

## **Labor Control, Resistance, and the Advent of 'Development': Modalities of Governance in the British Empire, c. 1926-1940**

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### **Abstract**

This article examines the manner in which a new approach to governance, that of 'development,' evolved within the British Empire over the course of the late 1920s and 1930s. Throughout the period in question, and in continuity with previous periods, the British governed their empire through a range of coercive measures designed to control the population and compel their labor. Measures adopted and frequently relied upon included the delegation of police powers to private authorities, restrictive and extractive tax, movement and labor laws, recourse to forced labor, increasing reliance on militarized police, and growth in the intelligence services. Over the course of the 1930s protests broke out in numerous territories, both in opposition to British governance as a whole and in support of better conditions of work. These protests were threatening both in their own right and insofar as they made the empire susceptible to criticism by other great powers. In response, British colonial authorities adopted a new policy approach, under the heading of 'development.' While this new approach was in part sincerely motivated, the vision of 'development' adopted was also profoundly limited.

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## Table of Contents

|  |     |
|--|-----|
| INTRODUCTION.....  | 94  |
| I. ASPECTS OF LABOR CONTROL.....   | 102 |
| A. PUBLIC-PRIVATE SECURITY COOPERATION.....  | 103 |
| B. WORK AND MOVEMENT REGULATION.....   | 106 |
| C. FORCED LABOR.....   | 112 |
| II. SECURITY INSTITUTIONS.....   | 115 |
| A. MILITARIZED POLICING.....   | 115 |
| B. INTELLIGENCE GATHERING AND PROPOGANDA.....  | 120 |
| III. THE SUPPRESSIONS OF UNREST.....   | 124 |
| A. 1930: NIGERIA, INDIA, & SOUTH AFRICA.....   | 126 |
| B. 1931: CYPRUS.....   | 127 |
| C. 1932: BRITAIN & BENGAL.....   | 128 |
| D. 1934-35: TRINIDAD, BRITISH HONDURAS, ST. KITTS, ST. VINCENT, ST.<br>LUCIA, BRITISH GUIANA, & NORTHERN RHODESIA..... | 132 |
| E. 1936: PALESTINE.....  | 135 |
| F. 1937: TRINIDAD & BARBADOS.....  | 139 |
| G. 1938-39: JAMAICA, BRITISH GUIANA, MAURITIUS, MOMBASA, &<br>TANGANYIKA.....  | 143 |
| IV. THE RISE OF 'DEVELOPMENT'.....   | 147 |
| V. CONCLUSION.....   | 155 |

### INTRODUCTION

*"Throughout the book the reader will come across every conceivable crime which we are wont to associate with imperialism, but none perhaps more revolting than the ruthless and shameful methods white settlers have adopted in robbing the Natives of their best lands and then forcing them through various devices . . . to go and work for them."*

George Padmore, *How Britain Rules Africa* (1936)<sup>1</sup>

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1. GEORGE PADMORE, *HOW BRITAIN RULES AFRICA* 2-3 (1969).

*"The voters in this small democratic island have many large responsibilities, but they have none that is greater than their charge of the government of Colonial peoples . . . [T]he Bill which we are discussing this afternoon breaks new ground. It establishes the duty of taxpayers in this country to contribute directly and for its own sake towards the development in the widest sense of the word of the colonial peoples for whose good government the taxpayers of this country are ultimately responsible."*

Malcolm MacDonald, Minister of Health, Parliamentary Debates on the Colonial Development and Welfare Bill (May 21, 1940)<sup>2</sup>

*I welcome this bill for several reasons. First, because it gives us another opportunity of refuting the accusations of our enemies that we won the Empire by rape and that we play the part of the dog-in-the-manger . . . [L]et us not forget that, though we have our duties to the natives, it is the white settlers and administrators who have invariably been responsible for such improvements and progress as have been made . . . We must do all we can to help the native races, but we must not forget our own settlers and pioneers. The first duty of a Government is to govern; be kind, be wise, be firm, but be just. Unbounded liberty develops into licence and even anarchy.*

Major Sir Jocelyn Lucas, Parliamentary Debates on the Colonial Development and Welfare Bill (May 21, 1940)<sup>3</sup>

*"Our enemies have frequently sought to suggest that we have gone into Colonies and acquired territory entirely for commercial and financial reasons. But this Schedule is the answer . . . We must remember that we have taken away from the inhabitants the fear of slavery, we have taken away the fear of tribal wars, and we have taken away the fear of starvation. We are gradually by education removing the superstitious fear of the unknown, and we are gradually reducing the disease which prevails in all these countries. We are slowly building the steps leading from barbarism to civilization."*

Colonel Ponsonby, Parliamentary Debates on the Colonial

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2. HC Deb (21 May, 1940) (361) cols. 43–45.

3. *Id.* at 51–53.

Development and Welfare Bill (May 21, 1940)<sup>4</sup>

*"I would also recall to the House that there has been a lot of trouble in parts of the Colonial Empire. We have had inquiries into those troubles. There was the trouble in Trinidad. It was quite obvious that in the administration of the Colonial Empire there was a lack of sympathy for the development of working class organisation among the people . . . Recently, because of these revolts, the Government have been appealed to take action, and the attempt is being made to develop labour organisation, but labour organisation under careful rules, so that it will not really be a dangerous organisation and threaten British interests in the Colonies."*

Mr. Stephen, Parliamentary Debates on the Colonial Development and Welfare Bill (May 21, 1940)<sup>5</sup>

This article explores the evolution of a new form of governance within the British empire over the course of the late 1920s and 1930s: that of 'development.' From the turn of the twentieth century on, leftist and nationalist forces grew in strength around the world, leading authorities to respond with a wide range of repressive measures, measures which expanded in force and scope during the First World War.<sup>6</sup> From 1919 through 1926, major protests took place around the world, with millions going on strike in India, the United States, Hong Kong and Britain. The defeat of the general strike in Britain in 1926 marked the end of the first wave of post-war strikes, against which the repressive measures developed and employed had proven effective.<sup>7</sup> To a lesser extent following the outbreak of the Great Depression in 1929, and to a greater extent as economic circumstances began to improve in the mid-1930s, resistance to empire as well as mass mobilization aimed at better life and work conditions gained force. British colonial authorities responded with a range of measures, including both coercive and co-optive policies, through which they attempted to ensure law, order and economic productivity, and to hold on to the empire.

On the coercive side, developments of the period represented a

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4. *Id.* at 73.

5. *Id.* at 93-94.

6. See Christopher Roberts, *The Age of Emergency*, 20 WASH. U. GLOB. STUD. L. REV. 99 (2021).

7. See Christopher Roberts, *The Global Red Scare and the Anti-Worker Repressive Model*, 5 CARDOZO J. INT'L & COMP. L. 415 (2022).

continuation, a refinement, and often an expansion in techniques that had been developed over preceding decades. Understanding the nature of the system of public order governance that had developed by the period requires attention to a number of factors. First, it is important to devote attention to the manner in which everyday legality was constructed, including in relation to labor in particular, one of the most central and significant sites of legal and disciplinary attention and concern throughout the period. The first part of this article focuses on three different aspects of labor control in the period: the close cooperation often seen between public security forces and private interests;<sup>8</sup> the range of restrictive laws utilized to control labor on an everyday basis;<sup>9</sup> and the authorities' frequent reliance on 'forced labor,' as it came to be known in the terminology that rose to prominence between the world wars.<sup>10</sup>

The authorities' ability to exert control, whether in the above, everyday contexts of labor compulsion and extraction, or in the context of more exceptional moments of unrest and resistance, was underpinned by two institutions above all: militarized police and intelligence services. Militarized policing took many forms, including expansions in the number of police, an enhancement in their armaments, the development and deployment of motorized units, 'special night squads' and the like oriented towards conducting terror campaigns, frequent support to the police from the military, and 'aerial policing'—the indiscriminate bombing of civilians.<sup>11</sup> Intelligence

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8. See generally Martin Thomas, *VIOLENCE AND COLONIAL ORDER: POLICE, WORKERS AND PROTEST IN THE EUROPEAN COLONIAL EMPIRES, 1918 - 1940* (2012); TIJL VANNESTE, *BLOOD, SWEAT AND EARTH: THE STRUGGLE FOR CONTROL OVER THE WORLD'S DIAMONDS THROUGHOUT HISTORY* (2021).

9. See PADMORE, *supra* note 1; MARTIN CHANOCK, *THE MAKING OF SOUTH AFRICAN LEGAL CULTURE, 1902-1936* (2001); MASTERS, SERVANTS, AND MAGISTRATES IN BRITAIN AND THE EMPIRE, 1562-1955 (Douglas Hay & Paul Craven eds., 2004).

10. See PADMORE, *HOW BRITAIN RULES AFRICA*; B. J. Berman & J. M. Lonsdale, *Crises of Accumulation, Coercion and the Colonial State: The Development of the Labor Control System in Kenya*, 14 CAN. J. AFR. STUD. 55 (1980); Kwabebasna O. Akurang-Parry, "The Loads Are Heavier than Usual": *Forced Labor by Women and Children in the Central Province, Gold Coast (Colonial Ghana), ca. 1900-1940*, 30 AFRICAN ECON. HIST. 31 (2002); Ibrahim Sundiata, *BROTHERS AND STRANGERS: BLACK ZION, BLACK SLAVERY, 1914-1940* (2003); Opolot Okia, *COMMUNAL LABOR IN COLONIAL KENYA: THE LEGITIMIZATION OF COERCION, 1912-1930* 19 (2012); Babacar Fall & Richard Roberts, *Forced Labour, in GENERAL LABOUR HISTORY OF AFRICA: WORKERS, EMPLOYERS AND GOVERNMENTS, 20<sup>TH</sup>-21<sup>ST</sup> CENTURIES* (Stefano Belluci & Andreas Eckert eds., 2019).

11. For more, see *POLICING AND DECOLONISATION: POLITICS, NATIONALISM AND THE POLICE, 1917-65* (David Anderson & David Killingray eds., 1992); John Willis, *Colonial Policing in Aden, 1937-1967*, 5 J. ARAB STUD. 57 (1997); Gyanesh Kudaisya, "In aid of civil power": *The colonial army in Northern India, c. 1919-42*, 32 J. IMPERIAL & COMMONWEALTH HIST. 41 (2004); Gad Kroizer, *From Dowbiggin to Tegart: Revolutionary Change in the Colonial Police in Palestine during the 1930s*, 32 J.

services, meanwhile, while initially developed before the First World War, were dramatically expanded during the course of the war, and even further relied upon in its aftermath, for the same purposes for which they were utilized over the preceding decades—the surveillance and control of leftist and anti-colonial movements.<sup>12</sup> State reliance upon and developments in both institutions in the period are considered in part two.

The legal measures, approaches and institutions discussed in the first two parts of the article represented in varying measures forms of continuity with previous periods, that is to say, time-tested techniques of societal governance and control that had long served to discipline populations at large, for the purpose of labor and value extraction. Reliance on these tools came under strain in the period in question, however, as strikes, protests and other forms of resistance broke out across a number of different British colonial territories. This resistance was internally multi-faceted, combining, often inseparably, labor-based as well as broader nationalist concerns. The third part of the article explores major moments of resistance that took place in the period, including movements more readily classifiable as anti-colonial struggles, movements more readily classifiable as labor struggles, and those that combined some measure of each of the above. Section three explores significant moments of unrest, resistance and struggle that took place in Nigeria, India and South Africa in 1930; Cyprus in 1931; Britain and Bengal in 1932; Trinidad, British Honduras, St. Kitts, St. Vincent, St. Lucia, British Guiana and Northern Rhodesia in 1934-5; Palestine in 1936; Trinidad and Barbados in 1937; and Jamaica, British Guiana, Mauritius, Mombasa and Tanganyika in 1938-9.<sup>13</sup> As

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IMPERIAL & COMMONWEALTH HIST. 115 (2004); TAYLOR SHERMAN, STATE VIOLENCE AND PUNISHMENT IN INDIA (2010); THOMAS, VIOLENCE AND COLONIAL ORDER; LALEH KHALILI, TIME IN THE SHADOWS: CONFINEMENT IN COUNTERINSURGENCIES (2013); Priya Satia, *Drones: A History from the British Middle East*, 5 HUMANITY: INT'L J. HUM. RTS., HUMANITARIANISM & DEV'T 1 (2014).

12. For more, see BERNARD PORTER, PLOTS AND PARANOIA: A HISTORY OF POLITICAL ESPIONAGE IN BRITAIN 1790-1988 (1989); REGIN SCHMIDT, RED SCARE: FBI AND THE ORIGINS OF ANTICOMMUNISM IN THE UNITED STATES, 1919 - 1943 (2000); Kroizer, *From Dowbiggin to Tegart: Revolutionary Change in the Colonial Police in Palestine during the 1930s*, 32 J. IMPERIAL & COMMONWEALTH HIST. 115 (2004); MARTIN THOMAS, EMPIRES OF INTELLIGENCE: SECURITY SERVICES AND COLONIAL DISORDER AFTER 1914 (2007); Daniel Bruckenhaus, POLICING TRANSNATIONAL PROTEST: LIBERAL IMPERIALISM AND THE SURVEILLANCE OF ANTI-IMPERIALISTS IN EUROPE, 1905 - 1945 (2017); Christopher Roberts, *Forging the National Security State: Public Order Legality in Britain, 1900-1918*, (forthcoming in UNBOUND: HARV. J. LEGAL LEFT).

13. For more, see PADMORE, *supra* note 1; THOMAS, *supra* note 8; SHERMAN, *supra* note 11; ISSA G. SHIVJI, LAW, STATE AND THE WORKING CLASS IN TANZANIA, c. 1920-1964 (1986); O. NIGEL BOLLAND, ON THE MARCH: LABOUR REBELLIONS IN THE BRITISH CARIBBEAN, 1934-39 (1995); K.D. EWING & C.A. GEARTY, THE STRUGGLE FOR CIVIL LIBERTIES:

the geographical diversity of unrest suggests, while location-specific factors played into every instance of struggle, structural features of colonial rule were at play as well.

The response of the authorities to these developments was often sharply repressive. Traditional forms of repression were not the only measures adopted, however. Rather, the unrest of the period also pushed the authorities to develop and elevate a new method of colonial governance—investing in the colonies in the name of 'development.' The fourth and final part of the article considers the rise of this new rhetorical/substantive approach to legitimating empire.<sup>14</sup> The turn to development should not be seen as a negative development, encompassing as it did the adoption of comparatively progressive policy positions in relation to a range of issues. At the same time, it is essential to recognize the manner in which 'development' was adopted, the imperial and commercial interests in support of the adoption of such a policy, the absence of substantive alteration of many of the more restrictive approaches canvased above, and the (therefore unsurprising) limitations to the development frame as such. While tracking further evolutions in the idea of 'development' that took place following the Second World War and in the post-colonial period is beyond the capacity of this article, the suggestion herein is that the concept has never been able to escape the problematics that attended its birth. Recognizing the context in which this new policy was formulated and rolled out, as well as the limitations in the vision advanced, is therefore of vital importance, not

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POLITICAL FREEDOM AND THE RULE OF LAW IN BRITAIN 1914–1945 (2000); MARY CHAMBERLAIN, *EMPIRE AND NATION-BUILDING IN THE CARIBBEAN: BARBADOS, 1937–66* (2010); SPYROS SAKELLARPOULOS, *THE EVOLUTION OF THE POLITICAL, SOCIAL AND ECONOMIC LIFE OF CYPRUS, 1191–1950* (2022); Frederick Cooper, *Port labour in a colonial city: Mombasa, 1850–1965*, in 1 DOCK WORKERS: INTERNATIONAL EXPLORATIONS IN COMPARATIVE LABOUR HISTORY, 1790–1970 (Sam Davies et al. eds., 2000); William Kelleher Storey, *Small-Scale Sugar Cane Farmers and Biotechnology in Mauritius: The "Uba" Riots of 1937*, 69 AGRIC. HIST. 163 (1995); Sifiso Mxolisi Ndlovu, *Johannes Nkosi and the Communist Party of South Africa: Images of "Blood River" and King Dingane in the Late 1920s–1930*, 39 HIST. & THEORY 111, 119 (2000); Michael Silvestri, "The Sinn Fein of India": *Irish Nationalism and the Policing of Revolutionary Terrorism in Bengal*, 39 J. BRIT. STUD. 454 (2000); Matthew Hughes, *The Banality of Brutality: British Armed Forces and the Repression of the Arab Revolt in Palestine, 1936–39*, 124 ENG. HIST. REV. 313 (2009).

14. For more, see PARTHA SARATHI GUPTA, *IMPERIALISM AND THE BRITISH LABOUR MOVEMENT, 1914–1964* (1975); Howard Johnson, *The West Indies and the Conversion of the British Official Classes to the Development Idea*, 15 J. COMMONWEALTH & COMPAR. POL. 55 (1977); D.J. MORGAN, *THE OFFICIAL HISTORY OF COLONIAL DEVELOPMENT, VOLUME ONE: THE ORIGINS OF BRITISH AID POLICY 1924–1945* (1980); BOLLAND, *supra* note 12; MICHAEL HAVINDEN & DAVID MEREDITH, *COLONIALISM AND DEVELOPMENT: BRITAIN AND ITS TROPICAL COLONIES* (1993); FREDERICK COOPER, *DECOLONIZATION AND AFRICAN SOCIETY: THE LABOR QUESTION IN FRENCH AND BRITISH AFRICA* (1996).

only due to the manner in which they constrained the possibility for more progressive developments at the time, but also due to the manner in which they have exerted a restricting influence that continues to be felt to the present day.

The article that follows considers the preexisting and ongoing repressive modalities of governance in the 1930s British Empire, the resistance the authorities met, and their turn to 'development' as a response. It would be helpful if these aspects could be considered through the lens of a comprehensive theory of 'colonial governance' or the like. Unfortunately, a comprehensive, compelling, concretely informed theory of colonial governance has yet to be developed. Various thinkers have provided ideas and concepts which help to illuminate various aspects of that problem and context, however. Marx's emphasis on the 'primitive accumulation' that took place in the colonial context is clearly relevant, providing a rationale and an evocative description of many of the approaches to labor and value extraction that were endemic to colonial governance.<sup>15</sup> Marx's theory of mystification and Gramsci's theory of hegemony help to explain why development became necessary as a concept, and the function the idea served relative to various audiences<sup>16</sup> Foucault's concept of 'governmentality' is generally helpful, as is Foucault's oeuvre more broadly, highlighting as it does the manner in which various aspects of social governance that might otherwise seem disparate are interconnected.<sup>17</sup> On the colonial state of affairs in particular, Padmore's work, with a quote from which this article begins, is very closely aligned in substance and intent with the present analysis—which is also to say, focused primarily on empirical detail.<sup>18</sup> Fanon of course has written some of the most influential texts on the colonial condition; while highly valuable, Fanon's emphasis on the psychological effects of colonialism limits the insights his work offers into the institutional and legal mechanisms of colonial governance.<sup>19</sup>

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15. See KARL MARX, 1 CAPITAL (Fredrick Engels ed., Samuel Moore & Edward Aveling trans., PROGRESS PUBLISHERS 1965) (1867).

16. See *id.*; ANTONIO GRAMSCI, LETTERS FROM PRISON (Frank Rosengarten ed., Raymond Rosenthal trans., COLUMBIA UNIV. PRESS 1994) (1947).

17. See MICHEL FOUCAULT, DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON (Alan Sheridan trans., RANDOM HOUSE 1977) (1975); MICHEL FOUCAULT, SECURITY, TERRITORY, POPULATION (Michael Senellart ed., Graham Burchell trans., PALGRAVE MACMILLAN 1978); MICHEL FOUCAULT, THE BIRTH OF BIOPOLITICS (Michael Senellart ed., Graham Burchell trans., PALGRAVE MACMILLAN 2008) (1979). For more on 'governmentality,' see Nikolas Rose et al., *Governmentality*, 2 ANN. REV. SOC. SCI. 83 (2006); Ulrich Bröckling et al., *GOVERNMENTALITY: CURRENT ISSUES AND FUTURE CHALLENGES* (ROUTLEDGE 2011).

18. See PADMORE, *supra* note 1.

19. See FRANTZ FANON, THE WRETCHED OF THE EARTH (Constance Farrington trans.,



More recently, police theorists like Mark Neocleous have helped to make clear the preeminence of the 'preventive' and 'public order' over the crime-fighting functions of the police<sup>20</sup>—a preeminence that applies even more starkly in the colonial context, as Martin Thomas's work has made clear.<sup>21</sup> Laleh Khalili's *Time in the Shadows* provides a landmark analysis of the development of counterinsurgency doctrine in the colonial context, and the ongoing implications of that policy in the present day, which helps illuminate one aspect of the approach to governance surveyed here.<sup>22</sup> Finally, Katerina Pistor's *Code of Capital* provides a compelling description of one of law's functions, moreover—its function of 'encoding' and thereby protecting capital.<sup>23</sup> While this article is concerned with a different function of law—its coercive, rather than its protective function—Pistor's work is nonetheless useful as a parallel model, which underscores the crucial role of law within the construction of capitalist governance more broadly.

The analysis in this article is informed by all of the above insights. While the theoretical insights embedded in and advanced by the work of such thinkers help enable the following analysis, none of the above works has developed a comprehensive, grounded theory of the public order aspects of capitalist governance in general, nor of the public order aspects of 'colonial governance' in particular. The article that follows primarily proceeds through an empirical investigation, therefore, both due to the fact that a comprehensive theory of colonial governance has not yet been developed, and because the details of the structures and modalities through which that governance was applied in practice have not yet been sufficiently explored, or at the very least, are not sufficiently well-known. While, like much of the relevant literature, the analysis offered here largely eschews theorizing, the aim is not to suggest such theorizing is irrelevant. Rather, in addition to the more targeted implications it aims to suggest relative to the idea of 'development,' this article aims to contribute in its own small way to the mapping of modalities of colonialism in practice, from which a more comprehensive theory of colonial governance may, in time, emerge.

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GROVE PRESS 1963) (1961).

20. See, e.g., MARK NEOCLEOUS, *THE FABRICATION OF SOCIAL ORDER: A CRITICAL THEORY OF POLICE POWER* (2000). See also MICOL SIEGEL, *VIOLENCE WORK: STATE POWER AND THE LIMITS OF POLICE* (2018).

21. See THOMAS, *supra* note 8.

22. See KHALILI, *supra* note 11.

23. See KATHARINA PISTOR, *THE CODE OF CAPITAL: HOW THE LAW CREATES WEALTH AND INEQUALITY* (2019).

## I. ASPECTS OF LABOR CONTROL

By the late 1920s and 1930s British imperialism was well-established. Over the preceding centuries, colonial authorities developed close connections to major business operations.<sup>24</sup> These connections took many forms, including the representation of business interests on legislative councils and the reliance of authorities on the revenues business interests generated, as well as a range of more informal interrelationships.<sup>25</sup> The power imbalance, particularly in the financial realm, was in fact often weighted in favor of business interests. As Thomas puts it,

While the major colonial banks drew on their capacity to invest or withdraw capital, the influence of the largest corporate exporters was often enhanced by monopoly rights over the extraction, distribution and sale of particular commodities. Planting consortia, mining companies and other businesses seeking exclusive commercial concessions were sometimes resented by colonial treasuries, whose resources could look poor by comparison.<sup>26</sup>

Despite such potential resentment, the authorities provided many forms of support designed to ensure colonial companies would be profitable. In the first place, the period saw the persistence and, in many instances, strengthening of the intermingling of public and private security forces, be it in the form of the deployment of police and other state agents to break strikes, or the tacit acceptance of an exception to the state's monopoly on the use of force relative to corporate control over vigilante and private security forces. In addition, colonial legal systems contained an extensive range of measures designed to support employers, to force the 'unemployed' into work, to enable the better control of workers and to diminish

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24. The precise nature of these relations has been much debated; for one prominent thesis, see P.J. Cain & A.G. Hopkins, *BRITISH IMPERIALISM: 1688–2015* (2016). THOMAS, *supra* note 8, at 4.

25. While centrally focused on processes of inter-racial criminal justice in the turn of the century period, Weiner's *An Empire on Trial* makes clear the extent to which outcomes in this context were contingent on the power of local business elites. MARTIN WEINER, *AN EMPIRE ON TRIAL: RACE, MURDER, AND JUSTICE UNDER BRITISH RULE, 1870-1935* (2009). Similarly, Elizabeth Kolsky's *Colonial Justice in British India* makes clear how closely interwoven local justice systems were with commercial interests. ELIZABETH KOLSKY, *COLONIAL JUSTICE IN BRITISH INDIA: WHITE VIOLENCE AND THE RULE OF LAW* (2010). THOMAS, *supra* note 8, at 4.

26. THOMAS, *supra* note 8, at 4.

their bargaining power in the workplace. *Inter alia*, these measures included harsh master and servant laws, often backed by corporal punishment, designed to keep workforces in line; controls over freedom of movement in large measure designed to ensure private labor needs; and forced labor requirements, which, while formally limited to labor serving 'public' ends, often served to promote commercial interests in practice.

#### A. PUBLIC-PRIVATE SECURITY COOPERATION

Throughout the inter-war period, state police and security forces often worked to directly support commercial ventures' interests, while private security forces were often strengthened by being imbued with quasi-public power. A significant model was set in the African context by De Beers, the South African mining corporation that controlled around 90% of the world's diamond production as of the turn of the twentieth century and remained the predominant global powerhouse in diamond mining and trade for most of the twentieth century.<sup>27</sup> Already by the 1880s, the company had developed an intense system of control over its workers, who were systematically searched, as documented by a photo series produced in South Africa at the time.<sup>28</sup> De Beers also operated a system of closed, prison-like compounds for workers, a system modeled on that previously employed for slave labor on the diamond mines in Brazil, and which formed a model for the concentration camps established during the Boer War, a few years later, in turn.<sup>29</sup> Corporal punishment was frequently utilized.<sup>30</sup> De Beers began relying on supplementary convict labor in the 1880s as well, a labor force that was seen as particularly appealing insofar as, should convicts attempt to engage in "theft or escape," they could simply "be shot."<sup>31</sup> In the 1900s, the same model was employed in Rhodesian mines as well.<sup>32</sup> By the 1920s, worker control was further enhanced by the use of searchlights on the pits overnight and the erection of barbed wire fences.<sup>33</sup>

The proximity between the state and commercial interests is also

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27. See VANNESTE, *supra* note 8, at 9, 187; GODEHARD LENZEN, *THE HISTORY OF DIAMOND PRODUCTION AND THE DIAMOND TRADE* 158 (1970).

28. See Marcia Pointon, *De Beer's Diamond Mine in the 1880s: Robert Harris and the Kimberley Searching System*, 42 *HIST. PHOTOGRAPHY* 4 (2018).

29. See VANNESTE, *supra* note 8, at 173-4.

30. See *id.* at 185-6.

31. *Id.* at 182.

32. See *id.* at 186.

33. See *id.*

well-illustrated by the example of Sierra Leone. When strikes against poor working conditions, famine and monopoly-like control over the local food trade by Lebanese merchants broke out in the 1920s, Elder Dempster—a British trading consortium with interests in shipping, railways, fuel, palm oil, cotton and banking across West Africa—was a primary target.<sup>34</sup> With Dempster's urging, the government suppressed the strikes.<sup>35</sup> Following a 1926 strike, the government outlawed the Railway Skilled Artisans' Union, once again following the urging of Dempster in particular.<sup>36</sup>

Dempster's influence only grew as the period went on, not least due to the formation by British trading and shipping companies, including Dempster, of 'chambers of commerce' in the early 1920s. The new chambers of commerce were subsequently able to induce the authorities to change policy in their favor, including by reducing their tax obligations.<sup>37</sup> Among other things, these policy changes were facilitated by the "lavish entertainment" provided for West African colonial governors and other high officials in Dempster hotels in the Canary Islands.<sup>38</sup> On the ground in Sierra Leone, meanwhile, Dempster remained at the forefront of fighting unionization efforts, refusing to employ unionized workers and inciting communal tensions in support of a divide and rule policy.<sup>39</sup>

The close cooperation between the public and private sectors could be seen in the relationship between the colonial government and other business interests in Sierra Leone as well. Two companies were awarded concessions over recently discovered diamond fields in the early 1930s—the Sierra Leone Development Company ('DELCO'), and the Sierra Leone Selection Trust ('SLST') (an offshoot of the Consolidated African Selection Trust ('CAST')).<sup>40</sup> The interweaving of public and private authority was testified to, in the first place, by the fact that the companies were able to rely on public police forces when needed to ensure control over their workers. The overlapping of public and private authority went further still, however. By "exaggerating the problem of illicit trading and the inadequacy of existing police resources"—and by offering substantial

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34. See THOMAS, *supra* note 8, at 261.

35. See *id.*

36. See *id.*

37. See Marika Sherwood, *Elder Dempster and West Africa 1891–c.1940: The Genesis of Underdevelopment?*, 30 INT'L J. AFR. HIST. STUD. 253, 270 (1997).

38. See *id.*

39. See *id.* at 266, citing A.T. Nzula et al., FORCED LABOUR IN COLONIAL AFRICA (Hugh Sherman, trans., Robin Cohen ed. 1979) (1933)).

40. THOMAS, *supra* note 8, at 262.

financial support—SLST convinced the authorities to create a ‘Mines Protection Force.’<sup>41</sup> The force was utilized to ensure various company policies, which had been adopted in emulation of the model set by De Beers operations in South Africa and Angola, were complied with on Sierra Leone’s diamond mines.<sup>42</sup> Relevant policies adopted by SLST included: the finger-printing of miners; the confinement of mineworkers to company premises; refusal to inform workers in advance of rest days or end-of-work dates; careful monitoring of entries and exits to mining areas; and close surveillance and daily searches of workers by trusted white employees, including regular full-body searches when workers ended their shifts.<sup>43</sup> To ensure they would face no problems, moreover, SLST convinced the authorities to amend the 1927 Minerals Ordinance to support such practices.<sup>44</sup> Before long, the primary occupants of Sierra Leone’s prisons were “mine-workers, traders and other intermediaries arrested by mines protection personnel.”<sup>45</sup> As Thomas puts it,

The political implications of the force’s creation were crystal clear even if the financial and working arrangements of the mines protection force were unusual. The largest, best equipped and [most] generously funded element of the Sierra Leone police was suborned to a private company, serving its interests to the exclusion of other duties. Nervous Colonial Office clerks did their best to gloss over these arrangements, insisting that, while the new force was in the pay of CAST, it was legally responsible to the Governor in Freetown, to whom the force commander would submit periodic reports. But there was no disguising the real situation.<sup>46</sup>

Across the border in Liberia, state and private power were similarly closely aligned. Liberia was not a British colony but rather an independent nation, albeit one very much in the American sphere of influence, and is hence not directly relevant to the British Empire story. The similarities in governance in Liberia in the period, nonetheless, help underscore the ubiquity with which public and private powers were intermingled in the period. As Harp observes, “[f]rom the late 1920s and into the 1950s ... Firestone essentially

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41. *Id.* at 265.

42. *See id.* at 267–8.

43. *See id.*

44. *See id.* at 268.

45. For more, *see id.* at 269.

46. *Id.* at 268.

controlled Liberia.”<sup>47</sup> In 1935, for instance, among other concessions, Firestone gained the ability to operate its own radio communications system as well as its own airfields.<sup>48</sup> The situation, in fact, was not very different in the United States, where the Pinkerton, Burns and Thiel companies were heavily employed spy, break strikes and act as agents provocateurs, in addition to the extensive paramilitary forces maintained by companies directly.<sup>49</sup>

The corporate victory in the British colonial context was not merely won by force of law and arms, moreover; rather, commercial interests also won the war of framing, by depicting labor activists as “prejudicial to productivity [and] a menace to crops, livestock or commercial property,” with the result that labor unrest was treated “as the equivalent of political disorder, particularly if” the employers against whom the unrest was directed “happened to be European.”<sup>50</sup> As Killingray aptly sums up, this resulted in the creation of “police forces [that] were primarily concerned with internal security rather than the prevention of crime and the apprehension of criminals.”<sup>51</sup> While, from time to time, a desire was expressed “to move from a coercive system to one that was consensual,” little came of such suggestions.<sup>52</sup>

## B. WORK AND MOVEMENT REGULATION

Throughout the interwar period, substantial legislative activity was devoted to an assortment of measures designed to ensure the general population would be forced into the labor market, that their labor would be tightly controlled while they were working, and that their ability to bargain for greater returns would be minimized.<sup>53</sup>

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47. STEPHEN HARP, *A WORLD HISTORY OF RUBBER: EMPIRE, INDUSTRY, AND THE EVERYDAY* 98 (2012).

48. See SUNDIATA, *supra* note 10, at 196.

49. For more, see generally Melvyn Dubofsky & Joseph McCartin, *LABOR IN AMERICA: A HISTORY* Chapters 15–16 (1990); Robin D.G. Kelley, *HAMMER AND HOE: ALABAMA COMMUNISTS DURING THE GREAT DEPRESSION* (1990); Stephen Norwood, *STRIKEBREAKING AND INTIMIDATION: MERCENARIES AND MASCULINITY IN TWENTIETH-CENTURY AMERICA 194-203* (2002); Sharon Smith, *SUBTERRANEAN FIRE: A HISTORY OF WORKING-CLASS RADICALISM IN THE UNITED STATES* 103–38 (2006).

50. THOMAS, *supra* note 8, at 74.

51. David Killingray, *Securing the British Empire: Policing and Colonial Order, 1920–1960*, in *POLICING OF POLITICS IN THE TWENTIETH CENTURY* 170, 172 (Mark Mazower ed., 1997).

52. See *id.*

53. See Daniel Roger Maul, *The International Labour Organization and the Struggle Against Forced Labour from 1919 to the Present*, 48 *LABOUR HIST.* 477 (2007);

Typical key components of these legal systems were taxation requirements, to force members of the general population into the formal economy; limits on freedom of movement, including through pass requirements; master and servant laws and related measures, which penalized workers for a wide range of minor deviations from model conduct; and vagrancy and vagrancy-type laws, which in many ways served as a backstop to and helped to reinforce all of the above measures.<sup>54</sup> All of the above were typically enforced not only through civil but also through penal sanctions, including, not infrequently, corporal punishment.<sup>55</sup> The nature and significance of these restrictions was recognized by George Padmore at the time, who observed for instance how in Southern Rhodesia “[a] rigid control is maintained over Native labourers by means of repressive laws, such as the Masters and Servants Act and the Pass system.”<sup>56</sup>

One prominent example was that set in South Africa. As was typically the case, the South African legal order was defined by a dense web of overlapping rules, imposed on the national, regional and local levels. The general parameters of that legal order can be grasped through attention to some of its most central components, however. The 1923 Natives (Urban Areas) Act<sup>57</sup> provided one important pillar within the broader regime of worker, and general population, controls applicable in the period. *Inter alia*, the act required that both the making and termination of contracts be registered;<sup>58</sup> linked contract status to the ability to enter certain areas;<sup>59</sup> required that African males obtain passes allowing them to stay and seek work when entering urban areas;<sup>60</sup> and allowed for periodic removal of non-white persons from such areas.<sup>61</sup> The act also allowed police officers who had “reason to believe or suspect” that a man was “habitually

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OKIA, *supra* note 10; Fall & Roberts, *supra* note 10, at 109.

54. See Fall & Roberts, *supra* note 10; see also PADMORE, *supra* note 1, at 49.

55. On the use of corporal punishment in the British colonial context through the period, see David Killingray *The “Rod of Empire”: The Debate over Corporal Punishment in the British African Colonial Forces, 1888–1946*, 35 J. AFR. HIST. 201 (1994).

56. PADMORE, *supra* note 1, at 37. See also *id.* at 67–70 (relative to Tanganyika); 80–83 (relative to Uganda); 112–14, 122–25 (relative to Kenya); 166–72, 177–82, 189–92 (relative to South Africa); 267–68 (relative to Gambia); 268–69 (relative to Sierra Leone).

57. South Africa Act No. 21 of 1923.

58. Martin Chanock, *South Africa, 1841–1924: Race, Contract, and Coercion*, in *MASTERS, SERVANTS, AND MAGISTRATES IN BRITAIN AND THE EMPIRE, 1662–1955*, 344–45 (Douglas Hay & Paul Craven eds., 2004).

59. *Id.*

60. *Id.*

61. *Id.* at 345.

unemployed [or had] no sufficient honest means of livelihood [or was] leading an idle, dissolute or disorderly life," or had criminal or liquor-law convictions, to arrest the person in question and to bring them in front of a magistrate or native commissioner to "give a good and satisfactory account of himself," failing which he might be judged "idle and disorderly" and either removed from the area in which he had been found or sent to work in a farm or work colony.<sup>62</sup> Should those powers prove insufficient, the act gave the Governor-General the power to further amend the laws pertaining to the control and movement of natives as he saw fit.<sup>63</sup>

Another particularly significant measure was passed in the form of the 1932 Native Services Contract Act.<sup>64</sup> The act complimented and further strengthened South Africa's pass law system, including by requiring that persons have passes indicating their release from the owner of the land on which they were domiciled in order to be allowed to move to an urban area,<sup>65</sup> by requiring women to obtain multiple passes in order to enter such areas,<sup>66</sup> and by giving those whose work had finished one to two weeks to find new employment or vacate the area.<sup>67</sup> A 1934 proclamation further strengthened the rules in place by comprehensively delineating the boundaries of pass areas throughout the whole country, authorizing the arrest of any person without a pass or in contradiction to the terms of their pass,<sup>68</sup> requiring passes for employment,<sup>69</sup> and stipulating that employers would retain passes for the duration of periods of service.<sup>70</sup>

The penal impact of such rules was illustrated by the fact that the number of persons annually convicted almost doubled in South Africa between the early 1910s and the 1930s, as did the percentage of Africans given prison sentences, though the number of whites similarly sentenced declined.<sup>71</sup> Tax laws, pass laws and master and servant laws were responsible for the majority of the increase.<sup>72</sup> In

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62. CHANOCK, *supra* note 9, at 420; *see* Chanock, *supra* note 58 at 344.

63. The courts meanwhile generally supported the government's wide powers in this area, finding detentions ordered under these rules beyond the power of judicial review. *See* CHANOCK, *supra* note 9, at 420-21.

64. South Africa Act No. 24 of 1932.

65. *See* Chanock, *supra* note 58, at 345.

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. *See* CHANOCK, *supra* note 9, at 423.

71. *See id.* at 116.

72. *See id.* at 62; *see also* C. von Onselen, *Crime and Total Institutions in the Making of Modern South Africa: The Life of 'Nongoloza' Mathebula 1867 - 1948*, 19



1930, for instance, more than two thirds of those convicted were convicted for tax, labor and pass law offences; only a small minority of the remainder, moreover, were convicted for common law criminal offences.<sup>73</sup>

Similar rules were in place elsewhere. In Tanganyika, a 1920 ordinance imposed a system of passes for Africans traveling between districts as well as penalties for breach of contract.<sup>74</sup> A Master and Native Servants Ordinance was passed in 1923,<sup>75</sup> complimented with a Destitute Persons Ordinance that allowed for the control of the unemployed poor.<sup>76</sup> The 1928 Registration of Domestic Servants Ordinance in Kenya,<sup>77</sup> meanwhile, which was modeled on Hong Kong legislation, enabled the deportation of those without satisfactory references to their home areas.<sup>78</sup> 1930 saw passage of a new prison ordinance, which helped enable an increase in Kenya's prison system over the subsequent decade.<sup>79</sup> The 1937 Resident Native Labourers Ordinance meanwhile,<sup>80</sup> which replaced a similar measure from 1925,<sup>81</sup> updated and further tightened rules granting the authorities the ability to control the residence, movement and work obligations of the population.<sup>82</sup> In Nigeria, the prisons in the period were consistently full of those sentenced under similar legal rules.<sup>83</sup>

Similar legal orders were reinforced elsewhere in the period too. In Malaysia, the state cooperated closely with business interests, including by helping them to "obtain and transport workers, to impose their pay scales and to police any dissent provoked by them."<sup>84</sup> As signs of impending conflict proliferated over the course of the

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HIST. WORKSHOP 62 (1985).

73. M.K. Banton, *The Colonial Office, 1820 – 1955: Constantly the Subject of Small Struggles*, in *MASTERS, SERVANTS, AND MAGISTRATES IN BRITAIN AND THE EMPIRE, 1562–1955* 251, 278 n.77 (Douglas Hay & Paul Craven eds., 2004).

74. *See id.* at 278.

75. *Id.* at 278 n.78.

76. *Id.* at 277–80.

77. Registration of Domestic Servants Ordinance, (1928) (Kenya).

78. *See* David M. Anderson, *Kenya, 1895–1939: Registration and Rough Justice*, in *MASTERS, SERVANTS, AND MAGISTRATES IN BRITAIN AND THE EMPIRE, 1562–1955* 498, 508–9 (Douglas Hay & Paul Craven eds., 2004).

79. *See* THOMAS, *supra* note 8, at 49.

80. Kenya Ordinance No. 30 of 1937.

81. Resident Native Labourer's Ordinance, No. 5 (1925), OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA No. 1049.

82. *See* Anderson, *supra* note 78, at 508.

83. For more, *see* BONNY IBHAWOH, *IMPERIALISM AND HUMAN RIGHTS: COLONIAL DISCOURSES OF RIGHTS AND LIBERTIES IN AFRICAN HISTORY* 79–81 (2007).

84. THOMAS, *supra* note 8, at 188.

1930s, the government tightened its control.<sup>85</sup> In Singapore, trade unions were not legalized until the very end of the 1930s, while a dockyard police force was created with an eye to ensuring that strikes wouldn't threaten the battleship dry docks.<sup>86</sup> In India in the late 1930s the Indian Tea Association, an organization representing British planters, was able to ensure passage of legislation within Assam and Bengal designed to ensure that labor unrest on plantations would be firmly dealt with.<sup>87</sup>

Those penalized under such laws did not face merely civil sanction, but rather were typically confronted by penal measures, including corporal punishment, which remained heavily relied upon in the empire, even though it had largely been phased out in the metropolitan context. As Killingray has observed,

To the late Victorian mind Africa was still a place of 'rude chaos', the people child-like and societies disorderly. In the engagement with the modern capitalist world, order was required; indeed it was necessary for Europeans, if they wished to make any impression upon the continent, to impose their notions of order. In a colonial setting, ideas of racial superiority and modern discipline were closely related; both had to be upheld and advanced not only by example and direction but also when necessary by curt correction. Raw African labour needed to be trained and disciplined, and the most effective and economic way was by physical persuasion. For caravan porters and carriers, whether they were organized by traders, missionaries, hunters, or the military, and later for farm and mine labour, "the whip that talks" was a common and constant form of discipline and coercion.<sup>88</sup>

The difference between contexts was further justified by the authorities on the grounds that while modern society in the metropole "functioned through the law sustained by police, prisons, fines and social sanctions," the absence of such institutions in Africa and elsewhere required blunter forms of punishment.<sup>89</sup> Such arguments were bolstered by a frequently drawn analogy between natives and

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85. *See id.* at 203.

86. *See id.* at 198.

87. *See id.* at 74, citing IOR, India Tea Association papers, Mss. EUR F174/628a: General committee 1937 report, pp. 7, 37-38.

88. Killingray, *supra* note 55, at 202.

89. *Id.* at 204.

children<sup>90</sup>—against whom the ability to employ corporal punishment persisted in Britain longer than it did relative to adults<sup>91</sup>—as well as self-reassuring assessments that postulated the greater ability of non-Europeans to resist pain.<sup>92</sup>

On several occasions during the period under consideration, laws were amended in order to facilitate the ability of the authorities to suppress oppositional political activity, including the activity of nationalists and socialists in particular. In South Africa, the 1927 Native Administration Act prohibited the “promoting feelings of hostility” between different races.<sup>93</sup> In 1930, new provisions were introduced into South Africa’s Riotous Assemblies Act, which expanded the ability of the government to prohibit public gatherings, to prohibit designated persons from entering designated areas, and to censor publications.<sup>94</sup> The 1930 Penal Code in Tanganyika regulated both societies and assemblies, as well as banning certain trade union publications.<sup>95</sup> In 1934 a Sedition Ordinance was passed in the Gold Coast.<sup>96</sup> In Iraq, the Baghdad Penal Code was amended in April 1936 and then again in September 1937, in order to facilitate the arrest of Communist activists.<sup>97</sup> Even in Britain itself, similar developments

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90. See *id.* at 202–3. On the tendency to associate natives and children see also Uday Singh Mehta, *LIBERALISM AND EMPIRE: A STUDY IN NINETEENTH-CENTURY BRITISH LIBERAL THOUGHT* 31–2 (1999) (“Childhood is a theme that runs through the writings of British liberals on India with unerring constancy. It is the fixed point underlying the various imperial imperatives of education, forms of governance, and the alignment with progress. James Mill’s characterization of India as being in the infancy of the “progress of civilization,” Macaulay’s characterization of the British, who in the context of the empire must be like fathers who are “just and unjust, moderate and rapacious,” Trevelyan’s comment that Indians would “grow to man’s estate,” J.S. Mill’s view of the British as forming a “government of leading strings” that would help “as a means of gradually training the people to walk alone”: all are claims that constitute a virtual genre in imperial discourse. They all coalesce around the same general point: India is a child for which the empire offers the prospect of legitimate and progressive parentage and toward which Britain, as a parent, is similarly obligated and competent. For both the Mills as for Macaulay this point is the basis for the justification of denying democratic rights and representative institutions to Indians, along with various other imperial interdictions.”).

91. The use of corporal punishment in the United Kingdom endured long after the inter-war period, leading *inter alia* to the European Court of Human Rights’ significant judgment of *Tyrer v. U.K.* Tyrer v. U.K., App. No. 5856/72, (Eur. Ct. H.R.1978).

92. Killingray, *supra* note 88, at 202.

93. Native Administration Act 38 of 1927 (S. Afr.); see CHANOCK, *supra* note 9, at 147.

94. See CHANOCK, *supra* note 9, at 149.

95. See Banton, *supra* note 76, at 277–80.

96. Gold Coast Criminal Code (Amendment) Ordinance, (1934).

97. See THOMAS, *supra* note 12, at 92.

were underway. In 1934, with support from the Army Council, MI6 and Police Commissioner Trenchard, the Incitement to Disaffection Bill came before Parliament.<sup>98</sup> The new law was heavily criticized from many quarters, however, including by the newly-formed National Council for Civil Liberties (hereinafter 'NCCL').<sup>99</sup> Despite the opposition the law passed, however, expanding the government's ability to prosecute critics of the army by allowing for the penalization of those who attempted to seduce a member of the armed forces from their "duty or allegiance" to the monarch.<sup>100</sup>

In addition, on several occasions the authorities prosecuted journalists and journalistic outlets that published stories they deemed overly critical. In 1932 a native court in Nigeria sentenced a newspaper publisher to a year in prison for the crime of placing a copy of his newspaper, which criticized the local Native Authority, on the notice board of the Native Administration, though the decision was subsequently overturned by the District Commissioner.<sup>101</sup> In Hong Kong, the authorities regularly censored the Chinese language press in particular between the mass strikes of 1925 and 1926 and the fall of the colony to Japan during the Second World War.<sup>102</sup>

### C. FORCED LABOR

Forced labor was commonplace in the colonial context at the turn of the twentieth century. Such practices came increasingly under challenge as the twentieth century progressed, however. The British took an important step in 1908, abolishing the use of forced labor for private enterprises.<sup>103</sup> Labor on public projects, such as the "building and maintenance of roads, bridges, sanitation and irrigation" could still be compelled, however, though maximum limits in terms of days of forced work per year were imposed by legislation over the

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98. For more, see EWING & GEARTY, *supra* note 13, at 240–42.

99. For more on the NCLL, and the surveillance it was subjected to, see PORTER, *supra* note 12, at 161.

100. See Incitement to Disaffection Act, 24 & 25 Geo. V c. 56 (1934). Previously the government had only been able to directly reach the relevant category of cases under the 1797 Incitement to Mutiny Act, which allowed for the prosecution of those who attempted to seduce a member of the armed forces from their "duty and allegiance" (emphasis added). See Incitement to Mutiny Act 1797, 37 Geo. III c. 70.

101. See Bonny Ibhawoh, *Stronger than the Maxim Gun Law, Human Rights and British Colonial Hegemony in Nigeria*, 72 AFR.: J. INT'L AFR. INST. 55, 76–7 (2002).

102. See Michael Ng et al., "Who But the Governor in Executive Council Is the Judge?" – *Historical Use of the Emergency Regulations Ordinance*, 50 H.K. L.J. 425, 430–6 (2020).

103. See Fall & Roberts, *supra* note 10, at 89.

following decades.<sup>104</sup> In practice, however, work on these 'public' projects often primarily served private interests. The persistence and injustice of forced labor during the period was also observed at the time by Padmore, who quoted an article by the Reverend Walter Howarth in the *Manchester Guardian*, observing that in a recent trip to Southern Rhodesia he had been

shown an astounding extension of road-making work which had been achieved in the last few months by the Native Departments' authority. The amount of work accomplished must have been a stupendous burden upon those who were called out from their employment to do it with their own tools, without any food being given them or any pay . . . *No wage has been given, no rations supplied, no remission of the poll tax promised . . .* The Rhodesian African, harassed by heavy taxation, juggled out of a fair remuneration for what he grows by maize control, impoverished by a cattle levy devised to help to pay for the Europeans' cattle export trade, ought not in these days be left to the mercy of a huge scheme of forced labour, arbitrarily imposed.<sup>105</sup>

Forced labor was compelled in various ways: through 'requisition,' labor provided by African chiefs after the state exerted pressure on them to do so;<sup>106</sup> by 'prestation,' essentially a tax paid directly through work;<sup>107</sup> through military drafts and the 'second portion' of military drafts, requiring public service from those unfit to engage in public works;<sup>108</sup> through forced cultivation of certain crops;<sup>109</sup> through indenture; and through criminal penalty.<sup>110</sup> In the Gold Coast, women and children were forced to work to maintain roads and sanitation systems.<sup>111</sup> In South Africa, prisoners, often guilty only of administrative violations, were frequently made to engage in a range of work, either in prison or by being hired out to private enterprises and farms.<sup>112</sup>

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104. *See id.*

105. George Padmore, HOW BRITAIN RULES AFRICA 39 (1936). *See also id.* at 48-49 (relative to Northern Rhodesia); 118-22 (relative to Kenya); 223-24 (relative to Nigeria); 252 (relative to the Gold Coast); 269-70 (relative to Sierra Leone).

106. *See Fall & Roberts, supra* note 10, at 88.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. *See Akurang-Parry, supra* note 10, at 32.

112. *See Fall & Roberts, supra* note 10, at 101-2.

In Kenya, efforts to compel labor had come immediately following the First World War. In October 1919 the government issued a circular calling on “[a]ll Government officials in charge of native areas [to] exercise every possible lawful influence to induce ablebodied male natives to go into the labour field.”<sup>113</sup> The 1920 Native Authority Amendment Ordinance<sup>114</sup> meanwhile allowed chiefs to compel labor up to sixty days a year, at low wages, a compulsory power that was above and beyond the twenty-four days per year to be spent on communal projects required by the original 1912 Native Authority Ordinance.<sup>115</sup> Following extensive criticism, this policy was revised, but only in a limited way—the new rules did not challenge the twenty-four days of ‘communal labor,’ rather only adding the requirement that additional labor might be compelled relative to “‘essential’ government projects” only.<sup>116</sup> The authorities similarly relied on compelled labor in Nigeria and the Gold Coast, principally for the construction of roads.<sup>117</sup> In Malawi, the traditional practice of mutually supportive labor was coopted as a means “to supply labor to European farmers.”<sup>118</sup> In Uganda, up to thirty days of unpaid forced labor were required per year.<sup>119</sup>

In Nigeria, recruiters often tricked locals into forced indentured labor in Fernando Po, in Spanish-controlled Equatorial Guinea.<sup>120</sup> Following the outbreak of the great depression, there was an increase in the pawning of people to pay debts, a practice that pre-existed the period but which had previously been on the decline.<sup>121</sup> Similar policies could be seen in Liberia, where the ‘Frontier Force’ was used to round up workers throughout the 1920s, many of whom were

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113. Cited in Berman & Lonsdale, *supra* note 10, at 68.

114. In full, “An Ordinance to Amend the Law relating to the Registration of Natives,” Kenya Ordinance No. 19 of 1920 (Aug. 10, 1920).

115. In full, “An Ordinance to Make Further and Better Provisions in Regard to the Power and Duties of Native Chiefs, Councils and Headmen Recognised or Appointed by the Governor and to Provide for the Enforcement of Native Authority” (Nov. 1, 1912), in *The Official Gazette of the East Africa Protectorate*, Vol. XIV, No. 315 (Dec. 15, 1912).

116. Berman & Lonsdale, *supra* note 10, at 69.

117. See OKIA, COMMUNAL LABOR IN COLONIAL KENYA, *supra* note 10, at 19.

118. *Id.* at 21.

119. *See id.*

120. See Enrique Martino, Panya: *Economies of Deception and the Discontinuities of Indentured Labour Recruitment and the Slave Trade, Nigeria and Fernando Pó, 1890s–1940s*, 44 *AFRICAN ECON. HIST.* 91, 115 (2016).

121. See generally PAWNSHIP, SLAVERY, AND COLONIALISM IN AFRICA (Paul E. Lovejoy & Toyin Falola, eds., 2003) (providing historical background on pawnship and slavery in colonial Africa).

shipped to Fernando Po.<sup>122</sup> Those who refused to 'sign up' were often flogged and bound.<sup>123</sup> After Firestone began its major investment in the country, it helped convince the US government to criticize these practices as a form of forced labor.<sup>124</sup> The labor supplied to Firestone—soon Liberia's largest employer, employing over 10,000 workers—was little different in nature, however.<sup>125</sup> While the supply of Liberian labor to Fernando Po was limited after a subsequent investigation by the League of Nations, the reforms did little to limit the employment of forced labor in the territory, where non-voluntary labor remained a regular feature of work on Firestone plantations.<sup>126</sup>

## II. SECURITY INSTITUTIONS

### A. MILITARIZED POLICING

The First World War led to a militarization of the police both in Britain and abroad. Among other reasons, this took place for the simple reason that those young men deployed to the police services

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122. See SUNDIATA, *supra* note 10, at 85.

123. See *id.* at 85–86.

124. As had been pointed out, United States' critiques were themselves somewhat hypocritical given that forced labor remained a feature of the United States' domestic system, most apparently through the manner in which prisoners were forced to work in the South. Forced labor was deployed on other occasions in the United States during the period as well—when serious floods took place in Mississippi in 1927, for instance, hundreds of black men were forced to work, unpaid, to fight to rising water. See *id.* at 102, 119.

125. See *id.* at 119–21; HARP, *A WORLD HISTORY OF RUBBER*, *supra* note 47 at 99. In 1929, Thomas Faulkner, the losing candidate in the most recent Liberian presidential election—a deeply flawed process—wrote to the League of Nations to challenge the situation in the country, observing: The natives of Liberia are forced to work on the roads under the following conditions: 1) They are forced to work nine months of the year. 2) They are compelled to furnish their own tools. 3) They receive no compensation whatever for roadwork. 4) They are compelled to furnish their own food. 5) They are compelled to furnish food, i.e. rice and palm oil, to the commissioner and to the soldiers who act as overseers. 6) Upon failure of the chief of a tribe to supply the demanded number of men, he is at once heavily fined and forced to pay cash forthwith or go to jail. Often these men are compelled to pawn their wives and children to get the money to pay these fines. 7) For the most trivial thing the laborers are fined small sums and forced to pay in cash, which is quite an impossibility. They often have to sell their food, which they have brought long distances, to get the money to meet these fines. 8) It is said that men of the roads are whipped so severely that they die.; See NATHANIEL RICHARDSON, *LIBERIA'S PAST AND PRESENT* 411 (1959).

126. See IBRAHIM SUNDIATA, *BLACK SCANDAL: AMERICA AND THE LIBERIAN LABOR CRISIS, 1929–1936* (1980); Emily Rosenberg, *The Invisible Protectorate: The United States, Liberia, and the Evolution of Neocolonialism, 1909–40*, 9 *DIPLOMATIC HIST.* 191, 208 (1985).

following the war almost invariably brought military experience with them. The ongoing militarization of the police forces as a matter of policy was still observable around a decade or so after the war's end, however, testifying to the increased institutional strength of the armed forces, and to a militarized ideology of empire, as well.<sup>127</sup> In 1931 Hugh Trenchard, who had founded the Royal Air Force, became Police Commissioner in Britain, from which position he continued the militarization of police that his predecessor Nevil Macready had begun.<sup>128</sup>

In India, a commission of inquiry, the Simon Commission, commenced a tour around the country in 1928, with a mandate to produce recommendations for constitutional reform.<sup>129</sup> In its 1930 report, in addition to calling for the establishment of representative government on the local level, the commission called for the strengthening of the security forces.<sup>130</sup> As the commission—which had been met by protests throughout its time in India—observed, “[n]owhere in the world is there such frequent need for courageous and prompt action as in India, and nowhere is the penalty for hesitation and weakness greater.”<sup>131</sup> In particular, the commission emphasized the fact that

[t]he Army in India is not only provided and organized to ensure against external dangers of a wholly exceptional character: it is also distributed and habitually used throughout India for the purpose of maintaining and restoring internal peace. In all countries the soldier when in barracks may be regarded as available in the last resort to deal with domestic disturbances with which the policeman cannot cope . . . But the case of India is entirely different. Troops are employed many times a year to prevent internal disorder and, if necessary, to quell it. Police forces . . . cannot be expected in all cases to cope with the sudden and violent outburst of a

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127. See generally, EWING & GEARTY, *THE STRUGGLE FOR CIVIL LIBERTIES*, *supra* note 13 at 214–74 (discussing civil liberties in Britain from 1914 to 1945).

128. See *id.* at 241; RICHARD THURLOW, *THE SECRET STATE: BRITISH INTERNAL SECURITY IN THE TWENTIETH CENTURY* 120 (1994).

129. The commission's arrival in different parts of India was often met by protest, however, against which the authorities often responded with excessive force. When protests broke out upon the commission's arrival in Lahore in October 1928, for instance, the police response led to the death of Lala Lajpat Rai, an important independence leader.

130. See *Report of the Indian Statutory Commission* (1929) 95–96; Kudaisya, *In Aid of Civil Power* *supra* note 11 at 43.

131. *Id.*



mob driven by . . . frenzy.<sup>132</sup>

In addition, the commission called for power over the police to be among the powers transferred to local authorities. This was a strategic suggestion. As Arnold has written,

[u]nderlying the proposed transference of the police to ministerial control was a conviction that no government, whatever its political complexion, could dispense with the police or fail to recognize the importance of their efficient operation, [coupled with the theory that] making the erstwhile critics responsible for 'law and order' would have a sobering influence on them and might usefully (from the British perspective) drive a wedge between the more moderate and practically-minded politicians and their more idealistic and extremist fellow-travellers. The British hoped to divert the attention of Indian politicians (especially Congressmen) away from a quest for power at the all-India level by ensnaring them in administrative routine and responsibility in the provinces . . . [In addition,] unless the police were included, it would be impossible to convince the Indian public that a genuine measure of provincial self-government was on offer, and there would be no sufficiently inviting bait to tempt the Congress away from civil disobedience and into constructive participation in government.<sup>133</sup>

The recommendation was complied with by the 1935 Government of India Act, though, to reassure a nervous police, the Governor-General was given the power to assume control whenever provincial ministers were deemed not to have fulfilled their role appropriately.

Despite skepticism from many in the police force, who feared that the transfer of policing responsibility to provincial ministers would diminish reliance on the police for public order purposes, the new arrangement did little to diminish the enthusiasm with which the police were deployed to combat dissent.<sup>134</sup> As Arnold comments,

[p]olice power was deployed with what was seen to be

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132. *Id.*

133. David Arnold, *Police power and the demise of British Rule in India, 1930–47* at 46, in *POLICING AND DECOLONISATION* (ANDERSON & KILLINGRAY EDS, 1992).

134. *Id.* at 48.

commendable (indeed at times excessive) vigour against such customary targets as communists, socialists, striking workers and communal rioters, even though this drew strong protests from the party's left wing and caused much apprehension to those, like Gandhi, who found such ready recourse to state coercion unpalatable. In some provinces mutual antipathy to communism and industrial violence provided a convenient basis for co-operation between European police chiefs and Indian ministers. As early as August 1937 the attitude of the Madras Premier, C. Rajagopalachari, towards "law and order" and the services was felt to give "particular cause for congratulation"; and, after a rocky start, G.B. Pant in the United Provinces was soon addressing police parades, visiting police training schools and generally "beginning to show a better appreciation of the dangers of weakening the police."<sup>135</sup>

Support for the police was, moreover, generally bolstered in the period, for more police were recruited, financial support was increased, and police officers were generally treated with greater respect than they traditionally had been.<sup>136</sup>

India was not the only place in the empire where new approaches to public security were being developed and deployed. Almost everywhere, police forces were acquiring new, more militarized equipment, including armored cars and more advanced weaponry, and police stations were increasingly heavily fortified. The frequent deployment of the army for internal policing purposes helped further blur the boundaries between colonial police and military functions as well.<sup>137</sup> In the late 1930s the British created a supervisory body charged with regulating the activities of the police services throughout the empire.<sup>138</sup> Despite that, as of 1939 "Britain's colonial police forces were still struggling to cope with public protest," while "from Palestine to Singapore, dependence on army reinforcement had increased."<sup>139</sup>

Special paramilitary police units of various sorts were

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135. *Id.*

136. See SHERMAN, *supra* note 11, at 68.

137. See, e.g., Kudaisya, *supra* note 10. 'See also THOMAS, *supra* note 11, at 68, (citing TNA, WO 279/796, 'Notes on imperial policing, 1934', Army Council booklet (Jan. 30, 1934) (a fifty-page booklet to regular army officers across the empire, laying out the responsibilities of the army relative to policing—testifying to the regularity with which military forces were called out for such purposes).

138. See THOMAS, *supra* note 12, at 43.

139. THOMAS, *supra* note 8, at 86.

strengthened and heavily relied upon in several locations in the period. As Arnold notes, following passage of the 1935 Government of India Act, it was deemed necessary to balance out “the granting of constitutional reforms” with “an enhancement of the repressive powers of the Raj.”<sup>140</sup> Among other things, new units were

freed from routine duties and brought under a rigorous, quasi-military regime of training and discipline. The year’s programme included two months’ full mobilization with training in route marches, arms drill, signalling, “house surrounding”, skirmishing, and “mob operations”. The aim was clearly to have at the disposal of the Governor a powerful paramilitary force, skilled in techniques of counter-insurgency as a precaution against a revival of civil disobedience or a new, more militant variation of nationalist agitation.<sup>141</sup>

Similar developments took place in Aden.<sup>142</sup>

In Palestine, special paramilitary forces were deployed to conduct terror campaigns against protesters. In response to the Arab revolt, British authorities in Palestine created ‘Special Night Squads.’<sup>143</sup> The Squads were led by Orde Wingate, “a dispensationalist, committed Zionist, and eccentric (he ate onions like apples and received visitors stark naked) [who] served in Sudan before coming to Palestine, and . . . went on to fight in Ethiopia and Burma before being killed in action there.”<sup>144</sup> The squads combined British and Jewish policemen, and were sent out at night to attack Palestinian villages, in which they carried out extrajudicial executions, detentions, and acts of assault and torture—including ‘*bastinado*,’ or caning of the feet, extracting fingernails, pumping water into persons and then stamping on them, and suspending persons upside down and urinating in their nostrils.<sup>145</sup> Following the unrest a Commission of

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140. David Arnold, *The Armed Police and Colonial Rule in South India, 1914–1947*, 11 MODERN ASIAN STUD. 101, 117 (1977).

141. *Id.*

142. See WILLIS, *supra* note 11.

143. See KHALILI, *supra* note 11 at 30.

144. *Id.*

145. See Charles Smith, *Communal conflict and insurrection in Palestine, 1936–48*, in POLICING AND DECOLONISATION 71 (ANDERSON & KILLINGRAY EDS., 1992); KHALILI, *supra* note 11 at 31 (noting “The Special Night Squads were something of a model for subsequent Israeli special forces, and as Moshe Dayan wrote, ‘in some sense, every leader of the Israeli Army even today is a disciple of Wingate. He gave us our technique, he was the inspiration of our tactic, he was our *dynamic*.”).

Inquiry, the 'Peel Commission,' was convened to investigate the causes of the disturbance. In its 1937 report, the commission called for Palestinian police to be put up in barracks and isolated from nationalist influences, and for the formation of a large mobile unit, either made up of newly recruited mounted police or a reconstituted *gendarmarie*.<sup>146</sup> The report also called for much readier recourse to martial law.<sup>147</sup> In their report later the same year, Charles Tegart and David Petrie called for an increase in the size of the police force, the establishment of a rural mounted police and the organization of the British members of the police into strike forces.<sup>148</sup>

Elsewhere, the authorities deployed 'arial policing'—using the air force to bomb villages in remote areas in which there was or was perceived to be resistance to colonial authorities.<sup>149</sup> The policy, pioneered in Iraq, was soon deployed in Egypt, Sudan, Somaliland, Afghanistan, India and Aden as well.<sup>150</sup> This approach was justified on the grounds that the air force "could get to inaccessible areas quickly and cost the British fewer casualties and less money than the alternatives."<sup>151</sup>

#### B. INTELLIGENCE GATHERING AND PROPAGANDA

In both Britain and the colonial context, central authorities had a far greater store of information concerning the population at their disposal at the turn of the twentieth century than they had had a century before. Enabled among other things by developing identity registration schemes, censuses, and social surveys, this information served, *inter alia*, to enable tax collection, welfare provision, the application of the draft or other compulsory work schemes and the enforcement of civil and criminal laws.<sup>152</sup> While the motives behind

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146. Palestine Royal Commission Report, Ch. VII paras. 46, 48, p. 199 (July 1937).

147. See SMITH, *supra* note 145, at 71 (referencing recommendations brought by the Tegart Report, PRO CO 733/383/75742).

148. See KROIZER, *supra* note 11, at 123–26.

149. See SATIA, *supra* note 11, at 1.

150. See *id.* at 2.

151. DANE KENNEDY, *BRITAIN AND EMPIRE, 1880–1945* 52 (2002).

152. See THOMAS, *supra* note 11, at 18. See also THOMAS, *supra* note 11, at 25–26, referring to Christopher Bayly, *EMPIRE AND INFORMATION: INTELLIGENCE GATHERING AND SOCIAL COMMUNICATION IN INDIA, 1780–1870* (1997): Good colonial government in the British Raj, in the sense of unchallenged imperial authority, relied in large part on what Bayly terms an "information order." This represented the exploitation of state intelligence gathering to regulate indigenous means of social communication, or, to use Bayly's terminology, "an empire of information" to control a distinct "empire of opinion." The maintenance of colonial order exploited the formal, increasingly bureaucratized information systems of the colonial state to exert influence over

the collection of such information were mixed, establishing a firmer base of control was high on the list: as Thomas sums up, “the colonial state amassed information about subject populations to guarantee its monopoly over the use of force and to impose its authority on a subject population designated to play arduous but subordinate parts in a European-dominated economic system.”<sup>153</sup> The police played a key role in this context.<sup>154</sup>

The British were anything but in control of the narrative in the inter-war period however. As Doyle notes, relative to India,

[f]or one thing, improvements in communication allowed British newspapers to carry more news from abroad, from a greater variety of sources, than they had in the previous century, and their scrutiny of Indian affairs escalated accordingly. In India itself, meanwhile, nationalist movements were growing ever more sophisticated, developing their own vernacular and English-language press that was often scathingly critical of British behaviour. One consequence of this was that Indians began establishing their own, unofficial commissions of inquiry into outbreaks of rioting. Though not taken seriously by British officials themselves, these reports challenged the state’s monopoly on information about riots, and they often held British forces to a very different standard of ‘minimum force’ than the British applied to themselves.<sup>155</sup>

The rise of a greater diversity of anti-colonial information outlets was linked to the rise of anti-colonial sentiment more broadly, as well as various forms of internationalism, including socialist

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autonomous networks of social communication in Indian society— local language media, religious forums and mass social gatherings, indigenous marketplaces, and meeting places of the indigenous elite.

153. *Id.*

154. As Thomas observes, in several colonial states, police efforts to maintain public order superseded criminal detection as official fears of disorder grew. As a result, the covert aspects of police operations developed apace. Special Branch officers and even senior Criminal Investigation Department personnel increasingly devoted themselves to political—rather than criminal—intelligence gathering, often working alongside military intelligence staff. Use of native informants and undercover agents to provide information on political gatherings, industrial disputes, student politics, and urban opinion became commonplace. THOMAS, *supra* note 12, at 38–40.

155. Mark Doyle, *Massacre by the Book: Amritsar and the Rules of Public-Order Policing in Britain and India*, 4 *BRITAIN & THE WORLD* 247, 263 (2011).

internationalism in particular.<sup>156</sup> The Comintern-supported League Against Imperialism was founded at a meeting in Belgium on 10 February 1927,<sup>157</sup> that included the participation of some 174 delegates representing 31 colonized countries.<sup>158</sup> The League was headquartered in Berlin. As Brückenhaus recounts, "European capitals became 'contact zones' in which people from various colonies met each other and formed new bonds."<sup>159</sup>

In 1931 MI5, Britain's domestic intelligence service, took over a portion of domestic political policing from Special Branch,<sup>160</sup> though Special Branch also remained significantly involved in the field, including by keeping close tabs on the National Unemployed Workers' Movement.<sup>161</sup> In addition to the intensification this represented, this transition was important because MI5 was made up almost exclusively of personnel with upper class backgrounds, giving an even more sharply pronounced upper-class identity to the agency.<sup>162</sup> MI6, with responsibility for overseas intelligence, was similar.<sup>163</sup>

While not directly relevant to developments in the British Empire, it is interesting to note that parallel developments that were underway within Britain's most powerful former colony, the United States, as well. Colonization of the Philippines at the turn of the century provided an important genesis point in these developments, as the attempt to exert comprehensive control over the new colony led to the adoption of new political intelligence techniques.<sup>164</sup> In the metropolitan United States, after a diminishment in political policing following the appointment of Harlan Fiske Stone as head of the Federal Bureau of Investigation ('FBI') in 1924,<sup>165</sup> political policing increased again somewhat in the late 1920s, during Herbert Hoover's presidency. The FBI investigated the Foreign Policy Association during the period, for instance, which had criticized the US occupation

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156. Brückenhaus, *supra* note 12.

157. *Id.* at 3.

158. THE LEAGUE AGAINST IMPERIALISM: LIVES AND AFTERLIVES 17 (Michele Louro et al. eds., 2020).

159. Brückenhaus, *supra* note 12, at 3.

160. See CLIVE EMSLEY, THE ENGLISH POLICE 138 (2nd ed. 1991).

161. See Ralph Hayburn, *The Police and the Hunger Marchers*, 17 INT'L REV. SOC. HIST. 625 (1972).

162. PORTER, *supra* note 12, at 168-69.

163. *Id.*

164. For a comprehensive account of this development, see ALFRED W. MCCOY, POLICING AMERICA'S EMPIRE: THE UNITED STATES, THE PHILIPPINES, AND THE RISE OF THE SURVEILLANCE STATE (2009).

165. SCHMIDT, *supra* note 12, at 324.

of Haiti, as well as the NAACP.<sup>166</sup> The FBI was also used to surveille two major protests, the Bonus March on Washington and the Farmers' Strike, that took place in 1932.<sup>167</sup> In the case of the 'Bonus March,' the FBI's services were needed to dig up or fabricate dirt on veterans who had called on the government to pay them money they were owed, on account of which they had been violently dispersed by Washington DC police.<sup>168</sup> Relative to the Farmers' Strike, the Bureau produced a string of reports finding the "social unrest . . . the work of a few troublemakers," a finding also frequently reached by British intelligence reports on labor unrest in the period throughout the Empire.<sup>169</sup> As Schmidt notes, "the strikes were described as 'apparently hoodlums,' 'outsiders and drifters' and 'unemployed . . . (who) receive free meals' and who were 'encouraged by Reds' and 'agitators.'" <sup>170</sup>

Intelligence forces were bolstered across the British Empire in the period as well. Those forces were not infrequently focused on the perceived communist threat. In Malaya and the Straits Settlements, for instance, the Malaya Political Intelligence Bureau (established in February 1922) and Special Branch were increasingly busy as time went on, targeting Chinese secret societies and the Malayan Communist Party, among others.<sup>171</sup> Elsewhere, other factors led to enhancements in intelligence capacity. Following clashes in Palestine in 1929, a commission of inquiry recommended the need for better intelligence gathering.<sup>172</sup> Sir Herbert Dowbiggin, Inspector General of Police in Ceylon, was brought in to provide suggestions, and recommended a dramatic expansion of the Criminal Investigation Department from 170 to some 700 personnel, including approximately 50 officers and inspectors.<sup>173</sup> Roy Spicer, also previously with the police in Ceylon, was brought in to carry out the reforms.<sup>174</sup> It was not only Palestine where Dowbiggin was able to see such policies put into place however. In addition to overseeing such measures in Ceylon, Dowbiggin helped enable their implementation

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166. *Id.* at 336.

167. *Id.* at 337.

168. *Id.* at 337-39.

169. *Id.* at 339.

170. *Id.* at 339-40.

171. THOMAS, *supra* note 8, at 200-01.

172. THOMAS, *supra* note 12, at 237.

173. See Martin Kolinsky, *Reorganization of Palestine Police After the Riots of 1929*, 10 *STUDIES IN ZIONISM* 155, 161, 168 (1989); see also Smith, *supra* note 145, at 65 (1992).

174. Kolinsky, *supra* note 173, at 155; see also Smith, *supra* 145, at 65.

in Cyprus and Northern Rhodesia as well.<sup>175</sup> In Burma, an unexpected uprising in 1930 led to the investment of increasing resources in political intelligence gathering in the following years, resulting in a powerful intelligence apparatus.<sup>176</sup> In 1931, the government of India reviewed its response to assemblies over the previous years, and determined that greater investment in intelligence gathering was called for, in order to ensure more consistent and effective control.<sup>177</sup> In 1937, Charles Tegart and David Petrie called for the investment of yet further resources in intelligence in Palestine.<sup>178</sup>

### III. THE SUPPRESSIONS OF UNREST

As the previous sections attest, colonial governance in the inter-war period was harsh, combining aggressive, militarized policing and political intelligence gathering with a range of legal measures designed to subdue the population and to force them into work colonial authorities and other international business interests found valuable, in exchange for the least possible compensation. Unsurprisingly, this combination of factors led to sharp resistance. Frequently, protests were predominantly generated by labor concerns; on other occasions, nationalist sentiments seemed the primary moving factor; almost inevitably, however, some degree of both sentiments was involved.<sup>179</sup> In Killingray and Anderson's account,

[t]he political dilemmas of reorganizing policing in the midst of emergent nationalism were first exposed in relation to the handling of labour disputes. Labour unrest had always been seen as a challenge to the authority of the colonial state. The state was itself often the single largest employer of waged labour in a colony, and its interests (and revenues) were

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175. Kroizer, *supra* note 11, at 119.

176. For more, see Edmund Bede Clipson, *Constructing an Intelligence State: The Development of the Colonial Security Services in Burma 1930-1942* (2010) (Ph.D. dissertation, University of Exeter).

177. In 1933, tear gas began to be used for the first time as a means of crowd control, initially against "dacoits and armed criminals," before its use was more widely generalized in 1936. Simeon Shoul, *Soldiers, Riot Control and Aid to the Civil Power in India, Egypt and Palestine, 1919-39*, 86 J. SOC'Y ARMY HIST. RSCH. 120, 130-31 (2008). See *id.* at 136-37.

178. Kroizer, *supra* note 11, at 123-26.

179. THOMAS, *supra* note 8, at 2, 325.



closely linked to the smooth functioning of the economy.<sup>180</sup>

As another author observes, in relation to a similar problem in the French Empire, “[o]f the many issues that preoccupied colonial minds, labor and forms of violence were among the most enduring as each concerned both economic prerogatives and racial relations. Labor issues, in particular, defined colonial societies.”<sup>181</sup>

Across contexts, the authorities responded to protests with securitized force, with the police systematically used in order to help ensure “the proscription of political parties, the detention of nationalist or religious leaders, strike breaking, and the policing of demonstrations.”<sup>182</sup> While the authorities at times discouraged the use of excessive force, such discouragement was sharply limited at best. While the 1930s handbook for British imperial police officers, *Imperial Policing*, emphasized the need to deploy minimum force, for instance, it also underscored the importance of firm and timely intervention, observing that while

excessive severity may antagonize [people], add to the number of the rebels, and leave a lasting feeling of resentment and bitterness . . . [o]n the other hand, the power and resolution of the Government forces must be displayed. Anything which can be interpreted as weakness encourages those who are sitting on the fence to keep on good terms with the rebels.<sup>183</sup>

The following subsections explore several of the more heated clashes of the period, in order to demonstrate the context in which a new emphasis came to be placed on ‘development,’ as explored in the following section. While the idea of development was positioned specifically as a response to the more focused, labor-oriented clashes, and less as a form of response to the more overtly political/nationalist clashes that took place in locations such as Cyprus, Bengal, and Palestine, all of the below described situations would have weighed on the minds of colonial authorities in practice in the period, and as

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180. David Killingray & David Anderson, *An Orderly Retreat? Policing the End of Empire*, in *POLICING AND DECOLONIZATION: POLITICS, NATIONALISM, AND THE POLICE, 1917-65*, *supra* note 133, at 10 (David Killingray & David Anderson eds., 1992).

181. Patricia Lorcin, *Reflections on the French Colonial Mind*, in *THE FRENCH COLONIAL MIND: MENTAL MAPS AND COLONIAL ENCOUNTERS* 3, 12 (Martin Thomas ed., 2011).

182. THOMAS, *supra* note 12, at 42. Where possible, the police attempted to remove ‘ringleaders’ from assemblies. In practice, this was challenging, however, both given problems of identification, and the tendency for escalation once the police were deployed to disperse assemblies. THOMAS, *supra* note 12, at 212.

183. CHARLES GWYNN, *IMPERIAL POLICING* 3, 5 (1934), *quoted in* LALEH KHALILI, *TIME IN THE SHADOWS: CONFINEMENT IN COUNTERINSURGENCIES* 27 (2013).

such, they are all discussed together below.

A. 1930: NIGERIA, INDIA, & SOUTH AFRICA

Women-led protests against tax policy broke out in Southeast Nigeria in late 1929.<sup>184</sup> The women took over a court where the officials had been attempting to explain the new policy, released the prisoners detained in the local jail, and set fire to the building.<sup>185</sup> The following day a large force of armed police arrived and deployed lethal force against the protesters.<sup>186</sup> The massacre led to larger protests, in both Calabar and Owerri provinces, once again led by women, who deployed tactics such as stripping warrant chiefs naked and singing bawdy songs mocking the authorities' sexual inadequacies.<sup>187</sup> The government responded by sending in further paramilitary police reinforcements together with soldiers, and by declaring the regions in question 'proclaimed areas' in which martial law would apply.<sup>188</sup> The same day police upped the level of lethal force deployed, including utilizing a Lewis gun, leading to almost eighty deaths.<sup>189</sup>

A subsequent commission of inquiry suggested, *inter alia*, that existing tax policy should be revisited.<sup>190</sup> The local government preferred a securitized response, however, and responded to the unrest with a 1930 Police Ordinance that bolstered the size of the police force and created two new riot response units.<sup>191</sup> While the ordinance officially proclaimed that the police would be aimed at the prevention and detection of crime, in reality, as the circumstances of their creation attested, they were oriented more towards 'ensuring order' in the face of popular protest.<sup>192</sup>

In Northern India alone, the military was called out to suppress

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184. THOMAS, *supra* note 8, at 285, 287.

185. *Id.* at 287.

186. *Id.*

187. *Id.* at 285-86.

188. *Id.* at 288.

189. *Id.*; PADMORE, *supra* note 1, at 216-17. See also Cheryl Johnson, *Grass Roots Organizing: Women in Anticolonial Activity in Southwestern Nigeria*, 25 AFRICAN STUD. REV. 137 (1982); Misty Bastian, "Vultures of the Marketplace": *Igbo and other South-eastern Nigerian Women's Discourse about the Ògù Umùnwaàyi (Women's War) of 1929*, in WOMEN IN AFRICAN COLONIAL HISTORIES 261 (Jean Allman, Susan Geiger & Nakanyike Musisi eds., 2001); TOYIN FALOLA, COLONIALISM AND VIOLENCE IN NIGERIA (2009); THOMAS, *supra* note 8, at 285-89.

190. THOMAS, *supra* note 8, at 289.

191. *Id.*

192. *Id.* at 290.

unrest on no less than seventeen occasions in 1930.<sup>193</sup> Civil disobedience protests in Calcutta, Delhi, Karachi, Peshawar, Sholapur, and elsewhere were all met with violence as well as the imposition of collective fines.<sup>194</sup> In response, bar associations, congressional committees, the 'Servants of India Society', and others issued numerous carefully evidenced reports on the violations committed, in the press where possible, through independent publication when not.<sup>195</sup> As Sherman observes, "[l]iterally thousands of accounts of police violence were produced."<sup>196</sup>

The authorities also took sharp measures in 1930 in South Africa, in response to a pass-burning campaign by the Communist Party of South Africa ('CPSA') and the Industrial and Commercial Workers Union ('ICU').<sup>197</sup> The ICU was angered, among other things, by Labour Minister Creswell's refusal to pass a minimum wage relative to non-white workers, or to use the Wage Board other than to support the interests of white employment.<sup>198</sup> In September 1930, A. W. G. Champion, an ICU leader in Natal, was ordered to leave under the authority of the recently amended Riotous Assemblies Act.<sup>199</sup> On 26 October, delegates from all over South Africa met at Durban and determined passes should be burnt.<sup>200</sup> When the planned protest took place on 16 December, however, the police responded with force, wounding many, stabbing Johannes Nkosi, a leader in the CPSA, and three others to death, before mutilating the bodies, and detaining many more, who were charged with public violence.<sup>201</sup>

#### B. 1931: CYPRUS

In September 1931, the Governor of Cyprus, Sir Ronald Storrs, forced a tax increase, overriding the objections of the majority of the elected members of Cyprus's Legislative Council.<sup>202</sup> The decision led to a mass resignation from the Legislative Council followed by popular

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193. Kudaisya, *supra* note 11, at 53.

194. SHERMAN, *supra* note 12, at 61.

195. *Id.* at 62.

196. *Id.* at 63.

197. *Id.* at 117-20.

198. See P.L. Wickins, *The Industrial and Commercial Workers' Union of Africa* (1973) (Ph.D. dissertation, University of Cape Town) (on file with the author).

199. Ndlovu, *supra* note 13, at 119.

200. *Id.* at 117.

201. *Id.* at 118-23.

202. See Andreas Karios, *The Events in Colonial Cyprus in October 1931: The Suppression of a Revolt in the Interwar Years*, 45 INT'L CONG. OF MIL. HIST. 407 (2019) (Bulgaria).

protests in support of the union between Cyprus and Greece.<sup>203</sup> The police were unable to deal with the scale of the protests, and on 21 October the governor's residence was burned down. Soldiers were then brought in from Egypt, and 'Regulations for the defence of Cyprus' were enacted under the authority of the 1928 Defence Order in Council, under which the government gained the power to deport, impose censorship, restrict movement, impose curfews and order public venues closed.<sup>204</sup> Several were killed and injured, thousands imprisoned on charges of sedition and the like, and collective fines imposed.<sup>205</sup> Ten leaders of the resistance were deported, the constitution was revoked, and the Legislative Council was abolished.<sup>206</sup> In addition, laws were passed preventing the functioning of political parties;<sup>207</sup> any expression deemed anti-British propaganda was criminalized;<sup>208</sup> Communist material was penalized in particular; and search and seizure powers were expanded.<sup>209</sup> The following year, these measures were complemented with a sharp limitation on assemblies;<sup>210</sup> heightened controls over arrivals and departures;<sup>211</sup> heightened stop and search powers;<sup>212</sup> an intensification of censorship;<sup>213</sup> a ban on the importation of certain printed materials from abroad;<sup>214</sup> and enhanced post and telegraph censorship.<sup>215</sup> For British authorities overall, events in Cyprus were taken to support the idea that protests should be responded to firmly and rapidly, rather than allowed to grow.<sup>216</sup>

### C. 1932: BRITAIN & BENGAL

1932 saw major unrest not only in the Empire, but also in its

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203. *Id.* at 407–08.

204. *Id.*; SAKELLAROPOULOS, *supra* note 13, at 207.

205. See Karios, *supra* note 202, at 408; SAKELLAROPOULOS, *supra* note 13, at 207.

206. See Karios, *supra* note 202, at 411; THOMAS, *supra* note 8, at 78–79, citing TNA, CO 67/269/20, Memorandum of instructions in event of rioting, Cyprus, 1936, extract from secret dispatch (4), from Governor of Cyprus to Secretary of State for Colonies (Feb. 7, 1936).

207. SAKELLAROPOULOS, *supra* note 13, at 208.

208. *Id.*

209. *Id.*

210. *Id.*

211. *Id.*

212. *Id.*

213. *Id.*

214. *Id.*

215. *Id.*

216. THOMAS, *supra* note 8, at 79.

metropolitan capital. The year before, the British government had responded to the Great Depression with the National Economy Act,<sup>217</sup> which allowed the cutting of benefits payments and the implementation of means testing. Anticipating trouble, Police Commissioner Trenchard issued a confidential order, prohibiting assemblies in the vicinity of labour exchanges (state bodies set up to help the unemployed find work).<sup>218</sup> Trenchard's anticipation was somewhat fulfilled in 1932, a tense year which saw numerous clashes between protestors and police. The Unemployed Workers' Committee Movement, soon renamed the National Unemployed Workers' Movement (hereinafter 'NUWM'), was formed in 1921, in the aftermath of police use of excessive force to disperse a march of some 20,000 unemployed persons in London in 1920, at the 'Battle of Whitehall.'<sup>219</sup> By 1932 the NUWM had organized three large 'hunger marches'— several-week, cross-country events, that had been held in 1922-3, 1929 and 1930. A fourth such march, denominated the "Great National Hunger March against the Means Test," was planned to begin on 26 September and to end at parliament on 27 October, where a petition would be delivered.<sup>220</sup>

When the march finally arrived in London, the thousands of marchers were met by a supportive crowd of many tens of thousands.<sup>221</sup> The police responded with force, with mounted policemen using staves to disperse the assembled crowds.<sup>222</sup> While the Home Secretary suggested the marchers were the source of the

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217. National Economy Act 1931, 21 & 22 Geo. 5 c. 48.

218. The NCCL (discussed below) attempted to challenge this rule in 1936, but without success. Due to her attempts to address a small crowd outside a labour exchange in 1936, Katherine Duncan was charged with obstructing a police officer in the execution of his duty, in violation of Section 12 of the 1871 Prevention of Crimes Act (34 & 35 Vict. c. 112). While the NCCL appealed, higher courts affirmed the judgment, essentially enabling the police to prevent assemblies in advance where they anticipated a breach of the peace. *Duncan v. Jones* [1936] 1 KB at 218. Along the way, the court observed that "English law does not recognize any special right of public meeting for political or other purposes." *Id.* at 222. For more, see EWING & GEARTY, *supra* note 13, at 252–70.

219. See EWING & GEARTY, *supra* note 13, at 217. Ewing and Gearty also reference the Daily Herald report on the demonstration, which observed that "the manner in which the police in a mad frenzy were ordered to charge up and down Whitehall running down and clubbing men, women and children is only on a par with the sort of outrage committed by the Black and Tans in Ireland." (*Nation Supports the Miners*, DAILY HERALD, Oct. 19, 1920). As they further note, the government file on the matter took a different tone, being headed 'Demonstration by the unemployed in October, 1920 – made the occasion of rioting by an unruly mob' (PRO, HO 144/1692). *Cited in id.*

220. See EWING & GEARTY, *supra* note 13, at 217–21.

221. *Id.* at 222–24.

222. See *id.*

clashes, eyewitnesses suggested it was the police who initiated the clashes.<sup>223</sup> Shortly thereafter, the police raided the NUWM's headquarters, arrested Wal Hannington, the NUWM's leader, and seized large numbers of documents.<sup>224</sup> Hannington was subsequently charged under the 1919 Police Act with the crime of having attempted to incite disaffection among the police through various speeches he had made, and sentenced to three months in prison.<sup>225</sup> Despite the arrest of Hannington, NUWM marchers attempted to present their petition to Parliament a second time on November 1.<sup>226</sup> In response, the authorities sent in police reinforcements to seal off Parliament Square, and arrested anyone seen distributing NUWM materials (which primarily consisted of fliers calling on the police not to attack protestors).<sup>227</sup> When the petitioners refused to disperse, the police seized the NUWM petition and forcibly dispersed the assembly.<sup>228</sup> Shortly thereafter Sid Elias, the Chairman of the NUWM, who had taken over organizational responsibilities in Hannington's absence, was picked up and charged with 'causing discontent, dissatisfaction and ill-will between different classes of His Majesty's subjects' and 'creating public disturbance,' and sentenced to two years in prison.<sup>229</sup>

British efforts to counter what it deemed the "terrorist menace" in Bengal intensified in the early 1930s as well.<sup>230</sup> In 1929 the government of India banned Dan Breen's *My Fight for Irish Freedom*, Breen's recounting of the Irish revolutionary movement.<sup>231</sup> Despite

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223. See J.L. Grant, *The Hunger Marchers and the Police*, SOCIALIST REVIEW, Winter 1932 (observing that the behavior of the police "fell a long way behind even the disgusting conduct of the Indian Police, who freely baton down the followers of Mr. Gandhi.").

224. The raid was facilitated by the fact that Special Branch had been keeping a close watch on the organization. According to Wal, moreover, an attempt had been made the previous day by an intelligence asset within the organization to pass him an incriminating document, which he burned, spoiling the police's plan.

225. EWING & GEARTY, *supra* note 13, at 235-36.

226. *Id.* at 224.

227. *See id.*

228. *See id.*

229. *See id.* at 235-36. The NUWM refused to be dissuaded by such measures however. On December 9, Hannington and Elias, together with Tom Mann and Emrhys Llewellyn, two free leaders of the NUWM, sent a letter to the Prime Minister informing him of their intent to submit a petition on 19 December. In response, Mann and Llewellyn were bound over to keep the peace, on the basis that they were planning demonstrations that the authorities considered would lead to common law breaches of the peace as well as violation of Section 23 of the 1817 Seditious Meetings Act. When they refused to accept this limitation, observing they had done nothing wrong and intended nothing unlawful, Mann and Llewellyn were sentenced to two months' imprisonment.

230. Silvestri, *supra* note 12, at 480.

231. Michael Silvestri, 'An Irishman is Specially Suited to be a Policeman': Sir

the ban the book remained available and popular with resistance fighters across India, especially in Bengal, where one district magistrate described it as “a textbook for the revolutionaries of India.”<sup>232</sup> While resistance literature was banned, the authorities for their part were happy to look to the model set by the Irish Free State in terms of repressing unrest. In 1931, the Irish Free State amended its constitution to enable the declaration by the Executive Council of a state of emergency, under which military tribunals with extensive discretionary and sentencing powers might be employed, police powers of search and preventive detention expanded, and the authorities would be granted the power to proscribe associations deemed to pose security threats.<sup>233</sup> The changes to Ireland’s legal order attracted the attention of colonial authorities in India, including in particular the attention of those dealing with violent resistance. As Silvestri’s observes,

[t]his act was regarded by British observers in India as a useful example of how to counter acts of terrorism. Malcolm Seton wrote, “This remarkable act is worth perusal. If its terms were known in India, the Indian public would begin to understand what ‘zulum’ [repression] really is.” The Government of Bengal requested copies of the act from the India Office in October 1931, and it was quickly seized upon as a possible way to stop the assassination of district magistrates by Bengali terrorists. The government noted that military tribunals would probably be more effective in dealing with terrorists because of their complete control over their own procedures and powers. R. E. A. Ray of the Bengal Police Intelligence Branch argued even more forcefully for a similar Public Safety Act with secret trials and the power to impose unrestricted penalties.<sup>234</sup>

In 1932, John Anderson became Governor of Bengal.<sup>235</sup> Anderson had been Undersecretary of State in Ireland immediately prior to Irish independence, when suppression was at a height; had been the Permanent Under-Secretary of State at the Home Office immediately thereafter, in which position he was closely involved in domestic

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*Charles Tegart and Revolutionary Terrorism in Bengal*, 8 *HIST. IR.* 40, 44 (2000).

232. *Id.*

233. Silvestri, *supra* note 12, at 478.

234. *Id.* at 478–79, quoting Note by H.G. Haig, 25 October 1932, NAI, GOI Home (Pol.) no. 4/66 of 1932.

235. Silvestri, *supra* note 12, at 479.

intelligence and the suppression of the general strike in Britain.<sup>236</sup> Anderson brought this experience with him to Bengal, bringing several new restrictive measures into force immediately upon his arrival, including the Bengal Emergency Powers Ordinance, the Bengal Suppression of Terrorist Outrages Act, the Bengal Public Security Act and the Bengal Criminal Law (Arms and Explosives) Act.<sup>237</sup> *Inter alia* these measures granted the authorities extended powers of search and surveillance, widened the powers of magistrates, and penalized aiding absconders and refusing to give information to the authorities.<sup>238</sup>

The same year, the Bengal government proposed to the national government that a bill largely modeled on the 1920 Irish Restoration of Order Act, referred to as the 'Trial of Terrorist Offenses Bill,' be adopted.<sup>239</sup> The bill would have allowed military tribunals to try serious offenses, and was defended by Anderson on the grounds that "it would be better 'to institute another form of administration of justice properly recognized and well tried in the shape of the Court Martial procedure, rather than to introduce under civil forms a more drastic procedure than the existing one, which might hardly be consonant with civil ideas.'"<sup>240</sup> The proposal was rejected by the national government, however, on the basis that in their view it would substantially increase popular hostility towards the army.<sup>241</sup> Despite the defeat of that proposal, however, Anderson was frequently able to rely on the military in support of 'anti-terrorist' policing in Bengal.<sup>242</sup>

D. 1934-35: TRINIDAD, BRITISH HONDURAS, ST. KITTS, ST. VINCENT, ST. LUCIA, BRITISH GUIANA, & NORTHERN RHODESIA

In Trinidad, C. L. R. James and Alfred Mendes started a new journal in late 1929, aptly titled *Trinidad*, which was shortly thereafter followed by another journal, *The Beacon*, funded by Albert Gomes.<sup>243</sup>

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236. *See id.*

237. *See* DURBA GHOSH, GENTLEMANLY TERRORISTS: POLITICAL VIOLENCE AND THE COLONIAL STATE IN INDIA, 1919-1947 139, 159 (2017).

238. *Id.* at 160-63.

239. Silvestri, *supra* note 12, at 480-81.

240. *Id.* at 481, quoting Malcolm Seton, 27 October 1931, OIOC, L/P&J/7/235.

241. *See id.*

242. While pushing for more repressive laws, Anderson argued against reprisal attacks, "'dr[awing] on his Irish experience . . . to prove that reprisals were what was publicly remembered, not the outrages that provoked them.'" ROBERT REID, YEARS OF CHANGE IN BENGAL AND ASSAM 70 (1966), cited in Silvestri, *supra* note 12, at 482.

243. BOLLAND, *supra* note 13, at 83.



Both explored radical racial and economic theory.<sup>244</sup> In 1934, protests among the population of the cities was supported by organizations such as the National Unemployed Movement ('NUM'), while in July, mass demonstrations, involving over 10,000 workers, took place in the sugar plantations.<sup>245</sup> The police responded with mass arrests.<sup>246</sup> Protests and strikes continued into 1935. That year the NUM evolved into the Negro Welfare Cultural and Social Association ('NWCSA'), which continued to organize workers, criticized the British government's failure to take sharper measures against Italy following Italy's invasion of Ethiopia, and criticized "the prohibition of meetings and marches as a direct attack upon the political rights of the working class by a government incompetent to solve the unemployment crisis."<sup>247</sup> The leaders of Trinidad's working classes were being tracked by the British intelligence services throughout this period, though the official files paled in comparison to those kept by Trinidad Leaseholds, a subsidiary of the Central Mining and Investment Corporation.<sup>248</sup>

In 1934, a new organization, the 'Labourers and Unemployed Association' ('LUA'), was created in British Honduras, under the leadership of Antonio Soberanis.<sup>249</sup> As Bolland observes, the LUA "soon became a significant political force in Belize and was the prototype of future trade unions and political parties."<sup>250</sup> While not formally a union—since unions were illegal—the LUA was clearly intended to operate along similar lines, and employed a range of techniques including "petitions, demonstrations, pickets, strikes and boycotts" to achieve its ends, to wit, "pressur[ing] the employers, merchants and colonial officials into making concessions in favour of working people."<sup>251</sup> In October 1934 a new governor, Alan Burns, arrived.<sup>252</sup> Burns promptly prepared several new pieces of legislation that might be used to limit the effect of Soberanis' agitation, including an ordinance prohibited processions without police permission,<sup>253</sup> an ordinance granting the governor emergency powers,<sup>254</sup> and a

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244. *Id.*

245. *Id.* at 84–85.

246. *Id.* at 85.

247. *See id.* at 85–86, quoting RHODA REDDOCK, ELMA FRANCOIS: THE NWCSA AND THE WORKER'S STRUGGLE FOR CHANGE IN THE CARIBBEAN 19–20 (1988).

248. THOMAS, *supra* note 12, at 241–42.

249. *See* BOLLAND, *supra* note 13, at 46.

250. *Id.*

251. *Id.* at 47.

252. *See id.* at 50.

253. *See Id.*

254. *See Id.*

sedition conspiracy ordinance.<sup>255</sup> Together with the effective suppression of a railway worker strike in May 1935 and an expansion in state relief work, these measures limited the growing unrest.<sup>256</sup>

In St. Kitts, 1932 saw the formation of the 'St. Kitts Workers' League,' again not a union, due to the illegality of such organizations, but clearly an association oriented towards similar ends.<sup>257</sup> On 28 January 1935 a large strike began. The next day the authorities mobilized such force as they had to attempt to control the strikers, ultimately leading to the use of lethal force, leaving three strikers dead.<sup>258</sup> In St. Vincent, strikes broke out on 21 October—lethal force was used by the authorities on several occasions; the following day, a state of emergency was proclaimed and censorship imposed.<sup>259</sup> While the strikes were promptly suppressed, the authorities maintained the state of emergency into the following year, while those accused of leading the protests were tried.<sup>260</sup> In early November, a strike took place at the dockyards in St. Lucia; in response, the governor declared a state of emergency and enrolled special constables to enhance the ranks of the police, volunteers and marines.<sup>261</sup> As Bolland observes, "The police and special forces were used by the colonial administration on behalf of the coaling companies to put down the strike."<sup>262</sup> Strikes began in British Guiana in September 1934, beginning at Plantation Leonora, an estate owned by the Demerara Company.<sup>263</sup> Strikes broke out among other workers as well in the following days.<sup>264</sup> Strikes and protests continued the following year, which were consistently met by police and special constables.<sup>265</sup>

These developments in the Caribbean were paralleled 6,400 miles away, in Northern Rhodesia. Following a sudden increase in government taxes in mining areas—"a deliberate attempt to force those Africans in the urban areas who were surplus to the requirements of industry back into the rural areas"—strikes broke out at the copper mines in Northern Rhodesia in May 1935.<sup>266</sup> The

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255. *See id.*

256. *See id.* at 51.

257. *See id.* at 56.

258. *See id.* at 61.

259. *See id.* at 70–71.

260. *See id.* at 72–73.

261. *See id.* at 78.

262. *Id.* at 79.

263. *See id.* at 174.

264. *See id.* at 174–75.

265. *See Ibrahim Abdullah, Profit versus Social Reproduction: Labor Protests in the Sierra Leonean Iron-Ore Mines, 1933-38, 35 AFRICAN STUD. REV. 13, 27–28 (1992).*

266. Charles Perrings, *Consciousness, Conflict and Proletarianization: An*

police responded with lethal force, killing six and injuring many more.<sup>267</sup> The authorities also sent in “Royal Air Force ‘planes, who killed about fourteen Natives.”<sup>268</sup> The approach adopted was defended by Colonial Secretary Cunliffe-Lister, who argued “[i]t is the duty of Government to preserve law and order, and they acted as any government would have been bound to act.”<sup>269</sup> While a commission of inquiry was subsequently convened, as Perrings observes, “a flood of accusations and counter accusations by industry and state, succeeded in thoroughly obscuring the fundamental causes of the actions,” with the commission instead blaming a range of largely invented factors, including the existence of “a large unemployed element of ‘gamblers, thieves and the like . . . fertile ground for subversive doctrines.”<sup>270</sup>

#### E. 1936: PALESTINE

The British approach to rule in Palestine was built around a harsh model from the beginning. Shortly after assuming control the British adopted the 1921 Collective Responsibility for Crime Ordinance,<sup>271</sup> which was replaced a few years thereafter by the 1926 Collective Punishments Ordinance.<sup>272</sup> These principles were updated and augmented in 1936 through the Collective Fines Ordinance, which relied on a similar principle of collective punishment.<sup>273</sup> While the 1929 Manual on Military Law, which applied across the British Empire, included some limits on how soldiers should conduct themselves, it also explicitly allowed for collective punishments.<sup>274</sup>

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*Assessment of the 1935 Mineworkers' Strike on the Northern Rhodesian Copperbelt*, 4 J. SOUTHERN AFRICAN STUD. (SPECIAL ISSUE ON PROTEST AND RESISTANCE) 31, 32–33 (1977).

267. *See id.* at 34.

268. PADMORE, *supra* note 1, at 47.

269. *Id.* at 48.

270. Great Britain, *Report of the Commission Appointed to Inquire into the Disturbances on the Copperbelt, Northern Rhodesia, 1935*, 1935, Cmnd. at 5009, cited in Perrings, *supra* note 266, at 34; *see also* Ian Henderson, *Early African Leadership: The Copperbelt Disturbances of 1935 and 1940*, 2 J. SOUTHERN AFRICAN STUD. 83 (1975) (providing general background of the strike).

271. Collective Responsibility for Crime Ordinance, (1921) PALESTINE GAZETTE 1 (Gov. of Palestine).

272. Collective Punishments Ordinance No. 22, (1926) PALESTINE GAZETTE 119 (Gov. of Palestine). *See also* MATTHEW HUGHES, *BRITAIN'S PACIFICATION OF PALESTINE: THE BRITISH ARMY, THE COLONIAL STATE, AND THE ARAB REVOLT, 1936-1939*, at 56–57 (2019).

273. Collective Fines Ordinance No. 57, (1936) 1 PALESTINE GAZETTE 241 (Gov. of Palestine). *See also* HUGHES, *supra* note 272, at 56–57.

274. Hughes, *supra* note 13, at 316.

In 1936 the 'Arab revolt' broke out.<sup>275</sup> From April to October, Palestinians undertook a general strike.<sup>276</sup> A coordination body, the 'Arab Higher Committee,' was formed to coordinate the strike.<sup>277</sup> The British responded with force.<sup>278</sup> The government decided not to utilize martial law as such, opting instead for new Emergency Regulations on 19 April, issued under the authorization of the Palestine (Defence) Order in Council of 1931.<sup>279</sup> The regulations defined new offenses, such as sabotage, and expanded the authorities' power to impose curfews, conduct search operations, arrest and detain without trial, and to censor the media.<sup>280</sup> In addition to putting all of those powers to use, the security forces utilized night raids, the confiscation of property, house destruction, torture and other forms of cruel, inhuman and degrading treatment and punishment, sexual violence, internment and deportations.<sup>281</sup> Roy Spicer, the Police Chief, justified this on the grounds that "[w]hen one party used terror, the other party had to retaliate with the same methods."<sup>282</sup>

New emergency regulations issued on 22 May allowed for further restrictions on freedom of movement and civilian interment in camps, while further regulations issued in the following weeks permitted detention without trial in concentration camps and home destruction.<sup>283</sup> As Thomas notes, "[c]urfews, collective fines, and demolition of Palestinian dwellings became commonplace. All major Arab towns were placed under curfew at some stage during the revolt. Nablus, Acre, Safad, and Lydda all faced collective fines in June 1936 alone."<sup>284</sup> On 16 June 1936 over two hundred buildings were destroyed in Jaffa, leaving around 6,000 homeless.<sup>285</sup> When Sir Michael McDonnell, the British Chief Justice in Palestine, condemned such measures, he was dismissed.<sup>286</sup> As one rebel recounted, security forces:

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275. HUGHES, *supra* note 272, at 3.

276. *See id.*

277. *See id.*

278. *See id.*

279. *See id.*

280. *See* Charles Townshend, BRITAIN'S CIVIL WARS: COUNTERINSURGENCY IN THE TWENTIETH CENTURY 106 (1986); THOMAS, *supra* note 12, at 232.

281. *See* HUGHES, *supra* note 272, at 4, 22, 160, 170.

282. Tom Bowden, THE BREAKDOWN OF PUBLIC SECURITY: THE CASE OF IRELAND 1916-1921 AND PALESTINE 1936-1939, at 230-31 (1977).

283. *See* HUGHES, *supra* note 272, at 64-65.

284. THOMAS, *supra* note 12, at 232.

285. *See* Hughes, *supra* note 13, at 323.

286. *Id.*

searched houses, each one by itself, in a way that was sabotaging on purpose, and they looted some of the assets of the houses, and burnt some other houses, and destroyed provisions/goods. After putting flour, wheat, rice, sugar and others together, they added all the olive oil or petrol they could find. And in every search operation they destroyed a number of houses of the village and damaged others. They also put signs on other houses to destroy them in the future if there are any incidents near the village, even if that incident is only cutting telephone wires.<sup>287</sup>

As one British policeman who served in Palestine in the period, meanwhile, described his work in the following terms:

I worked out my private terrorist plan . . . We would disguise ourselves as Arabs, and have frequent changes of cars, always with a variety of number plates to prevent our ever being identified. We would then pay a visit to one of the terrorist organisers whom we knew to be guilty, but who was safe from the ordinary legal processes. We would call on him at night, quietly entering his house while he slept. If, on being aroused, he reached for a gun we would shoot him dead there and then. If not, we'd hustle him out into our car and 'give him the works' miles away along the quiet road, where the body mightn't be found for some time.<sup>288</sup>

Throughout the revolt, suspected rebels were put before regular courts, with several sent to their death, often for minor, likely fabricated offences.<sup>289</sup>

To ensure they would be effective in suppressing the revolt, the authorities called in military assistance, first from Egypt and later from elsewhere around the empire as well.<sup>290</sup> As Hughes notes, "the movement of troops to Palestine in September 1936 was 'the biggest

287. BAHJAT ABU GHARBIYAH, *Fi Khidamm al-nidal al-'arabi al-filastini: mudhakkarat al-munadil Bahjat Abu Gharbiyah* [IN THE MIDST OF THE STRUGGLE FOR THE ARAB PALESTINIAN CAUSE: THE MEMOIRS OF FREEDOM-FIGHTER BAHJAT ABU GHARBIYAH] 60 (1993), quoted in Matthew Hughes, *Lawlessness was the Law: British Armed Forces, the Legal System and the Repression of the Arab Revolt in Palestine, 1936-1939*, in *BRITAIN, PALESTINE AND EMPIRE: THE MANDATE YEARS* 147, 150 (Rory Miller ed., 2010).

288. ROGER Courtney, *PALESTINE POLICEMEN 177-78* (1939), quoted in Mike Brogden, *An Act to Colonise the Internal Lands of the Island: Empire and the Origins of the Professional Police*, 15 *INT'L J. SOCIO. L.* 179, 200 (1987).

289. See Hughes, *supra* note 287, at 145, 152.

290. See HUGHES, *supra* note 272, at 3, 299, 357-74.

movement of a large body' of troops since the First World War."<sup>291</sup> In the face of this overwhelming force, together with the harsh repression employed, a ceasefire was declared on 12 October 1936.<sup>292</sup> A Commission of Inquiry, the 'Peel Commission,' was convened to investigate the causes of the disturbance.<sup>293</sup> In July 1937 the Commission issued its report.<sup>294</sup> In addition to security force reforms, discussed below, the commission called for the partitioning of Palestine into Arab and Jewish states.<sup>295</sup> While the commission's report also mooted the alternative of ongoing control, it observed this would necessarily entail "a rigorous system of repression," the cost of which would potentially prevent the authorities from providing "services directed to 'the well-being and development' of the population."<sup>296</sup>

The Arab Higher Committee immediately and unequivocally rejected the report.<sup>297</sup> In September 1937, following increased unrest, including the killing of Lewis Andrews, the district commissioner of the Galilee, the British authorities issued a new Order in Council, which allowed the High Commissioner to discretionarily order entry and search, detentions, deportations, and/or the taking of property.<sup>298</sup> Shortly thereafter the government banned the Arab Higher Committee and deported several of its leaders to the Seychelles, while security forces detained large numbers in concentration camps.<sup>299</sup>

The authorities also brought in Charles Tegart, a police commander who had made his name fighting insurgents in Bengal, to study the situation and produce further recommendations.<sup>300</sup> Tegart brought David Petrie, the former director of the Indian Intelligence

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291. *Id.* at 358, *quoted in* Anon, *Service Problems in Palestine: From a Correspondent in Jerusalem*, 81 J. ROYAL UNITED SERV. INST. 806 (1936).

292. *See* HUGHES, *supra* note 272, at 3, 69, 137.

293. *See id.* at 3–4.

294. *See* H.L., *THE REPORT OF THE Palestine Royal Commission* 3 (1937).

295. For further details, see Penny Sinanoglou, *The Peel Commission and Partition, 1936-1938*, in *BRITAIN, PALESTINE AND EMPIRE: THE MANDATE YEARS* 119 (Rory Miller ed., 2010).

296. *See id.* at 138, *citing* Palestine Royal Commission Report.

297. Memorandum Submitted by the Arab Higher Committee to the Permanent Mandates Commission and the Secretary of State for the Colonies (1937); PENNY SINANOGLU, *PARTITIONING PALESTINE: BRITISH POLICYMAKING AT THE END OF EMPIRE* 142 (2019).

298. *See* HUGHES, *supra* note 272, at 4, 41.

299. *See id.* at 81, 236–37. Plans to introduce identity cards in order to further control the movement of peoples were defeated by Jewish objections, meanwhile, as the Jewish leadership feared that this would highlight the large number of unauthorized immigrants in the country. *See* THOMAS, *supra* note 12, at 249.

300. *See* Kroizer, *supra* note 11, at 117, 123–24.

Bureau, along with him.<sup>301</sup> The two concluded that the situation resembled that on the Northwest Frontier of India.<sup>302</sup> Among other things, Tegart called for the installment of a barbed wire fence along the frontier road.<sup>303</sup> Over the following year, more soldiers were brought into the country, 'Tegart forts' were constructed in various strategic locations, and the 'Tegart Wire,' a barbed wire fence, was erected along the Palestine-Transjordan frontier, where it cut indiscriminately through existing farmland.<sup>304</sup> The authorities also ramped up their reliance on collective punishment, including in the form of "the destruction of villages and crops, and livestock killing . . ."<sup>305</sup> As one officer observed at the time, "[t]he military command in Palestine and the High Commissioner were able to do more or less as they liked" in the period.<sup>306</sup> "If police believed . . . a road might be mined, local men were rounded up and forced to . . . drive along in front of police or military convoys".<sup>307</sup> In late October 1938

four British policemen shot, in cold blood, a prisoner they were supposed to be escorting between two police stations. Presumably, the policemen were so confident that their actions would receive official sanction that they murdered the victim in broad daylight, on open land, in full view of several European inhabitants. Their confidence was not misplaced; although they were all arrested, they were charged with manslaughter and only received derisory sentences which were all reduced on appeal. They were also allowed to resign from the force rather than be dismissed.<sup>308</sup>

#### F. 1937: TRINIDAD & BARBADOS

At midnight on 18 June 1937 workers at Trinidad Leaseholds refinery staged a sit-down strike, emulating tactics deployed a few

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301. *Id.* at 123.

302. *See id.* at 124.

303. *Id.* at 126.

304. *See* THOMAS, *supra* note 12, at 248–49; HUGHES, *supra* note 272, at 85, 147, 173–74. *See also* Steven Wagner, *STATECRAFT BY STEALTH: SECRET INTELLIGENCE AND BRITISH RULE IN PALESTINE 188* (2019).

305. THOMAS, *supra* note 12, at 250; *see also* TOWNSHEND, *supra* note 280, at 110 (describing the conduct of the authorities); *see generally* H. J. Simson, *BRITISH RULE, AND REBELLION* (1937).

306. Major-General H. Bredin, Thames TV Papers, GB 165-0282, Box I, File 22, 5–6, MECA, *in* Hughes, *supra* note 287, at 155.

307. Smith, *supra* note 145, at 71.

308. *Id.*

years previously by the United Auto Workers Union in the United States.<sup>309</sup> After clashes in which a policeman was killed, the government responded forcefully, mobilizing the 'Trinidad Light Horse' (a mechanized volunteer unit), deploying armed police, calling for naval intervention, and imposing censorship over the press.<sup>310</sup> The protests spread, however, evolving into a general strike joined by fossil fuel, plantation, and dockyard workers.<sup>311</sup> In response, the government called out further heavily armed volunteer forces.<sup>312</sup> Violence escalated, and several protesters were killed in subsequent weeks.<sup>313</sup> On 26 June Governor Fletcher declared a state of emergency and deployed a large naval force, who were tasked with "prevent[ing] urban riotings, [protecting] managerial staff in the oilfields, and [releasing] police patrols to track down 'ringleaders'."<sup>314</sup> A \$500 reward was offered for information leading to the arrest of those sought by the police, and the police and soldiers began conducting dawn raids, aimed at capturing and detaining the leaders of the strikes.<sup>315</sup> Hundreds were jailed and brought up on charges of sedition.<sup>316</sup> These sharp measures were effective in breaking the strike.

The authorities attempted to characterize the unrest as caused by "outside extremists manipulating the politically naïve," with the governor observing:

I have recorded my anxiety regarding the activity of agitators. Trinidad is, generally speaking, devoid of any sense of discipline, and it affords fertile ground for the mischief maker. The wildest rumours go from mouth to mouth and from end to end of the Colony, and dangerous suggestions find a receptive audience. The Colony at large is volubly predicting the wholesale burning of canes as soon as the dry season commences. Stringent orders have been given to disperse meetings in public places and to arrest all persons who attempt to stir up trouble.<sup>317</sup>

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309. See BOLLAND, *supra* note 13, at 91.

310. *See id.*

311. *See id.*

312. *See id.* at 92.

313. *See id.*

314. THOMAS, *supra* note 8, at 246 (relying on Trinidad Original Correspondence (CO 295/599/13), The National Archives, U.K. (Jun 26, 1937)).

315. *See id.*

316. *See id.*; BOLLAND, *supra* note 13, at 94.

317. THOMAS, *supra* note 8, at 248 (quoting Trinidad Original Correspondence (CO



In addition, a new Summary Jurisdiction Ordinance, requiring a magistrate's authorization for assemblies of more than 10 people, was put into effect.<sup>318</sup> At the same time, Governor Fletcher wrote to Ormsby-Gore that "he was 'satisfied that the oilfield workers have legitimate grievances and that 'the wages of unskilled labour throughout the Colony are admittedly too low.'"<sup>319</sup> A commission of inquiry was subsequently convened to look into the unrest.<sup>320</sup> The commission's report criticized labor as well as social welfare conditions in the colony and recommended the creation of a labor department that could mediate disputes, as well as the legal development of unions, albeit under a regime in which the government would maintain discretionary authority to recognize unions or not.<sup>321</sup> At the same time, the commission not only absolved the police of charges of using excessive force but criticized them for not having employed lethal force more rapidly.<sup>322</sup> Fletcher was dismissed, on account of having been too sympathetic, in the eyes of the local capitalist interests, to labor, and replaced by Sir Hubert Young, favored by those same interests due to how he had effectively crushed the strikes in Northern Rhodesia in 1935.<sup>323</sup> While unions were indeed legalized in the following years, the oil companies and local government officials continued to harass union activists, demonstrating the limitations of such laws in the face of entrenched interests,<sup>324</sup> while members of the NWCSA, a target of the authorities due to how they "link[ed] local labour and human rights issues with British colonialism and international imperialism," were frequently charged with seditious utterances and distributing seditious pamphlets.<sup>325</sup> Despite these measures, workers continued to organize, protest and strike over the subsequent years.<sup>326</sup>

In Barbados, labor organizers, such as Clement Payne and Ulric Grant, increased their efforts to organize the people as the 1930s went

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295/600/6), The National Archives, U.K. (Oct 24, 1937)).

318. *See id.* at 254.

319. BOLLAND, *supra* note 13, at 95 (citing Trinidad Original Correspondence (CO 295/599/70297), The National Archives, U.K. (Jun 28, 1937)).

320. *See id.* at 96.

321. *See id.* at 96–97.

322. *See id.* at 97.

323. *See id.* (citing SELWYN RYAN, *RACE AND NATIONALISM IN TRINIDAD AND TOBAGO: A STUDY OF DECOLONIZATION IN A MULTIRACIAL SOCIETY* 60 (1972)).

324. *See id.* at 100–01 (citing BRIDGET BRERETON, *A HISTORY OF MODERN TRINIDAD, 1783-1962* 186 (1981)).

325. *Id.* at 102–03.

326. *Id.* at 103–05.

on.<sup>327</sup> Payne, the child of Barbadian parents who had grown up in Trinidad, returned in March 1937, and immediately began holding public meetings, in which he “stated the case for trade unions . . . and argu[ed] on the role of capitalism in exploiting the workers, and generating racial discrimination.”<sup>328</sup> In response to these abuses, Payne called for ‘education’ and ‘agitation,’ but not ‘violation.’<sup>329</sup> From the moment he arrived, Payne was surveilled by the police.<sup>330</sup> In addition, a newspaper blackout was imposed on news of unrest in other parts of the Caribbean (which Payne and other leaders, naturally, did not respect).<sup>331</sup> Payne and Grant both organized major rallies in mid-July 1937. As Grant put it at the time, “[w]e must start a form of organisation that will capsize the capitalistic element who is oppressing us . . . Poor masses, we are mistreated. Let us seek our rights.”<sup>332</sup> Shortly thereafter, Payne was arrested and secretly deported.<sup>333</sup> When news of this leaked out, large-scale strikes and demonstrations took place among the workers at the Central Foundry, drivers, and waterfront workers.<sup>334</sup> The protests were suppressed by police, special constables, and volunteers recruited from among the planters, who used extreme force, killing fourteen and injuring many more.<sup>335</sup> As Chamberlain observed, “[t]he state violence was random and untargeted.”<sup>336</sup> Hundreds meanwhile were convicted and charged with offenses such as riotous assembly and sedition.<sup>337</sup>

Following the suppression of the unrest, a commission of inquiry, chaired by George Deane, former chief justice of the Gold Coast, was convened.<sup>338</sup> The commission placed extensive blame on the poverty, inadequate welfare and social provision, and the state of labor relations on the island, observing *inter alia* that “the growth of the class of idle and lawless vagrants who were chiefly responsible for the damage to property in Bridgetown” was due to “the effect of the prolonged unemployment on the minds and characters of those who are forced to be idle.”<sup>339</sup> Elsewhere, they observed that the ‘riots’ had

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327. See BOLLAND, *supra* note 13, at 111–13.

328. See CHAMBERLAIN, *supra* note 13, at 3.

329. See *id.* at 4.

330. See *id.*

331. See *id.*

332. Bolland, *supra* note 13, at 113.

333. See Chamberlain, *supra* note 13, at 4–5.

334. See *id.* at 5.

335. See Bolland, *supra* note 13, at 118–19.

336. Chamberlain, *supra* note 13, at 7.

337. See Bolland, *supra* note 13, at 119.

338. See Chamberlain, *supra* note 13, at 5.

339. Bolland, *supra* note 13, at 117 (citing CO 28/319/8.).

been driven by

lawless persons, of whom unfortunately there are numbers in every district in the island, [who] heard of the disturbances in Bridgetown . . . Those who took an active part in the disturbances were drawn from a comparatively small section of the community consisting of young and irresponsible youths and young women.<sup>340</sup>

While the commission called for the appointment of a labor officer, it also called for the powers of the police to control assemblies, and for the reach of the penalization of sedition, to be enhanced.<sup>341</sup> Progressive reforms were slow to come, however, and workers in Barbados remained restive.<sup>342</sup>

G. 1938-39: JAMAICA, BRITISH GUIANA, MAURITIUS, MOMBASA, & TANGANYIKA

Police power in 1930s Jamaica existed in a form largely unreconstructed from the model that had been adopted to ensure order and control over workers in the aftermath of emancipation in the 1830s.<sup>343</sup> The police were armed and were understood to have the power to break up gatherings of the population as and when they pleased.<sup>344</sup> In Thomas' account, while the security services in the 1930s were "less lethal . . . in other ways [they were] not so different, sixty-five years later, from the police, militia and naval forces that, in Governor Eyre's chilling words, 'with God's blessing on the means used' tracked down and killed hundreds of Jamaicans accused of involvement in the Morant Bay insurrection."<sup>345</sup> In theory, the use of force to suppress strikes or riots was an 'exceptional' measure. In

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340. CHAMBERLAIN, *supra* note 13, at 5 (citing THE DEANE COMMISSION, THE BARBADOS DISTURBANCES 1937. REVIEW - REPRODUCTION OF THE EVIDENCE AND REPORT OF THE COMMISSION 240 (1937)) 6.

341. *See* Bolland *supra* note 13, at 118.

342. *See id.* at 121-22. Discontent was still simmering when the West India Royal Commission arrived a few years later. *See id.* at 122.

343. *See* Thomas, *supra* note 8, at 208.

344. *See id.* at 212.

345. *See id.* at 208. As Thomas continues: Eyre's ruthlessness provoked liberal outrage in Victorian Britain. But metropolitan criticism focused on the application of colonial martial law, not on the need for a different style of policing. In the early twentieth century the island's police force remained a coercive instrument without roots or legitimacy among the black majority communities in Jamaica's rural parishes and urban centres hardest hit by inter-war economic crisis.

reality, it was the norm.<sup>346</sup>

Labor unrest was a feature of Jamaican life throughout the 1930s, with large demonstrations regularly taking place from 1935 on.<sup>347</sup> While trade unions had been legalized by legislation passed on 25 October 1919, organizers of unions and worker actions still faced various forms of liability.<sup>348</sup> Strikes and demonstrations reached a peak in 1938. The initial epicenter of the strikes was the Frome plantation, one of the largest plantations in Jamaica.<sup>349</sup> As Thomas remarks,

[a]ll sides in the dispute attached greater importance to the vast Frome estate, exemplar of British corporate investment in Jamaica. Frome was widely renowned, its on-site factory, medical facilities and worker housing seen either as a model of capitalist modernization or of domineering big business. The embodiment of all that was good (or bad) about Jamaican sugar production, the fact that Frome estate was almost wiped off the map caused profound shock at King's House and in Kingston's Legislative Council . . .<sup>350</sup>

The police responded to the strikes with lethal force, killing four and wounding many more.<sup>351</sup> Protests and strikes continued across the island, however, leading the authorities to reinforce the police with soldiers and special constables, who attacked such demonstrators as they came across, leading to many more deaths and injuries.<sup>352</sup> In late May, the governor declared a state of emergency, and shortly thereafter the forces of 'law and order' were successful in bringing the protests to an end.<sup>353</sup>

The government at the time was both racist and anti-labor—as Thomas notes,

The Legislative Council derided arbitration with union

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346. As Thomas notes, "repressive measures and police brutality were routine, part of the everyday in colonial Jamaica. Recourse to violence was neither unusual, nor unexpected." *Id.* at 212.

347. See Bolland, *supra* note 13, at 132–42.

348. See Trade Union Act 1919, 16/2002 § 3 (Jam.).

349. See Thomas, *supra* note 8, at 222.

350. *Id.* at 225.

351. See Bolland, *supra* note 13, at 145.

352. See *id.* at 147–50.

353. For more on the 1938 protests in Jamaica, see Maurice St. Pierre, *The 1938 Jamaica Disturbances: A Portrait of Mass Reaction Against Colonialism*, 27 SOC. & ECON. STUD. 171 (1978).

representatives as opening a backdoor to socialist-inspired sedition and untrammelled anti-colonial protest against the dominance of Jamaica's white minority. With the strikers denied a voice inside the Council chambers, accusations about their opportunism, criminality and 'senseless violence' went unchallenged within Legislative Council discussions.<sup>354</sup>

The strength of the strikers, and the inability of the police to maintain order, however, convinced the authorities carrots as well as sticks were needed, which they offered in the form of an employer-worker conciliation system and a land settlement scheme.<sup>355</sup> Wages remained very low, however, while the police remained on hand to break up any strikes aimed at renegotiating terms, such as those which broke out in 1939.<sup>356</sup>

In British Guiana, the 1936 creation of the Manpower Citizens' Association ('MPCA') was a sign of the growing politicization and organization of labor.<sup>357</sup> Several strikes occurred in early 1938, with more than 10,000 workers involved. In mid to late 1938, even larger strikes, involving approximately half of the colony's sugar estate workforce, took place.<sup>358</sup> In response the planters called for and received state support: the authorities suppressed the protests with excessive force and charged hundreds with public disorder, assault, and malicious damage.<sup>359</sup>

1938 was an important year in Mauritius' labor history. Clashes had occurred the previous year in Mauritius. In the summer of 1937, small planters, angry at the low prices they were offered for their product, engaged in strikes and protests across the island.<sup>360</sup> On one occasion, the armed staff of a large-scale estate opened fire on demonstrators, killing six.<sup>361</sup> Over subsequent weeks, the police were able to suppress the unrest.<sup>362</sup> The following year, following a report by a commission of inquiry, the government adopted several measures designed to ameliorate the situation, including repealing the previous ban on labor unions, implementation of a collective

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354. Thomas, *supra* note 8, at 228–29.

355. *See id.* at 228; Theo Hills, *Land Settlement Schemes – Lessons From the British Caribbean*, 35 *REVISTA GEOGRÁFICA* 67, 71 (1965); HL Deb (17 May 1939) (112) cols. 1115–16 (UK).

356. *See* BOLLAND, *supra* note 13, at 160–61.

357. *See id.* at 182.

358. THOMAS, *supra* note 8, at 221.

359. *Id.*

360. *See* Storey, *supra* note 13, at 171.

361. *See id.* at 172.

362. *See id.*

bargaining framework, and creating a Department of Labor.<sup>363</sup> As Storey observes, however, the aim of these moves was primarily “to restore order and control the strikers, rather than improve the lives of non-elite Mauritians.”<sup>364</sup> The model adopted in Mauritius was even worse in these terms than that adopted in Trinidad, in fact.<sup>365</sup> The inadequacy of the new measures was indicated even in the period by the fact that a general strike began in the Port Louis docks in September 1938, a few months after the new legal framework on unions was adopted.<sup>366</sup> The government responded by declaring a state of emergency, under which key leaders of the protests were arrested, and in some cases deported.<sup>367</sup>

The following year saw strikes in numerous other African localities as well.<sup>368</sup> In July and August 1939, strikes took place in the ports of Dar es Salaam and Tanga, in Tanganyika.<sup>369</sup> The strikers at Tanga demanded higher wages, sick pay, injury compensation, and leave.<sup>370</sup> The strike was suppressed by police, special constables, and soldiers, who ultimately fired on protesters, killing one and injuring many more.<sup>371</sup>

What would amount to a general strike began on 19 July 1939 in another of East Africa’s British ports, Mombasa, with a sit-down strike in the Public Works Department.<sup>372</sup> The strike involved workers from across the city’s businesses, including municipal workers, Electrical and Power Co. employees, oil company workers, mail workers, Mombasa Aluminum Works employees, port workers, and others.<sup>373</sup> The strikers demanded higher wages, better conditions of work,

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363. *See id.*

364. *Id.* at 173.

365. *See* Richard Croucher & John McIlroy, *Mauritius 1938: the origins of a milestone in colonial trade union legislation*, 54 LAB. HIST. 223, 224 (2013).

366. *See* MICHAEL HAVINDEN & DAVID MEREDITH, *COLONIALISM AND DEVELOPMENT: BRITAIN AND ITS TROPICAL COLONIES* 196 (1993); Satyendra Peerthum, *The Port-Louis dockers’ strike of 1938* (Apr. 27, 2006), <https://www.lexpress.mu/article/port-louis-dockers%E2%80%99-strike-1938>.

367. *See id.*

368. In addition to the strikes discussed below, 1938 and 1939 saw various strikes in the Gold Coast. The governor attributed the unrest to an “under-current of unrest making its insidious way through the labour ranks.” *See* Cooper, *supra* note 14, at 66; *see also* C.L.R. JAMES, *A HISTORY OF PAN-AFRICAN REVOLT* 96 (PM Press 2012) (1938).

369. *See* SHIVJI, *supra* note 13, at 166.

370. *See id.*

371. *See id.* at 168.

372. Cooper, *supra* note 13, at 168.

373. Tiyambe Zeleza, *The Strike Movement in Colonial Kenya: The Era of the General Strikes*, 22 TRANS-AFRICAN J. HIST. 1, 6 (1993).

better housing, workmen's compensation and pension schemes, and the recognition of trade unions.<sup>374</sup> While an article in a local newspaper, the *East Africa Standard*, acknowledged that perhaps better conditions were called for, it also blamed the strike on the authorities' failure to engage in "firm official retaliation," and further observed:

[b]ehind movements of this kind there is always irresponsible agitation and whatever may be the rights or wrongs of the various claims which are put forward in a wrong atmosphere, the State cannot remain indifferent to inflaming influences or neglect to take firm and prompt action to discourage those who see in disturbing conditions an opportunity for exploitation.

We hope that those responsible for [the government's policy] application are not unaware of the relationship between Government firmness and prestige and the picture of mobs of illiterate and irresponsible Africans careering about Mombasa and threatening to invade the colony's main port to prevent peaceful citizens from working.<sup>375</sup>

The authorities convened a Commission of Enquiry and recommended adopting a more formalized approach to labor, with the ultimate goal of establishing "control."<sup>376</sup>

#### IV. THE RISE OF DEVELOPMENT

While the inter-war period saw the recurrent deployment of both every day and exceptional tools of repression, it was also a period in which reformist pressure was brought to bear on multiple different levels. Pressure in support of labor reform, pertaining to forced labor and other issues, increased following the establishment of the Committee of Experts on Native Labour in 1927.<sup>377</sup> In 1930, the Convention on Forced Labour, prepared by the Committee, was adopted by the ILO.<sup>378</sup> The United Kingdom (in 1931), the Netherlands

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374. *Id.* at 7.

375. ANTHONY CLAYTON & DONALD COCKFIELD SAVAGE, *GOVERNMENT AND LABOUR IN KENYA 1895-1963* 183 (1974) (citing *EAST AFRICA STANDARD* (1939)).

376. Cooper, *supra* note 13, at 169.

377. See Fall & Roberts, *supra* note 10, at 105-06.

378. Int'l Lab. Org. [ILO], *Forced Labour Convention, 1930 (No. 29)*, ILO Doc. ILO/C/029 (June 28, 1930), <https://www.ilo.org/dyn/normlex/en/f?p=1000:>

(in 1933), Italy (in 1934) and France (in 1937) all ratified the convention prior to the Second World War.<sup>379</sup> Subsequent years saw pressure for reform of various aspects of local labor laws, leading to some progress in both West and East Africa.<sup>380</sup> While the ILO's work helped produce some positive results, its impact was limited by the fact that even on the ideal level it advanced fundamentally different labor standards for the 'free' as opposed to the colonized world. As Thomas observes, "[i]ts members accepted the premise that colonial workers should not expect the same rights and entitlements as their European or North American counterparts."<sup>381</sup>

Pressure was also mobilized on the local level by new, progressive legal organizations. One example was the Protectorate Legal Reform Club, an association of Nigerian barristers modeled on the Haldane Club in Britain.<sup>382</sup> Among other things, the Protectorate Legal Reform Club, with support from the Haldane Club, pushed for reform of the legal system in Southern Nigeria, where at the time district officers and native chiefs were able to conduct trials, including capital trials, from which they were at liberty to bar lawyers.<sup>383</sup> The Legal Reform Club also pushed for the right to a lawyer, trial by jury, and the possibility to appeal local decisions to the Supreme Court.<sup>384</sup> Under pressure from the Haldane Club, Sidney Webb, the Colonial Secretary at the time, recommended that lawyers be permitted in provincial courts, and that the jurisdiction of the Nigerian Supreme Court be extended.<sup>385</sup> With the urging of the League Against Imperialism, the Aborigines Protection Society and others, Webb also called for the use of stocks to be abolished relative to minor offences, and for the use of riveted leg-irons to be phased out.<sup>386</sup> By 1932 both the stocks and corporal punishment in the form of flogging had been rendered illegal.<sup>387</sup> The impact of these reforms was limited in practice, however, as local judicial, police and prison officers and

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379. See [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:312174](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312174).

380. See Banton, *supra* note 76, at 288–89; Richard Rathbone, *West Africa, 1874-1948: Employment Legislation in a Nonsettler Peasant Economy*, in *MASTERS, SERVANTS, AND MAGISTRATES IN BRITAIN AND THE EMPIRE, 1562-1955* 481, 488–89 (Douglas Hay & Paul Craven eds., 2004); See THOMAS, *supra* note 8, at 21–22.

381. THOMAS, *supra* note 8, at 22.

382. See *id.* at 291.

383. See *id.*

384. See *id.*

385. See *id.* at 292.

386. See *id.*

387. See IBHAWOH, *supra* note 83, at 79–81.



employers largely continued to pursue the approaches to which they were accustomed.<sup>388</sup>

In 1929, the Colonial Development Act was passed.<sup>389</sup> The aim of the act was not so much to develop the colonies for their own sake, however, as to increase their trade with the United Kingdom, for the benefit of the metropole.<sup>390</sup> The following period saw the growing strength of progressive voices within the Colonial Office, however, thanks to the increased strength of the Labour Party. Appointment of the above-mentioned Sidney Webb, also known as 'Lord Passfield,' as Colonial Secretary in 1929 led to pressure for some meaningful reforms, for instance, including for labor law reform in line with ILO conventions.<sup>391</sup> Reform measures urged included repeal of master and servants ordinances as well as the legalization of unions.<sup>392</sup> Reports of the forceful repression of a strike in the Gambia in 1929 led to denunciation from several within the labor party, moreover, increasing pressure to adopt a reformist approach.<sup>393</sup>

The Colonial Office in the period was not purely motivated by humanitarian concerns, of course, but rather by strategic calculations as well, including the worry that the frequent bloody suppression of popular movements might do more harm than good to the Empire as such, due to the criticism of the British Empire it would provoke.<sup>394</sup> The need for good optics was enhanced by the rise of the Nazi party in Germany, which had long had the restoration of German colonial territories lost after the First World War as a political goal.<sup>395</sup> While British authorities were generally determined to resist, as Morgan notes, "[i]t came to be generally recognised that a refusal to return German Colonies had to be based not on any form of self-interest but

388. See THOMAS, *supra* note 8, at 292.

389. Colonial Development Act 1929, 20 & 21 Geo. 5 c. 5 (Eng.).

390. See GUPTA, *supra* note 14, at 135; COOPER, *supra* note 14, at 67. For more on the background to the act, and its minimal impact in practice, see generally HAVINDEN & MEREDITH, *supra* note 14, at 140–74. For other forms of self-interest behind the turn to development, see *id.* at 201–02.

391. See GUPTA, *supra* note 14, at 142–45; Martin Wiener, *AN EMPIRE ON TRIAL: RACE, MURDER, AND JUSTICE UNDER BRITISH RULE, 1870-1935* 217–18 (2009).

392. BOLLAND, *supra* note 13, at 192 (citing CO 854/173); see also Sahadeo Basdeo, *Colonial Policy and Labour Organisation in the British Caribbean 1937-1939: An Issue in Political Sovereignty*, 31 J. BOLETÍN DE ESTUDIOS LATINAMERICANOS Y DEL CARIBE 119, 123 n. 29 (1983) (citing CO 318/423, Draft Report on Correspondence relating to Masters and Servants Legislation in West Indian Colonies).

393. GUPTA, *supra* note 14, at 142–43.

394. John Campbell, the Colonial Office's Financial Advisor, was wary of American criticism of repressive actions in the Caribbean in particular, for instance, given America's proximity to the West Indies. See Johnson, *supra* note 14, at 66.

395. See MORGAN, *supra* note 14, at 14.

on grounds that were clearly acceptable to world opinion; there had to be a sound moral case.”<sup>396</sup>

Of perhaps the greatest enduring significance, however, was the fact that where it did intervene, the Colonial Office was often more concerned with producing a comparatively more moderate political context and outcome than with supporting labor for its own sake. For instance, while Lord Passfield’s urging led to passage of the Trade Union Ordinance<sup>397</sup> in Tanganyika in 1932, such reforms were not undertaken purely out of a sense of justice, but rather, in the terms of a 1930 circular the Colonial Secretary sent around, because “without sympathetic supervision and guidance organizations of laborer’s without experience of combination for any social or economic purpose may fall under the domination of disaffected persons by whom their activities may be diverted to improper and mischievous ends,” such that it was “the duty of colonial governments to take such steps as may be possible to smooth the passage of such organizations as they emerge into constitutional channels.”<sup>398</sup> While the bill was opposed by settlers and plantation interests, with one member of the legislative council likening it to giving a loaded automatic weapon to a child, the Secretary of Native Affairs defended the measures on the grounds that “the aim was not to encourage or facilitate the formation of trade unions; rather it was to regulate and supervise them if and when they formed.”<sup>399</sup> The different approach of the authorities was reflected in the legislation in the fact that, whereas in England it was up to a union to register or not, in Tanzania non-registration was a criminal offense, which would result in criminal liability for all members participating in such an organization.<sup>400</sup> Further, unions were required to comply with fairly stringent regulations, to supply the registrar with information as to their purposes, and to submit annual financial accounts, on top of which decisions on registration and deregistration were largely discretionary.<sup>401</sup> In Egypt, meanwhile,

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396. *Id.* Later, the British drew up plans under which substantial African territories would be restored to Germany. That those plans were not put into effect ultimately had more to do with Hitler’s refusal to accept other aspects of the scheme—in particular, by refusing to eschew expansionism in Europe—than any decisions made in Britain. *See* RONALD HYAM, *BRITAIN’S DECLINING EMPIRE: THE ROAD TO DECOLONISATION, 1918-1968* (2006).

397. Tanganyika Territory, Trade Union Ordinance 23 (1932).

398. SHIVJI, *supra* note 13, at 157 (citing Passfield to Colonies, TNA 19335/1 (Sept. 17, 1930)); *see also* Paul Keleman, *Modernising Colonialism: The British Labour Movement and Africa*, 34 J. IMPERIAL & COMMONWEALTH HIST. 223, 228 (2006).

399. SHIVJI, *supra* note 13, at 157.

400. *See id.* at 158.

401. *See id.*

British colonial authorities supported an ILO mission in significant part out of awareness the recommendations of that mission would be tepid on political matters, and certainly less radical than those proposed by a mission of the International Federation of Trade Unions.<sup>402</sup> Everywhere, as Shivji observes, British colonial authorities demonstrated a “concern to ‘guide’ workers’ organizations along proper channels, in other words forestall the development of . . . independent, radical workers movement[s].”<sup>403</sup>

In 1937, following and in response to the protests in Trinidad, the Trade Union Congress (“TUC”) established a colonial advisory committee, which included, *inter alia*, William Macmillan, author of *Warning from the West Indies*, C. R. Buxton, vice-chairman of the Anti-Slavery and Aborigines Protection Society, and Arthur Creech Jones, an influential Labour Party politician.<sup>404</sup> While the TUC was sincerely committed to labor, its approach was still partial and “paternalistic”: as Bolland puts it, “British Fabian socialists became anxious that the Caribbean trade unions should be led by responsible people.<sup>405</sup> Consequently, their advice and assistance were intended to guide and support those leaders whom they identified as responsible, at the expense of others.”<sup>406</sup> Similarly, while highly supportive of the impact of Walter Citrine, the Secretary of the TUC, on labor organization in the Caribbean, Basdeo observed that he constantly urged local unions to use their power “responsibly,” and called on them only to employ strikes as a “last resort.”<sup>407</sup>

Also in 1937, the Colonial Office issued a new policy statement, calling for the enactment of minimum wage and worker compensation laws, the establishment of labor departments, and laws authorizing the establishment of trade unions.<sup>408</sup> The model of trade unions advanced and supported by the Colonial Office remained conservative, with even reformist Colonial Office officials emphasizing ‘responsible’ trade unionism, in which disputes over labor issues were separated from broader political concerns.<sup>409</sup> This

402. For more, see Mai Taha, *Reading ‘Class’ in International Law: The Labor Question in Interwar Egypt*, 25 SOC. & LEGAL STUD. 567 (2016).

403. SHIVJI, *supra* note 13, at 157.

404. BOLLAND, *supra* note 13, at 193; see Sahadeo Basdeo, *Walter Citrine and the British Caribbean Workers Movement During the Commission Hearing 1838-9*, 18 J. CARIBBEAN HIST. 43, 45–46 (1983).

405. BOLLAND, *supra* note 13, at 193.

406. *Id.*

407. See Basdeo, *Walter Citrine and the British Caribbean Workers Movement* at 51.

408. See BOLLAND, *supra* note 13, at 193–94.

409. See *id.* at 193.

continued to be reflected in practice. In the Gold Coast, colonial officials “brought in trade unionists to train workers in union organization,” on the basis of the belief that previous “labor unrest [in the Gold Coast had been] the result of lack of organization and training among early unions in the art of collective bargaining, which lay at the foundation of British trade unionism.”<sup>410</sup> In addition, in order to attempt to further cement control over workers, the authorities “encouraged the centralization of smaller unions into larger umbrella structures, which were then registered with the government beginning in the early 1940s.”<sup>411</sup> These measures were, broadly speaking, undertaken out of a belief that by training and socializing workers into such practices, they could be diverted from more radical courses of activity. The authorities were only somewhat successful in their task of disciplining labor in the colonies however—while 27 new Labor Departments and/or full time Labour Officers or Inspectors were created and appointed in various colonies between the late 1930s and 1940, Colonial Office officials still worried about the nature of newly formed workers’ associations.<sup>412</sup> George Hall, a junior minister in the Colonial Office during the wartime coalition government, for instance, worried in 1940 that “the new trade unions in the colonies may be ill-informed, badly organised and badly led and an easy prey to the agitator and the opportunist,” and suggested that “the task of guiding their development on sound and moderate lines and of educating their leaders in the light of the example given by the great trade unions in this country is one of the most difficult problems with which the Colonial Office is faced at the moment.”<sup>413</sup>

Developments in the area of broader colonial ‘economic’ policy were facilitated by the use of a long-favored tool of British governance, at home and abroad—the commission of inquiry. In the mid-1930s the reports of such commissions often remained more conservative. Following a relatively insignificant first inquiry into the situation in Northern Rhodesia in 1935,<sup>414</sup> another report on the situation in the colony was produced a few years later by Orde Brown.<sup>415</sup> Orde Brown recommended doubling down on the status

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410. Jennifer Hart, *Motor Transportation, Trade Unionism, and the Culture of Work in Colonial Ghana*, 59 INT’L REV. SOC. HIST. 185, 201 (2014).

411. *Id.* at 202.

412. See Paul Kelemen, *Planning for Africa: The British Labour Party’s Colonial Development Policy, 1920-1964*, 7 J. AGRARIAN CHANGE 76, 84 (2007).

413. *Id.* (citing George Hall, *Labour Laws and Trade Unions in the Colonies*, TUC Papers Mss 292.932.5/1 (Aug. 1940), Modern Record Archives Warwick University).

414. See Report of Commission Appointed to Enquire into the Disturbance in the Copperbelt, Northern Rhodesia (1935).

415. John Orde Brown, *Labour Conditions in Northern Rhodesia* (1938).

quo, including through more careful identity tracing, the use of penal sanctions where necessary to ensure labor discipline, and the withholding of a certain portion of wages, to ensure they not be frivolously spent.<sup>416</sup>

While such suppressive recommendations never fell out of official policy, they were often complemented by more socio-economically minded recommendations as well. In 1938, following the years of unrest in the Caribbean addressed above, a Royal Commission on the British West Indies was sent to the region, to consider the state of affairs in general and the level of development in particular.<sup>417</sup> As Johnson notes, the commission “was appointed . . . for ‘political’ rather than for ‘substantial’ reasons . . . the hope of the Colonial Office officials [was] that the appointment of a commission, with the promise of positive action to improve colonial conditions, would provide supporting evidence for Britain’s claim to being a ‘benevolent’ colonial power.”<sup>418</sup> In justifying the formation of the commission, Malcolm MacDonald, the Colonial Secretary, observed that the problems in the West Indies were just one example of wider problems around the empire, commenting “[e]lsewhere there has been evidence of similar unrest in the form of labour strikes which, in the present condition in the Colonies, may at any time develop into serious trouble . . . [the] primary cause underlying the unrest is the very low standard of economic and social conditions among the colonial communities.”<sup>419</sup> At the same time, the Colonial Office also dispatched the commission on the theory that its report might provide a necessary stimulus and source on the basis of which a “longterm policy of reconstruction” relative to the West Indies might be adopted.<sup>420</sup>

While doubtless dispatched to tamp down dissent, the hearings of the commission in fact did the opposite, serving in part to enhance the local population’s sense that their grievances were justified. It was largely to limit that unintended consequence that Lord Moyne, the chief commissioner, decided to conduct many hearings in camera, an approach objected to by Walter Citrine, the more labor-supportive Secretary of the TUC.<sup>421</sup>

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416. *See id.*

417. WEST INDIA ROYAL COMMISSION REPORT 257 (June 1945).

418. Howard Johnson, *The Political Uses of Commissions of Enquiry: The Forster and Moyne Commissions*, in *THE TRINIDAD LABOUR RIOTS OF 1937: PERSPECTIVES 50 YEARS LATER* 281–82 (Roy Thomas ed., 1985).

419. Cooper, *supra* note 13, at 68 (citing CO 318/433/1/71168, Memorandum by the Secretary of State (June 1938)).

420. Johnson, *The Political Uses of Commissions of Enquiry* at 282.

421. *See* Basdeo, *supra* note 404, at 47.

The commission's findings, issued initially, albeit only internally, in 1939, were bleak.<sup>422</sup> Some sections of the commission's report, including those on housing and the situation of women in particular, were so critical that Britain's wartime cabinet forced them to be cut from report, lest they be used for "enemy propaganda."<sup>423</sup> On broader political issues the commission was circumspect, suggesting that only minor reforms were appropriate for the moment, including for instance the appointment by governors of "representatives of popular opinion' who could 'be given more opportunity to influence policy [and thereby potentially] converted from criticism to co-operation.'"<sup>424</sup> As Fraser comments, "It was clear that a benevolent autocracy was the best that the Royal Commission had to offer."<sup>425</sup>

MacDonald decided not to publish the commission's final report, providing only a summary of its key recommendations to the public.<sup>426</sup> At the same time, he announced a new initiative, the Colonial Development and Welfare bill.<sup>427</sup> Prior to passage of that act, the Colonial Office took a step in a similar direction through the creation of a new Social Services Department, with a mandate to improve labor conditions and support public health, education, housing, and nutrition in the empire.<sup>428</sup> The act itself was passed in 1940.<sup>429</sup> Among other provisions, the Colonial Development and Welfare Act included a clause indicating that no territory could receive aid without the presence of legislation protecting the rights of trade unions.<sup>430</sup>

The labor policy contained within the Colonial Development and Welfare Act, itself part of a broader shift within the politics of the colonial office, was important. Ironically, with its focus on labor issues, the idea of 'development' in that period was, if anything, more progressive than the idea of development that exists today. At the same time, the vision that was advanced was a sharply limited one, in which social welfare was to be primarily provided from above, and

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422. BOLLAND, *supra* note 13, at 191. For the commission's final, public report, see SECRETARY OF STATE FOR THE COLONIES, WEST INDIA ROYAL COMMISSION REPORT, 1945, Cmd. 6607 (U.K.).

423. See BOLLAND, *supra* note 13, at 191 (citing Correspondence and Memoranda between Lord Moyne and the War Cabinet, CO 318/443/6 (Jan. 30-31, 1940) (U.K.)).

424. Cary Fraser, *The Twilight of Colonial Rule in the British West Indies: Nationalist Assertion vs Imperial Hubris in the 1930s*, 30 J. CARIBBEAN HIST. 1, 17 (1996).

425. *Id.* (citing SECRETARY OF STATE FOR THE COLONIES, *supra* note 422).

426. Cooper, *supra* note 14, at 67.

427. *Id.*

428. *Id.* at 69.

429. Colonial Development and Welfare Act, 3 & 4 Geo. 6 c. 40 (U.K.).

430. *Id.* § 2(a).

local political voice would remain sharply curtailed. The limitations of the adopted approach were noted by W. Arthur Lewis, a West Indian graduate student, who penned a number of pamphlets for the Fabian Research Bureau in which he called for constitutional reforms in the West Indies through which ordinary people would be given a greater voice in the governance of their polities.<sup>431</sup> In addition, while steps were taken to reform some of the more restrictive components of pre-existing laws, other aspects of those laws were maintained, including a significant degree of public-private security cooperation, limitations on freedom of movement and the penalization of 'idleness,' various regimes through which labor could be compelled, and powerful security and intelligence apparatuses which could be relied on to discipline local labor or nationalist leaders who stepped out of line.<sup>432</sup> The idea of 'development' that arose in the period, in short, was from its foundation married to a policy of top-down control, distanced from, and indeed explicitly designed to curtail, popular mobilization, and designed to shore up, rather than undermine, the exploitative economic systems that had developed in the colonial context.

## V. CONCLUSION

This article has surveyed the development of strategies of governance within the British Empire between the suppression of the major strike wave of the mid-1920s and the outbreak of the Second World War. That period saw ongoing reliance upon a range of legal tools designed to control the population, forcing them to work and extracting maximum value from that work. Tools utilized included tax and vagrancy laws aimed at pushing native populations into work,

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431. See Cooper, *supra* note 14, at 68–69. Lewis later went on to found the discipline of development economics. *Id.* at 68. C. L. R. James' 1933 pamphlet THE CASE FOR WEST INDIAN SELF GOVERNMENT made an even more forceful case in such direction. See C. L. R. JAMES, THE CASE FOR WEST INDIAN SELF GOVERNMENT 30–32 (1933).

432. See, e.g., POLICING AND DECOLONISATION, *supra* note 11 (examining the use of police and intelligence forces in colonial states during the decolonization period); DAVID ANDERSON, HISTORIES OF THE HANGED: THE DIRTY WAR IN KENYA AND THE END OF EMPIRE (2005) (highlighting the brutality of the British against the Kikuyu anticolonial rebellion, including their use of military forces); CAROLINE ELKINS, IMPERIAL RECKONING: THE UNTOLD STORY OF BRITAIN'S GULAG IN KENYA (2005) (describing the final days of Britain's colony in Kenya and the use of detention camps); THOMAS, *supra* note 8 (examining several European empires, including the British, and their uses of police forces to control colonial labor, uprisings, and dissent); CAROLINE ELKINS, LEGACY OF VIOLENCE: A HISTORY OF THE BRITISH EMPIRE (2022) (detailing the institutionalized violence the British used in maintaining control over colonial states); Christopher Roberts, *Discretion and the Rule of Law: The Significance and Endurance of Vagrancy and Vagrancy-Type Laws in England, the British Empire and the British Colonial World*, DUKE J. COMP. & INT'L L. (forthcoming 2023).

forced labor, master and servant laws, and the intermingling of public and private authority to ensure maximum control during the labor process. In addition, the period saw developments in the institutions responsible for enforcing order under these systems, including in the form of an increasingly militarized police, reliance on the military for public order policing, and the rapid development of intelligence agencies. The growing strength of these institutions was complemented by new laws oriented *inter alia* towards penalizing 'sedition,' restricting freedom of the press, and better controlling assemblies.<sup>433</sup>

This policy of repression and extraction was not endured without resistance, however. The 1930s saw unrest across the British Empire, including not only various instances of anti-imperial rebellion and resistance but also numerous attempts to better organize workers, strikes, and protests in support of better working conditions. As the above details, such resistance was met with a variety of repressive measures, including mass arrests, deportations, collective fines, passage of repressive new legislation, the banning of associations, the violent dispersal of assemblies, and killings. Despite ongoing reliance on such a range of repressive measures, resistance continued. The aspirations of those engaged in struggles with colonial authorities were frequently expressed in the language of rights—as Bolland notes of struggles in the Caribbean, “[w]e see also, repeatedly, demands for the end to racial discrimination and abuse at the workplace and for the rights to organise and negotiate. These workers’ rights became increasingly linked to demands for rights as citizens.”<sup>434</sup> The struggles of the period ultimately helped produce some major policy shifts. While changing policy was motivated by various factors, including concern with the rise of other powers, the development of international labor standards, and the advance of progressive forces within British domestic politics, the primary force that pushed British colonial officials to adopt a new tack in this period was the resistance organized workers from a range of industries employed across the empire.

The new governance approach developed had various progressive elements. In addition to positive steps on social policy, the Colonial Office pushed back against some of the more overtly repressive and restrictive components of labor law employed in the colonial context, and supported the adoption of a much more progressive position relative to unions—all under the broad label of

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433. See BOLLAND, *supra* note 13, at 196; SHERMAN, *supra* note 11, at 60.

434. BOLLAND, *supra* note 13, at 194.



'development.' At the same time, the new vision adopted was sharply limited. In part, this limitation could be found in the fact that, while some aspects of the repressive laws surveyed in the first portion of this article were addressed, they were only addressed in a highly limited way. Laws and institutions authorizing surveillance, limiting and penalizing freedom of expression, assembly and association, and sharply restricting independent political activity, for instance, remained commonplace, and were in many cases augmented over subsequent decades. While steps to recognize unions were important, newly legalized unions were not able to operate freely—rather, the authorities worked hard to keep them on a tight leash and to keep their activities within officially acceptable bounds. More broadly, the approach of the authorities was oriented towards doing everything possible to coopt more radical political forces, to de-politicize them, to draw them into the bounds of 'acceptable' politics, and to distract attention from fundamental questions of power, redistribution, and the nature of the imperial economic structure as a whole. 'Development,' in short, was framed as a mystificatory ideological project from the beginning.