, and poor treatment of their children) was the justification for San peoples’ exclusion from structures of administration, the adjudication of disputes through the kglota, and their restricted access to land. This parallels arguments made by Weizmann to the Peel commission, wherein he insisted Palestinians were unprepared for any kind of self-governance due to their innate social characteristics.

The centrality of race thinking in colonial common sense, in both Palestine and Bechuanaland, is brought into relief by moments of challenge. This is clear in my discussion of Sir Arthur Wachope’s testimonies to the Peel Commission. When Wachope called into question some of the foundational premises of British policy in Palestine, he was rebuked harshly by Lord Peel. I argued that Wachope’s comments were so destabilizing because they contradicted the common sense view held by the commissioners. But the Tagart report and the SADC report are also marked by similar moments of disjuncture. After minutes of Tshekedi Khama expounding on the backwards state of San people and their primordial status, an

²⁹⁷ Mahmood Mamdani, “Nativism: The Practice,” in *Define and Rule: Native As Political Identity* (Cumberland, United States: Harvard University Press, 2012), 74.

accompanying witness offered a more nuanced account of their status. Maphakela Lekalak, the first African ordained minister from the LMS Molepole mission station, complicated Tshekedi's essentialist portrayal of San people. He recounted in startling detail a place-specific genealogy of dispossession that San people suffered, both from white settlers and other African groups. He told the SADC that many San were slowly starving without land or work. Some crossed the Molopo river to hunt and herd, but recent government restrictions on such travel removed even that avenue of sustenance. "It has come about," Maphakela reported, "that the law of the Government has killed them."²⁹⁸ He did not contrast San people to Batlhaping people in terms of civilizational progress, but rather in terms of violence suffered. According to Lephalek's testimony, the defining characteristics of San people was not primitivity but sustained victimhood.

Colonial intermediaries

The delineation of particular kinds of people and capacities was related, in both Bechuanaland and Palestine, to distributions of power. As has been well-established by imperial historians, the day-to-day mechanics of colonial governance required the labour and expertise of natives. Colonial administrations in Africa - be they German, French, Dutch, or British - relied on an expanding cadre of African employees, including translators, low-level administrators, and tax collectors. These employees were pivotal not only in the bureaucratic necessities of rule, but also, as Emily Osborn has argued, in shaping "the localized meanings that colonialism acquired in practice."²⁹⁹ Early scholarship on this vital aspect of colonialism filtered the phenomenon into

²⁹⁸ SADC report, 26.

²⁹⁹ Emily Lynn Osborn, "'Circle of Iron': African Colonial Employees and the Interpretation of Colonial Rule in French West Africa," *The Journal of African History* 44, no. 1 (March 2003): 29.

binaries of resistance/collaboration and called those colonized people who worked with or for the administration collaborators. More recently, historians have challenged the hegemony of the resistance paradigm, referring to ‘collaborators’ instead as intermediaries or cultural interpreters. They have also flagged the contingencies of employment in the colonial administration; that ‘collaboration’ was neither necessarily permanent nor clear-cut. And as Benjamin Lawrance, Emily Osborn, and Richard Roberts argue in their edited volume, *African intermediaries* “used the new opportunities created by colonial conquest and colonial rule to pursue their own agendas even as they served their employers.”³⁰⁰

Though there is a burgeoning area of scholarship on the complexities of colonial intermediaries in Africa, mainly focused on official employees in the early 20th century colonial administrations, historians of Palestine have not followed similar lines of questioning.³⁰¹ But Palestinians were also employed by the British administration in significant numbers, though they were kept from high-placed posts. George Antonius’s experience in and subsequent departure from his position in the Mandate government speaks to the frustration experienced by Palestinian employees barred from advancement.³⁰² And similarly to African employees, Palestinians in the employ of the British administration operated in a politically fraught space. Though they received certain benefits from their work for the administration, they were tarred by their affiliation with colonial rule. In periods of heightened national unrest, particularly the 1936-39 Arab Revolt, Palestinian government employees found themselves torn between

³⁰⁰ Benjamin N. Lawrance, Emily Lynn Osborn, and Richard L. Roberts, “Introduction: African Intermediaries and the ‘Bargain’ of Collaboration,” in *Intermediaries, Interpreters, and Clerks: African Employees in the Making of Colonial Africa*, ed. Benjamin N. Lawrance, Emily Lynn Osborn, and Richard L. Roberts (Madison: University of Wisconsin Press, 2015), 7.

³⁰¹ One might argue that the field of Palestinian historiography is itself shadowed by the resistance/collaboration binary.

³⁰² Susan Silsby, “George Antonius: The Formative Years,” *Journal of Palestine Studies* 15, no. 4 (1986): 81–98.

responsibilities. Their sense of liminality is well-captured in a memorandum submitted to High Commissioner Wauchope in 1936, in which officials stated “it has become impossible for us to continue to act usefully as a link between the Administration and the Arab population.”³⁰³

Though the signatories emphasize the power and depth of felt oppression, a force clearly beyond the threshold of small-scale policy adjustments, the Memo’s existence shows their continued investment in the possibility of government solutions.

Another valence of intermediaries, that of military collaboration, training, or ‘native’ enlistment in British forces, has been examined by military historians of the British empire. Matthew Hughes, for example, has shown how the British army in Palestine used Jewish settlers as “an indigenous loyalist colonial community to help pacify rebels.”³⁰⁴ In doing so, the British taught Jewish fighters vital techniques of violence and terror, as well as, in the case of the British-Jewish Special Night Squads, the utility of unrestrained, arbitrary attacks on Palestinians. Likewise, Caroline Elkins and Huw Bennett have demonstrated how the British colonial administration empowered white settlers in Kenya to participate in the suppression of the Mau Mau rebellion.³⁰⁵ If the meaning of intermediary is taken more broadly, however, to include more than just formal employees of the colonial state and military or counterinsurgency collaboration, another pattern emerges. The inquiries in Palestine and Bechuanaland indicate how the administration worked through entire strata of people, based at least in part on the civilizational and racial prejudices discussed above. Their relationships were more holistic than

³⁰³ “Memorandum Submitted by Arab Senior Government Officials to the High Commissioner,” June 30, 1936, Palestinian Journeys, <https://www.paljourneys.org/en/timeline/historictext/6718/memorandum-submitted-arab-senior-government-officials-high-commissioner>.

³⁰⁴ Matthew Hughes, “Terror in Galilee: British-Jewish Collaboration and the Special Night Squads in Palestine during the Arab Revolt, 1938–39,” *The Journal of Imperial and Commonwealth History* 43, no. 4 (August 8, 2015): 604.

³⁰⁵ Huw Bennett, *Fighting the Mau Mau: The British Army and Counter-Insurgency in the Kenya Emergency* (Cambridge: Cambridge University Press, 2012); Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (New York: Henry Holt, 2005).

studies isolated to particular avenues suggest: they were also involved in setting the politics of testimony, such that certain people could be better heard than others in colonial inquiries.

However, these connections were not static - though the British worked closely with Zionists during the Mandate period, their relationship broke down in the mid-1940s.³⁰⁶

In Bechuanaland, the circumstances of the protectorate's founding, as well as its emaciated administration, meant the pragmatic partners in rule were the Tswana kgosi who ruled the area prior to British arrival. But the colonial administration's reliance on Tswana elites was also based on the uneven structures of custom and tradition, which contained within them an effective and seemingly legitimate articulation of the subordination of 'subject tribes.' This contributed to the British administrations' ignorance of and general unwillingness to thoroughly intervene in coercive labour practices until the 1930s, though even these attempts were more closely connected to Colonel Rey's personal animus towards Tshekedi Khama than concerted policy. This was doubly true for the LMS, whose position in the protectorate hinged on their close relationship with Bamangwato leaders, and who consistently sided with Tshekedi Khama in his various crusades. Moreover, the Khama dynasty took over power from the British administration in the 1960s and has continued influence in the contemporary nation-state of Botswana. Seretse Khama, Tshekedi Khama's nephew, for whom he ruled as regent until Seretse's adulthood, was President of Botswana from 1966 until his death in 1980. During his tenure, the marginalization of San groups continued as state policy.³⁰⁷

Jacob Norris has argued persuasively that the British administration in Palestine effectively used Zionists as partners in development. Contrary to British and Zionist rhetoric,

³⁰⁶ Saul Zadka, *Blood in Zion: How the Jewish Guerrillas Drove the British out of Palestine* (London ; Washington: Brassey's, 1995).

³⁰⁷ Maria Sapignoli, *Hunting Justice: Displacement, Law, and Activism in the Kalahari*, Cambridge Studies in Law and Society (Cambridge: Cambridge University Press, 2018).

Arab Palestinians were not only aware of but actively interested in commercializing the mineral resources of the Dead Sea among other resources in Palestine. Zionist dominance of development projects was an explicit policy choice. Norris argues that the Mandate government's reformulation of Palestine along ethno-nationalist lines, their racist perceptions of ethnically appropriate labour, and a pro-Zionist metropolitan government effectively pushed Arab merchants out of government contracts in favour of Zionists.³⁰⁸ British preference for Zionist firms hollowed out the Arab merchant class in Palestine and cornered Arab workers into lower-paying, menial employment without access to collective organization. Conversely, empowered by their government contracts, Zionists were able to consolidate control of natural resources and trade unions, both key factors in their state building effort. Zionist development projects also contained and carried out what Frederik Meiton has called "a vision for the character of the territory" as Jewish national space to the exclusion of Palestinian Arabs.³⁰⁹

This reflects Meiton's argument that modern Palestine was "guided and supported by an Anglo-Zionist vision of technocapitalist development," where commercial success would lead to civilizational progress.³¹⁰ In this sense, the formation of the Jewish national home in Palestine was constituted as much by the material manifestations of the Mandate's legal framework as its written terms. As the trajectory of Arab entrepreneurs reminds us, the modern Palestine built and spatialized by British/Zionist development was "constructed on top of other possible Palestines."³¹¹ Beyond development contracts, though, Zionist leaders were also involved in

³⁰⁸ Jacob Norris, "Toxic Waters Contesting British Development at Haifa and the Dead Sea," in *Land of Progress* (Oxford: Oxford University Press, 2013), 170–204.

³⁰⁹ Fredrik Meiton, "The Radiance of the Jewish National Home: Technocapitalism, Electrification, and the Making of Modern Palestine," *Comparative Studies in Society and History* 57, no. 4 (October 2015): 997.

³¹⁰ Meiton, "The Radiance of the Jewish National Home: Technocapitalism, Electrification, and the Making of Modern Palestine," 975.

³¹¹ *Ibid*, 1005.

establishing the Mandate's very terms of reference, including the Balfour Declaration and the Mandate text. The text of the secret testimony also shows how Zionists tried, with varying success, to leverage Britons' prejudicial perceptions of both Jews and Arabs towards the build-up of the Yishuv. The British administration and the Zionist organization used one another until it was no longer effective to do so. Though Matthew Hughes has shown that collaborative British-Jewish Special Night Squads were formed to fight Palestinians rebels in the Galilee during the latter half of the Arab revolt, Zionist guerrilla groups eventually took up arms against the British in the mid-1940s. Today's Israel owes a great deal to the British proximity with Zionists. The secret testimony transcripts support Norris's arguments, but they also suggest a possible expansion to his development-focused framing. Beyond engineering and resource contracts, the British administration treated Zionists as colonial intermediaries, with enduring consequences for Palestinians.

Afterlives of commission

The function of colonial commissions extends beyond their own time. Today, both the Tagart and Peel commissions are part of colonial archives, housed in states that did not exist when the inquiries themselves took place. Mongia referred to this effect of commissions as the creation of a 'discursive field,' within which certain things become truer than others. But beyond the level of discourse, the findings and recommendations of Peel and Tagart have been used as precedents for other inquiries, such as the Anglo-American inquiry in 1946 Palestine and the 1936 Joyce commission in Bechuanaland, as well as current state policies. The truths they circulated have ossified into fact as the uncertainties of the inquiring process are sanded down over time. Of course, as I argue, the transcripts of commission reports are not dead letters - read

carefully, their idiosyncrasies are clearer. But the enclosure of Tagart and Peel's reports in the past means they can be, and often are, treated as unvarnished truths. These truths are called upon by the nation-states who inherited them. Botswana and Israel requisition and manipulate their colonial archives in contemporary campaigns of dispossession that closely resemble the old. The policy recommendations of the Peel report and the Tagart report have been drawn into ongoing sovereignty battles in Palestine and Botswana. Achille Mbembe's description of the archive as both a locus of state power and a possible threat to it is resonant here - in both cases, the posthumous uses of the reports *could be* plural.³¹²

While the secret testimony of the Peel commission was only recently released publicly, its final report is infamous for its formal endorsement of a partition plan in Palestine. Until recently, scholars have attributed the partition plan to Zionist lobbying efforts and a broader British imperial practice of 'solving' problems through territorial division. Working with the declassified secret testimonies, however, Parsons has analyzed the idea's emergence in the in-camera sessions and has noted the prominent role of commissioner Coupland in driving the idea forwards. Along with Sinanoglou, she suggests that Coupland was inspired by other examples of territorial division in the empire, including India and Québec, and saw in Palestine an opportunity for an experimental imperial solution that would conveniently end the burdensome Mandate.³¹³ But Parsons argues that it was the secrecy of the in-camera sessions themselves which empowered British supporters of partition "to break with the commission's terms of

³¹²Achille Mbembe, "The Power of the Archive and Its Limits," in *Refiguring the Archive*, ed. Carolyn Hamilton et al. (Dordrecht: Springer Netherlands, 2002), 19–27.

³¹³Penny Sinanoglou, "Analogical Thinking and Partition in British Mandate Palestine," in *Partitions: A Transnational History of Twentieth-Century Territorial Separatism*, eds. Laura Robson and Arie Dubnov (Stanford University Press, 2020), 154–174.

reference to promote their own vision,” as well as neatly side-step any consultation with Palestinians, who had chosen not to participate in the secret sessions.³¹⁴

The most immediate and enduring consequence of the partition plan was increased violence. Following the report’s publication in 1937, Palestinians’ suspicions of the British inquiry were confirmed and the Arab revolt escalated into its bloodiest phase.³¹⁵ Another commission - Woodhead, 1938 - was dispatched to deepen the Peel report’s thin specifics on the partition plan itself. It found that partition would be too difficult to implement in practice, a policy shift formalized in the British White Paper of 1939. The White Paper dismissed the possibility of a sovereign Jewish state in Palestine and promised an independent, unified Palestine. It also sharply restricted Jewish immigration, promised Palestinians proportional representation in government, and gave the High Commissioner “general powers to prohibit and regulate transfers of land” to Zionists.³¹⁶ The rapid policy change from 1937-1939 can be attributed to several factors, including the endurance of the Arab revolt, the cost of repressive rule, and British foreign policy priorities such as oil and Arab state allegiances in the lead-up to World War Two. This reflects how little Britain’s policies in Palestine had to do with Palestine itself, especially in the late 1930s when the empire was increasingly stressed.

But for Palestinians, the 1939 White Paper represented a small window of possibility: after decades, it seemed as if their concerns - land, immigration, sovereignty - were finally heard. Martin Bunton argues that the new British policy gave Palestinians a sense of security, as they

³¹⁴Laila Parsons, “The Secret Testimony of the Peel Commission (Part II): Partition,” 8. In her recent book review of Sinanoglou’s *Partitioning Palestine*, Laura Robson discusses the connections between Parsons and Sinanoglou’s accounts of the partition process. Despite slight divergences due to differential access to sources, Robson suggests that both authors show how the rather fantastic process of partition-planning was a product of Britain’s efforts to disengage from the problem. See: Laura Robson, “Partitioning Palestine: British Policymaking at the End of Empire, by Penny Sinanoglou,” *Journal of Palestine Studies* 50, no. 1 (January 2, 2021): 124–25.

³¹⁵ Hughes, “Terror in Galilee.”

³¹⁶ “The Avalon Project : British White Paper of 1939,” https://avalon.law.yale.edu/20th_century/brwh1939.asp.

now had reason to believe “they would remain a majority in Palestine.”³¹⁷ The Zionists, on the other hand, quickly realized that Britain was no longer a reliable patron. This precipitated their turn to the United States as a great power supporter and indicated the decline of Britain as the major imperial force in the Middle East. Moreover, the 1939 White Paper led to the gradual Zionist adoption of a militant policy against the British administration in Palestine in the mid-1940s. Despite British waffling, the Peel partition plan became the basis for the Jewish Agency’s alternative partition outline. As Nimrod Lin has shown, the JA’s acceptance of the partition plan “radically changed Zionist political discourse” to focus primarily on the “issue of mass transfer of Arabs out of the Jewish state,” as well as the size and rights of the minority remaining Arab population.³¹⁸ Beyond the shift in Zionist discourse, the Peel partition also became the structure around which the United Nations built their partition proposal in 1947.³¹⁹ And the concept of partition, today glossed as the ‘two-state solution,’ sets the horizon of the possible in contemporary debates around Palestine. Splitting territory and sovereignty continues to dominate as the principal methodology in neo-imperial ‘peace proposals,’ led by the United States. As the post-Oslo accords political environment suggests, this is, by now, a strangling frame.

Both the Tagart report and the follow-up census conducted on his recommendation in 1937 have been used as sources on San people by historians, anthropologists, and policymakers, either buried in footnotes or cited outright in the text.³²⁰ The SADC report seems to have faded out. However, Tagart’s insistence on incorporating San people into Tswana society - the point on

³¹⁷ Martin Bunton, “The Palestine Mandate and the Birth of the State of Israel,” in William L Cleveland and Martin Bunton (eds), *History of the Modern Middle East: Fourth Edition* (Boulder, Colorado: Westview Press, 2009), 241.

³¹⁸ Lin, “People Who Count.”iii.

³¹⁹ Penny Sinanoglou, “The Peel Commission in Palestine, 136-1937,” in *Partitioning Palestine*, 65-106.

³²⁰ Some examples include: Robert K. Hitchcock, “‘We Are the First People’: Land, Natural Resources and Identity in the Central Kalahari, Botswana,” *Journal of Southern African Studies* 28, no. 4 (2002): 797–824; Johannes J. Knoetze and Rupert Hambira, “Basarwa in Botswana: The Role of Perceptions and Name Giving by Other Population Groups in Enduring Poverty,” *Studia Historiae Ecclesiasticae* 44, no. 1 (2018): 1–16.

which his report and the SADC report concurred - was most effectively carried out following Bechuanaland's transition from protectorate to nation-state.³²¹ In 1966, the year of independence, the new Botswana government - which, in claiming ethnic-neutrality, blurred the distinction between being a citizen of Botswana (Motswana) and being ethnically a Tswana (also labelled Motswana) - began to forcibly move Basarwa groups to government villages or settlements.³²² The program, initially called the Bushmen Development Program but in 1978 renamed the neutral 'Remote Areas Development Program' (RADP), accelerated throughout the 1980s and 1990s. Its explicit goals were relatively consistent with the imperatives Tshekedi Khama laid out in 1935 to the SADC: to promote sedentarisation, small-scale agriculture, and pastoralism. Some have also pointed to state economic incentives for reappropriating the land, particularly for access to diamond mining and opening the area to wildlife tourism.³²³ Maria Sapignoli characterizes the RADP as a "modernisation strategy geared towards the 'Tswanisation' of the San, doing away with hunting and gathering, which was seen as 'backward and primitive.'"³²⁴

Concurrent with their settlement campaign, however, the Botswana state has also systematically removed San groups from certain areas, including national parks, potential mines, and wildlife reserves. In 2004, Botswana's High Court heard a case from San people contesting their eviction from the Central Kalahari Game Reserve (CKGR), on the grounds that their forced resettlement violated their rights as indigenous people.³²⁵ Though guaranteed living rights in the CKGR under Botswana's constitution, beginning in the late 1980s the state began to

³²¹ This process also occurred in other areas of post-colonial Southern Africa, see; J. Taylor, *Naming the Land: San Identity and Community Conservation in Namibia's West Caprivi* (Basler Afrika Bibliographien, 2012).

³²² Maria Sapignoli, "Dispossession in the Age of Humanity: Human Rights, Citizenship, and Indigeneity in the Central Kalahari," 289.

³²³ Motsomi Ndala Marobela, "The State, Mining and the Community: The Case of Basarwa of the Central Kalahari Game Reserve in Botswana," *Labour, Capital and Society / Travail, Capital et Société* 43, no. 1 (2010): 137–54.

³²⁴ Sapignoli, "Dispossession in the Age of Humanity," 290.

³²⁵ "Sesana and Others v Attorney General (52/2002) [2006] Botswana High Court (13 December 2006), Botswana: Lobatse, <http://www.saflii.org/bw/cases/BWHC/2006/1.html>.

systematically and non-consensually relocate San and Bakgalagadi peoples to small, poorly equipped villages. Approximately 350 San adults put their names to the legal case, though with their children they represented closer to one thousand people.³²⁶ Claimants were mobilized by NGOs, including the First People of the Kalahari (FPK) and the Working Group of Indigenous Minorities in Southern Africa (WIMSA). This indicates how some San groups, particularly the Gana and Gwi, have engaged with international indigenous organizing and now articulate themselves through that lens.

In the 2004 case, their argument hinged on a clause of Botswana's 1966 constitution, which established the rights of 'Bushmen' to move freely in the CKGR. Contemporary claimants, then, had to prove their status as 'bushmen' in order to protect their residency rights. They attempted to do so through 'native title,' based on continuous and traditional use of the land. As recounted by Sapignoli, the San way of life "had to be included in a plot characterized by continuity, told as a coherent tale, in which the protagonists of the past had to be essentially the same as those in the present."³²⁷ Roy Sesana, one of the most prolific activists for San rights in the CKGR, captured the arbitrariness of proving native title in a 2005 speech to Livelihood advocacy group. "When I was young, I went to work in a mine," he told them. "I put off my skins and wore clothes. But I went home after a while. Does that make me less Bushman? I don't think so."³²⁸

Lawyers for both sides drew on colonial archival knowledge to formulate their arguments. George Silbeurbauer, an anthropologist and former employee in the Bechuanaland

³²⁶ Survival International and Survival International, "Bushmen," accessed June 14, 2021, <https://www.survivalinternational.org/tribes/bushmen>.

³²⁷ Sapignoli, "'Bushmen' in the Law: Evidence and Identity in Botswana's High Court," 216.

³²⁸ "Acceptance Speech - Roy Sesana / First People of the Kalahari," Right Livelihood, accessed June 17, 2021, <https://rightlivelihood.org/speech/acceptance-speech-roy-sesana-first-people-of-the-kalahari/>.

administration, testified extensively on the ‘social characteristics’ of the San. The state’s main lawyer, Sidney Pilane, also cited anthropological literature to establish the fractured history of ‘bushmen, arguing they were nomadic travellers through the area, whose hunter-forager lifestyle was land use but pre-pastoral stage of human development. Interestingly, this tactic is consistent with what John K. Noyes identifies in South West Africa, wherein German land expropriation and the establishment of native ‘reserves’ was legitimated by scholarship on indigenous nomadism as an indicator of primitivity.³²⁹ The transfer of hunter-gathers into government settlements was, therefore, a necessary administrative task. Given the foundational and pervasive uses of the Tagart report and the ensuing Joyce report/census, it is highly likely that these materials wound their way to the High Court in 2004. Their impact is also clear, however, in the framing of the ‘Basarwa problem’ as one of incorporation and settlement. The SADC report, though not cited, also echoes through these parameters. The contemporary nation-state’s ‘ethnically neutral’ approach is a departure from Khama’s approach in the 1930s, but the underlying impetus is similar. The tensions in citizenship and inclusion are illuminated in the following following excerpt from the court proceedings:

Pilane: And he accepts that he also is a Motswana like all others?
 Botshelwane: I am not a Motswana, I am Mokuaha, Mosarwa [Bushman].
 Pilane: That’s okay. He accepts that he is a citizen of Botswana like all others?
 Botshelwane: I say I am not a Motswana, I am a Mokuaha.
 Pilane: I said citizen of Botswana?
 Botshelwane: I don’t know whether I am a citizen of Botswana, but what I know is that I come from my land, the land of Basarwa [Bushmen]. That is what I know.
 (Court transcript, July 28, 2004, 40–41, quoted in Sapignoli (2017))

³²⁹ John K. Noyes, *Colonial Space : Spatiality in the Discourse of German South West Africa 1884-1915* (Studies in Anthropology and History, V. 4. Chur, Switzerland: Harwood Academic, 1992).

In 2006, the court ruled in favour of San claimants. The case has become a landmark for other indigenous rights efforts internationally.³³⁰ However, the court also upheld the removal of resource provision in the CKGR, including the maintenance of water boreholes and sanitation. Moreover, the ruling was accorded to only those listed claimants, which meant that only they had rights in the CKGR. Their children, once they turned 18, would lose their residency rights. In 2013, Sapignoli interviewed a woman living in Kaudwane (a resettlement village southeast of the reserve) who told her: “If my child has the right, why not me, if my husband has the right, why not me? . . . I say that if we have the right, we have the same rights.”³³¹

Though grounded in different contexts, the Tagart and Peel commissions are marked by thematic overlaps. Reviewing them together reveals the fruitfulness of studying disparate parts of empire in one frame. They share a preoccupation with making and reifying group hierarchies, but they also highlight the instability of this process and the anxiety it provoked among policymakers. Moreover, both commissions also show how colonial administrations sought to work with certain privileged intermediary groups and not others, with long-term political ramifications for those excluded from influence. The commission texts themselves have been enfolded into the colonial archive, from whose hagiographic depths they can be retrieved and referred to. Mbembe has described those who immerse themselves in these kinds of archives as both “interested in debt” and “preoccupied with debris.”³³² The following and final section takes his framing as a starting point. In a speculative turn, it discusses the ways the Tagart and Peel commissions illuminate the shared legacies of the British empire.

³³⁰ Survival International and Survival International, “Bushmen Win Landmark Legal Case,” accessed June 15, 2021, <https://www.survivalinternational.org/news/2128>.

³³¹ Sapignoli, “‘Bushmen’ in the Law: Evidence and Identity in Botswana’s High Court,” 221.

³³² Achille Mbembe, “The Power of the Archive and Its Limits,” in *Refiguring the Archive*, ed. Carolyn Hamilton et al. (Dordrecht: Springer Netherlands, 2002), 25.

Conclusion

Convergent conditions of colonial rule

“I say what kind of development is it when the people live shorter lives than before? They catch HIV/AIDS. Our children are beaten in school and won’t go there. Some become prostitutes. They are not allowed to hunt. They fight because they are bored and get drunk. They are starting to commit suicide. We never saw that before. It hurts to say this. Is this ‘development’?”

- Roy Sesana, 2005

“That is how we read the history of Palestine, from the Crusades to Balfour and Weizmann: that it was entered despite us, and lived in despite us.”

- Edward Said, 1986

The secret testimonies of the Peel commission, the Tagart report and the SADC subcommittee meeting transcript illuminate how diverse colonial actors filtered down and reinterpreted logics of empire. They also point to the instability of colonial commissions themselves and the contingent ways in which they could be mobilized. Rather than imposing a consistent regime of truth, commissioners – be they imperial emissaries or local missionaries – drew on their own spotted pasts, their prior imperial experiences and personal relationships, in formulating policy recommendations and interacting with witnesses. Hierarchical racial and civilizational understandings were embedded in the ways these policymakers interpreted the world and their responsibilities to it. This is not to say that race was the sole factor in decision

making, but that racial and civilizational prejudices were foundational in what Parsons calls “the peculiar professional culture” and what Stoler calls the “vernacular epistemic practice” of imperial policymakers.³³³

In the preceding chapter, I placed two disparate sites commissions in conversation and analyzed their shared themes, as well as what they reveal about the nature of twentieth century British colonialism. But for this brief conclusion, I turn to the ways imperialism is involved in shaping conditions of indigeneity. This is visible in the commission transcripts through the question of land and competing claims to legitimacy upon it. If read widely, the Tagart, SADC, and Peel commissions could be understood as attempts to adjudicate degrees of belonging and their attendant rights. Though such responsibility is not included in the inquiries’ various terms of reference, it runs beneath them. Established for thoroughly different purposes - to investigate allegations of slavery, to resolve a national anti-colonial revolt - these colonial commissions ultimately grappled with much broader, similar problems. And despite commissioners’ attempts to resist the ‘big questions,’ by dismissing them as too political or focusing narrowly on the quantifiable, they are visible in what the commissions left behind. In both contexts, these commission texts offer a window into the polarisation of narratives about history and identity, as well as how claims to land were made along increasingly rigid ethnic lines under British colonial rule. One main axis of contestation is indigeneity: who belongs and where and on what terms.

I use the term indigeneity as a carry-all for claims to land or rights based on particular status or past, whereas I refer to specific peoples who claim indigeneity in a given territory under international law as Indigenous. Both are wavering terms which have taken on new political valences in recent years. Conceptually, though, indigeneity is a relational and not a static

³³³ Parsons, “The Secret Testimony of the Peel Commission (Part I): Underbelly of Empire,” 13; Stoler, “Epistemic Politics: Ontologies of Colonial Common Sense,” 351.

concept. Manuhia Barcham's concept of 'second-wave indigeneity,' which he applies to the rise of international Indigenous organizing and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) speaks to the shifting valences of these terms and their political effects.³³⁴ Others have provided useful introductions to the varied definitions of Indigenous groups by international organizations, most centrally the UN and the ILO, and I will not attempt to reproduce their work here.³³⁵ Suffice it to say that the limitations of international law as an adjudicatory mechanism on 'who is indigenous' have been critiqued by Indigenous scholars and organizations for decades.³³⁶ And as Jeff Corntassel has shown, citing Barcham, all defining efforts run "the risk of being incomplete historically, culturally, and politically, while reifying native peoples in a 'continued subordination of difference to identity.'"³³⁷ The centrality of international rights organizations as well as individual nation-states, such as Canada, in defining 'legitimate' Indigenous status is related to the legacies of imperial rule. Indeed, pressures to articulate indigeneity in recognizable political and public ways, to perform palatable Indigenousness, as Graham and Penny argue, are connected to the expansion of systems of identity-based politics in the latter half of the twentieth century.³³⁸ They emphasize that such performances are multi-faceted processes, with both liberating and oppressive potential. On a conceptual level, then, we might understand indigeneity as a mutable method of articulating political claims,

³³⁴ Manuhia Barcham quoted in Sita Venkateswar et al., *The Politics of Indigeneity: Dialogues and Reflections on Indigenous Activism* (London, United Kingdom: Zed Books, 2011).

³³⁵ S. James Anaya, *Indigenous Peoples in International Law* (Cary, United States: Oxford University Press USA - OSO, 1996); Russel Lawrence Barsh, "Indigenous Peoples and the UN Commission on Human Rights: A Case of the Immovable Object and the Irresistible Force," *Human Rights Quarterly* 18, no. 4 (1996): 782–813; Craig Scott, "Indigenous Self-Determination and Decolonization of the International Imagination: A Plea," *Human Rights Quarterly* 18, no. 4 (1996): 814–20.

³³⁶ Duncan Ivison, Paul Patton, Will Sanders, "Introduction," in Ivison, Patton, Sanders, (eds.) *Political Theory and the Rights of Indigenous Peoples* (Cambridge, England: Cambridge University Press, 2000), 1–25.

³³⁷ Jeff Corntassel, "Who Is Indigenous? 'Peoplehood' and Ethnonationalist Approaches to Rearticulating Indigenous Identity," *Nationalism and Ethnic Politics* 9, no. 1 (March 1, 2003): 75–100.

³³⁸ Laura R. Graham and H. Glenn Penny, *Performing Indigeneity: Global Histories and Contemporary Experiences* (Lincoln: University of Nebraska Press, 2014), 6.

typically – though not necessarily, as the case of Palestine might suggest – undertaken by a minority population.

Despite its plural and context-specific articulations, indigeneity is the consistent Janus-face of colonialism. As a concept and as a problem, it emerges in lockstep with foreign encounters. Empires, naturally, have been obsessed with ‘natives.’ Their nation-state inheritors are too. The politics of indigeneity are part of empire’s debt and debris. I invoke debt in a literal sense here, in that much is owed to Indigenous peoples and much continues to be taken by the structures of contemporary states, which consistently work to extend colonial projects of extermination. This is true of most, if not all, former settler-colonial states.³³⁹ Definitional contests around indigeneity, which can have very high stakes and significant material consequences, are themselves a phenomenon of empire. Clearly, settler-colonialism is involved in the very foundations of contemporary state formations, as well as how states interact with Indigenous groups within their borders. What the SADC, Tagart and Peel commissions of inquiry suggest, however, is that British colonial rule in both Bechuanaland and Palestine was involved in structuring the conditions, through land distribution, development policies, and establishing political in/exclusions, under which indigeneity is negotiated or claimed. This is not to say that colonialism invented indigenes or that Indigenous groups can only be understood in connection to their colonizers. As San rock art and Palestinian poetry indicate, rich cultural life far predated British colonial rule.³⁴⁰ But colonialism radically reshaped the context in which groups interacted and the means by which they did so. These changed interactions

³³⁹Elkins and Pedersen, *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies*.

³⁴⁰ See on ‘bushmen’ rock art, *Miscast :Negotiating the Presence of the Bushmen* (Cape Town, South Africa :, 1996). For Palestinian oral histories, see Diana Allan’s recent project, *The Nakba Archive* https://www.nakba-archive.org/?page_id=956.

involved, in both Palestine and Botswana, the privileging of certain groups at the expense of others.

And in both Palestine and Botswana, there are echoes of early twentieth century understandings of natives and land-attachments in contemporary discourses around indigeneity. The Peel commission secret testimonies and the Tagart report both highlight how colonial perceptions of different modes of production were involved in empowering some groups over others. Tswana elites shared with the British administration in Bechuanaland a negative vision of the San's hunter-gather/nomadic tendencies and, importantly, both justified their rule through claims of developing and civilizing San people. Likewise, Lord Peel's shocked reaction to Wauchope's suggestion that Arab cultivators had not, in fact, benefitted significantly from the example of advanced Zionist agricultural techniques, belied the British (and Zionist) claim to rule on civilizational grounds. Article 6 of the Palestine Mandate text established British support for Zionist "close settlement of the land," while Article 11 emphasized "the desirability of promoting the close settlement and intensive cultivation of the land."³⁴¹ Nationalist Tswana elites and Zionist politicians continue to shore up their legitimacy in terms of development and progress. Weizmann's 1936 comparison of Palestinians to camels and Jews to motorcars does not seem too far divorced from former Botswana president Festus Mogae's 1996 comment that San people are "Stone Age creatures" who "must change or otherwise, like the dodo, they will perish."³⁴²

Palestinians and San people articulate indigenous-ness through their connections to land and its loss. For both, land has been mostly, but not totally, taken. Land dominates visible

³⁴¹ The Palestine Mandate, Avalon Project.

³⁴² Quoted in, Survival International and Survival International, "Botswana Government Renews Insults to Bushmen," accessed June 24, 2021, <https://www.survivalinternational.org/news/6669>.

ongoing struggles. Even when you are outside of it, it is inside you. And even if it can be proven, as San claimants did in the 2006 CGKR court case, and as Palestinians have done for decades, that *they really were there*, it rarely seems to matter. Settler-colonies, as Patrick Wolfe has famously argued, work through a ‘logic of extermination,’ wherein the native is violently replaced by the settler, such that the previously native territory becomes a thoroughly settler space.³⁴³ Former British Dominions, including Canada and Australia, are cited as examples of this process. But some scholars take issue with the implicit finality of this framing and the overbearing tendencies of a structuralist approach to diverse relations.³⁴⁴ Audra Simpson’s ethnographic engagement with Mohawk people living in Kahnawà:ke, for example, highlights the profoundly un-settled nature of indigenous-state relations in Canada.³⁴⁵ In a similar vein, Shino Konishi has called for a reorientation of settler-colonial studies to focus more squarely on “the extra-colonial Indigenous histories which coincide with shared histories of colonisation, and the continuing modes of Indigenous resurgence.”³⁴⁶ The designation of particular histories as themselves Indigenous can be a fraught process. This is especially clear in sites of layered colonialisms, wherein a colonial power works through and empowers one strata of the population over another.

There is significant controversy around parsing indigeneity in postcolonial African contexts, as, according to some logics, all Africans are indigenous in relation to European

³⁴³ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (December 1, 2006): 387–409.

³⁴⁴ Shino Konishi, “First Nations Scholars, Settler Colonial Studies, and Indigenous History,” *Australian Historical Studies* 50, no. 3 (July 3, 2019): 285–304.

³⁴⁵ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014).

³⁴⁶ Shino Konishi, “First Nations Scholars, Settler Colonial Studies, and Indigenous History,” 304.

colonists.³⁴⁷ Since independence in 1966, the state of Botswana has aggressively pursued a non-ethnic form of nationalism. It does not recognize minority groups and purports to offer equal rights to all its citizens. As citizens of Botswana, though among the least privileged of them, some San groups have begun to articulate themselves as Indigenous people in their ongoing efforts to defend land and practices against state incursion.³⁴⁸ Since approximately the 1980s, San groups have become involved in international Indigenous organizing and began to consciously draw on United Nations statutes regarding the rights of Indigenous peoples. Their plight has garnered significant international attention through NGOs and international lobby groups. By all estimates, San people are a minority in Botswana and their population is not growing significantly. They have immediate associative parallels to other Indigenous minority groups in former British colonies, especially those struggling against global capital to maintain and protect their lands.³⁴⁹ Conversely, Palestinians were the demographic majority throughout Mandate rule. Their population in Gaza and the Occupied West Bank, as well as in refugee camps scattered across the Levant, continues to grow. And Palestinian-Israelis, those with the rare and haunted privilege of Israeli citizenship, make up roughly 20% of Israel's total population. This prompts thinking on the relation of demography to claims of indigenesness.³⁵⁰ To what extent is indigeneity's political utility - for one could argue, though hesitatingly, that San people have used the new Indigenous international networks to their advantage - connected to minority status?

³⁴⁷ A debate neatly summarized in Christopher Kidd and Justin Kendrick, "Mapping everyday practices as rights of resistance: Indigenous peoples in Central Africa," *The Politics of Indigeneity: Dialogues and Reflections on Indigenous Activism* (London, UNITED KINGDOM: Zed Books, 2011)

³⁴⁸ Nicholas Olmsted, "Indigenous Rights in Botswana: Development, Democracy and Dispossession," n.d., 69.

³⁴⁹ See, for example, the Wet'suwet'en First Nation in Canada and the Standing Rock Sioux Tribe in the United States of America.

³⁵⁰ Azmi Bishara, "Arab Citizens of Palestine: Little to Celebrate," in *Postzionism: A Reader*, ed. Laurence J. Silberstein (New Brunswick, N.J.: Rutgers University Press, 2008), 226–33.

Unlike some Indigenous groups in North America, who claim their rights as sovereign nations within and against the sovereignty of settler states, San groups do not articulate themselves through a national framework. In an award acceptance speech to an international NGO, prominent San activist Roy Sesana referred to the government or the state of Botswana as a temporary formation above the land itself.³⁵¹ While Palestinians do not claim official Indigenous status, activists and academics commonly use settler-colonial framings in writing about and advocating for Palestinian rights. Rather, the dominant frame for the assertion of Palestinian rights is the nation. The British Mandate in Palestine did not recognize Palestinians as a national group, which significantly limited their political options throughout the Mandate period. The Mandate text offered Palestinians no equivalent to the Jewish Agency and thereby no participation in government or economic development, affirmed Jewish immigration and land cultivation, and continued to frame Palestinians as a primarily religious community. These structural incommensurabilities enabled the national development of the Zionist project while undermining that of Palestinians. British colonialism set the nation as the barometer for participation in self-governance, a framework that continues to organize Palestinian rights-claims. This provokes an unpalatable question: is the nation, which requires the delineation of those who belong and those who do not, actually a limiting frame for Palestinian futures?

Palestine and Botswana are both sites of conflicting claims to indigeneity. The Tswana elite who have ruled the area called Bechuanaland from 1885-1966 and Botswana from then on assert themselves as indigenous inhabitants of the land. According to the government of Botswana, all citizens are indigenous people and all citizens are afforded equal rights and protections under the state Constitution. Kidd and Kendrick note that the denial of indigenous

³⁵¹ “Acceptance Speech - Roy Sesana / First People of the Kalahari.”

rights or existence is broadly justified by reference to postcolonial African nation-building, driven by an ideology of progress and development. Hunter-gatherers are seen, as Mogae's comment illustrates, as undermining the modernity of the new state and a necessary casualty in its movement forwards. Tshekedi Khama's 1935 description of San to the SADC as "people, generally, who knew nothing about agriculture, nor did they stay in one place" seems relatively consistent with arguments made by government lawyer Sydney Pilane in the 2004 court case.³⁵² Pilane argued that there was no evidence of the 'Bushmen' customary law over land nor any sense of consistent territoriality. As Sapignoli notes, this was "an argument that implies the legitimacy of occupation and removal by the state."³⁵³ This raises other challenging questions. Can indigeneity be claimed without settlers; can one be indigenous in one context and settler in another? Or, conversely, can Africans - in this case, the Tswana who moved into the Kalahari area in the 19th century - be understood as themselves settlers? Kidd and Kendrick also wonder what happens to the solidity of the nation in the context of competing rights claims. They ask if Indigenous people in Africa, "by collectively asserting their indigenous identity in public forms, are actually questioning the imagined idea of nationhood created by national leaders."³⁵⁴

In Palestine too, there is competition. Though Palestinians do not engage with international indigenous peoples organizing like San groups do, they also claim themselves as the indigenous inhabitants of the area. Their claim is based on lived histories, of familial and commercial ties, of centuries of life-building.³⁵⁵ Some explicitly connect Palestinian self-

³⁵² SADC report, 3.

³⁵³ Maria Sapignoli, "'Bushmen' in the Law: Evidence and Identity in Botswana's High Court," *PoLAR: Political and Legal Anthropology Review* 40, no. 2 (November 2017): 217.

³⁵⁴ Kendrick and Kidd, "Mapping everyday practices," in *The Politics of Indigeneity: Dialogues and Reflections on Indigenous Activism*, 96.

³⁵⁵ Diana Allan, *Refugees of the Revolution: Experiences of Palestinian Exile* (Redwood City, United States: Stanford University Press, 2013).

determination to international indigenous struggles, as indicated by BDS founder Omar Barghouti's interview in J. Kehaulani Kauanui 2018 edited volume *Speaking of Indigenous Politics* and Steven Salaita's 2016 monograph *Inter/Nationalism: Decolonizing Native America and Palestine*.³⁵⁶ Barghouti concluded his interview by emphasizing the importance of showing "solidarity among ourselves from the Indigenous peoples of North America to the Palestinians to people fighting for justice and for ending oppression everywhere in the world."³⁵⁷ These solidarities emerge from international organizing against settler-colonialism, which are themselves part of earlier transnational solidarity campaigns, as well as the recognition of material connections between contemporary Israeli and United States governments.³⁵⁸ Indeed, the application of settler-colonial framework to Israel is by now relatively common. It usefully brings the Israeli states' 1948 ethnic cleansing into broader context and grounds its contemporary actions historically. Here, there is a conflict not only over who is indigenous - in a temporal sense, who was there first - but also a conflict over who can be a settler. Jewish claims to indigeneity in Palestine, as well as Christian and Muslim attachments to holy areas, counter their portrayal as settlers on the land. This claim makes itself true through legislation, including the Israeli Law of Return, which grants automatic citizenship to Jewish immigrants and is founded on a claim of native-ness.³⁵⁹

³⁵⁶J. Kehaulani Kauanui and Robert Warrior, *Speaking of Indigenous Politics: Conversations with Activists, Scholars, and Tribal Leaders* (Minneapolis, United States: University of Minnesota Press, 2018); Steven Salaita, *Inter/Nationalism: Decolonizing Native America and Palestine* (University of Minnesota Press, 2016).

³⁵⁷J. Kehaulani Kauanui and Omar Barghouti, "Omar Barghouti on the Ethics of Boycott, Divest, Sanctions," in *Speaking of Indigenous Politics: Conversations with Activists, Scholars, and Tribal Leaders* eds. J. Kehaulani Kauanui and Robert Warrior (Minneapolis, United States: University of Minnesota Press, 2018), 20.

³⁵⁸ Keith P. Feldman, *A Shadow over Palestine: The Imperial Life of Race in America* (University of Minnesota Press), accessed June 25, 2021.

³⁵⁹ "The Law of Return," <https://www.knesset.gov.il/laws/special/eng/return.htm>.

Palestinian author and activist Ghassan Kanafi's short story "A Return to Haifa" captures the overlapping dispossessions of Israeli settler-colonialism.³⁶⁰ The story is focused on a Palestinian couple named Said and Safiyya, who are forced to flee their home in Haifa during the 1948 nakba. In the confusion, their young son Khaldun is left behind. This haunts them for the next twenty years, until the 1967 war, when the borders between what was then-Jordan (where they were living) and Israel are pushed back. They decide to return to their house in Haifa, to see what happened to it and around it. They are greeted by a Polish-Jewish Holocaust survivor and widower, who was given their home after she immigrated to Israel in the late 1940s. She found their son and took him in as her own, naming him Dov and raising him to be Israeli-Jewish. When Said and Safiyya meet him, they discover he has enlisted in the IDF and could encounter their other son (his brother) in combat, who had joined an armed Palestinian group.

Contemporary Tswana and Zionist rulers both have their own histories of brutalization. Jews in Eastern Europe (as well as, with some divergences, Jews in the Middle East) and Tswana people in Southern Africa were both implicated in larger imperial struggles from the early 19th onwards, struggles which contributed to their mutual desires for movement and the promise of safety in other territories. While regional movement and out-group incorporation were relatively typical for Tswana groups, the pressures of Dutch and British settler-colonial projects in and around their lands forced different movement and settlement patterns, in an immediate context of heightened competition for land and resources. Indeed, the colonial context of Tswana 'settlement' relative to San people and other hunter-gatherer groups cannot be understated. Likewise, the rapid growth of the Zionist movement in the early twentieth-century is inherently

³⁶⁰ For a deeper analysis of the story and its place in Palestinian literature, see: Bashir Abu-Manneh, ed., "Ghassan Kanafani's Revolutionary Ethics," in *The Palestinian Novel: From 1948 to the Present* (Cambridge: Cambridge University Press, 2016), 71–95.

linked to both Germany's imperial aspirations and, to a certain extent, experiences of pogroms, discrimination, and alienation in the Russian empire.

But the fact remains that the political narratives of the Holocaust and postcolonial African autonomy are wielded, or can be wielded, in violent ways. To note that the powerful have their own fragile pasts does not foreclose the violences they inflict in the present. Moreover, sufferings created by displacement are not analogous; they are bound not by material commonalities but by the shared wrongness of their condition. In order to relate the endless tide of dispossessions in human history, Walter Benjamin's 'messianic secularism' of the oppressed is often invoked: Judith Butler, for example, writes of the redemptive Messiah as "a memory of suffering from another time that interrupts and reorients the politics of this time."³⁶¹ But in both Palestine and Botswana, the suffering of the past is intermixed with that of the present. The politics of this time are themselves oriented by structures from the past - in both cases, the empire that forged them. Commissions of inquiry were one among multiple and varied techniques in this process. The Tagart, SADC and Peel commissions suggest that the problems of the 'postcolonial' - in both Palestine and Botswana, contestations about land and rights upon it - are refractions of the imperial.

³⁶¹ Judith Butler, "Is Judaism Zionism?," in *The Power of Religion in the Public Sphere*, ed. Jonathan VanAntwerpen, Eduardo Mendieta, and Judith Butler, A Columbia/SSRC Book (New York: Columbia University Press, 2011), 83.

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