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Abstract

As part of the Special Issue, this article adopts a methodological orientation that works through and with international law's cultural legal archive. It focuses on one colonial literary artifact that shows the historical tension between colonization and revolution and examines the traces of those constitutive relations in the present. The artifact in question is an intriguing literary excursion by a British colonial-era judge in Palestine entitled Palestine Parodies. It mocks the legal life of Mandate Palestine through the use of comics, puns, and riddles. This raises a number of provocative themes relating to Mandate law, revolution, humor, and humiliation. The article reads this artifact against the history of the Arab revolt in Palestine, which lasted for three years (1936–1939) and was violently crushed by the British forces. It engages in a detailed exegesis of a number of images drawn from this document, arguing that closely parsing these "humorous" illustrations and drawings from a different era assembles and curates two competing stories. One story is about how colonial legal structures, manifested in the form of the comedic, collided with a second story that narrates the history of struggle, refusal, and revolt. Through curating competing images, jokes, and stories, this visual and literary tension in the analysis gazes upon history to recall and rekindle revolutionary possibilities.

The Comic and the Absurd: On Colonial Law in Revolutionary Palestine

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As part of the Special Issue, this article adopts a methodological orientation that works through and with international law's cultural legal archive. It focuses on one colonial literary artifact that shows the historical tension between colonization and revolution and examines the traces of those constitutive relations in the present. The artifact in question is an intriguing literary excursion by a British colonial-era judge in Palestine entitled *Palestine Parodies*. It mocks the legal life of Mandate Palestine through the use of comics, puns, and riddles. This raises a number of provocative themes relating to Mandate law, revolution, humor, and humiliation. The article reads this artifact against the history of the Arab revolt in Palestine, which lasted for three years (1936–1939) and was violently crushed by the British forces. It engages in a detailed exegesis of a number of images drawn from this document, arguing that closely parsing these "humorous" illustrations and drawings from a different era assembles and curates two competing stories. One story is about how colonial legal structures, manifested in the form of the comedic, collided with a second story that narrates the history of struggle, refusal, and revolt. Through curating competing images, jokes, and stories, this visual and literary tension in the analysis gazes upon history to recall and rekindle revolutionary possibilities.

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It is 23 January 2011 at Jenin's Freedom Theatre in Palestine. The play opens to a full house, with audiences eager to experience the Palestinian adaptation of Lewis Carroll's *Alice's Adventures in Wonderland*:[1] *Alice fi Bilad al-'Aja'eb*. The rendition is "a feast of circus acts, odd masks, aerial silk, flying actors…crawling creatures, head-off-ing contraptions…and maniacal laughters.…Often, the speed of the production overwhelms logic creating a bizarre alternative universe."[2] But, as Samer al-Saber says, all this colourful glamour is haunted by the fact that "'off with your head' means something real in Palestine."[3]

In Palestine, Alice is in the midst of an unwanted arranged marriage. In a "bizarrely staged ritual," the Rabbit gives her an unidentified drink that ultimately takes her to a nightmarish Wonderland marked by fear and dread, contrary to the familiar and fairy-tale aesthetics that characterize Carroll's classic.[4] Identified as the saviour, Alice needs to convince the people of Wonderland that they must "enact their own revolution against the dictatorship of the Red Queen."[5] The Queen of Hearts symbolizes both the camp's conservative traditionalists and the violence of the Israeli occupation. The maniacal and nightmarish aesthetics of the production speak to the dystopian reality of Palestine today. The dark aesthetic that seems to situate the play within the musical-comedy-horror genre paints a picture of Palestine that demands refusal and rebellion. Unlike Carroll's Alice, Jenin's Alice had witnessed a people's revolution that empowered her to refuse the arranged marriage and live her life. Ultimately, Jenin's adaptation is a story that celebrates the entanglement of individual and collective liberation—liberation from gendered social conservatism and from the colonizer's culture of fear and subjugation. Fundamental to Alice's journey here is a story of revolution.

1. (Macmillan, 1865).
2. Samer al Saber, "Alice in Dangerland" (last visited 2 October 2021), online: *The Freedom Theatre* <www.thefreedomtheatre.org/news/alice-in-dangerland>.
3. *Ibid*.
4. *Ibid*.
5. *Ibid*.

FIGURE 1: *ALICE FI BILAD AL-ʿAJA'EB* IN JENIN

SOURCE: The Freedom Theatre.[6]

Published in the years of the Great Arab Revolt from 1936–1939 (the "Revolt"), yet another rendition of Alice was made in Palestine—almost seventy-five years before Jenin's. Inspired by Carroll's *Alice's Adventures in Wonderland* and Mark Twain's *The Innocents Abroad*,[7] the book, called *Palestine Parodies: Being The Holy Land in Verse and Worse* ("*Palestine Parodies*"),[8] is a compilation of stories, illustrations, poems, and riddles.[9] The author of the book is British Judge Paul Cressall, who worked in the Palestine courts in the 1930s and published *Palestine Parodies* under the pseudonym "Mustard and Cress."[10] The book starts with "Alice in Blunderland" and continues with "Misreported Cases in the Uncommon Law," "Fabulous Fables," and others. Blunderland is a land that is strange and alien yet has lost the *wonder* that Alice usually finds. When Alice goes to Palestine, it is a blunderland—the land of the stupid and careless mistake. Using the literary tools of puns, irony, and sarcasm, Judge Cressall tells a story of a rule-bound nonsense land as Alice "discovers" the law of the land in Mandate Palestine.

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6. (last visited 2 October 2021), online: *The Freedom Theatre* <www.thefreedomtheatre.org/alice-in-wonderland/#prettyPhoto[gallery]/4>.
7. (CR Chisholm & Bros, 1869).
8. Mustard & Cress, illustrated by Blass (Azriel Press, 1938). I thank Shourideh Molavi for sharing this book with me.
9. Assaf Likhovski, *Law and Identity in Mandate Palestine* (University of North Carolina Press, 2006) at 47.
10. *Ibid* at 46.

Judge Cressall was born in Bromley, Kent on 2 May 1893.[11] He was a master cricketer, whose scant existence in today's Internet is slightly compensated by the presence of a separate entry in a book commemorating famous cricket players who died in the Second World War. The entry goes as follows:

> Paul Ewart Francis Cressall
>
> …
>
> Four first-class appearances
>
> Civilian judge
>
> …
>
> Right-hand bat
>
> *A high court judge and victim of the Japanese*.[12]

This is perhaps an unlikely description of someone who delved into the magical worlds of Carroll and Twain to publish *Palestine Parodies*, with its clever mimetic references to the *Holy-Wonder* Lands. Judge Cressall was a man of many hats. During the First World War, he was commissioned into the British West Indies Regiment and served in parts of Africa and Palestine.[13] He was called to the bar at Gray's Inn in 1923 and then went on to serve in British Guiana.[14] After several years, he was appointed as chief magistrate in Jerusalem and became the president of the British courts in Palestine in 1936, the same year as the Arab General Strike that sparked the three year Revolt.[15] He was appointed as the puisne judge in Hong Kong in 1941 and died in Japanese captivity in 1943 at the age of fifty.[16] In his short time in Jerusalem, Judge Cressall wrote two books mocking the legal life of Mandate Palestine. The first is the focus of this article. The second, *Palestine Paradise*, was published in 1940.[17]

Through *Palestine Parodies*'s images and text, I explore themes relating to Mandate law, revolution, humour, and humiliation. Like an archive, the significance of an artifact is not only in its substantive value, but in its

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11. See Nigel McCrery, *The Coming Storm: Test and First-Class Cricketers Killed in World War Two* (Pen & Sword, 2017) at 173.
12. *Ibid* [emphasis in original].
13. McCrery, *supra* note 11 at 173.
14. *Ibid*.
15. *Ibid*.
16. *Ibid*.
17. See Likhovski, *supra* note 9 at 48. Likhovski discusses only two illustrations from *Palestine Paradise* (*ibid*).

objectivity and materiality.[18] In the colonial archive, one reads elaborate letters and documents coloured by stamps, watermarks, and handwritten notes in the margins. I treat *Palestine Parodies* as an object that also has a material value.[19] Its materiality is reinforced by its power of memory making. It is an artifact from *that* period about *those* people. The book itself can be classified as a kind of rare book. There are probably many copies remaining, but it has not been put into the cycle of reproduction. It is dated 1938. It is signed by a fictional character whose name is of greens in a salad, Mustard and Cress. My copy has a handwritten note in the title page by Judge Cressall himself:

> Capt. John Stobbs,
>
> With the compliments of the author, Mustard and Cress.
>
> Signed, Paul Cressall
>
> Palestine, May 1940

Captain Stobbs's family probably donated the book to a used bookstore somewhere in the world after his passing. But Judge Cressall, writing from Palestine, signed this artifact as a visual and literary, yet satirical, representation of legal life in Mandate Palestine. It was signed in 1940, one year after the violent suppression of the Revolt by the British forces and two years after the book was published. For Judge Cressall, 1940 is like 1938; the artifact remains as a repository and an archive and the Revolt is silenced, concealed, and forgotten. Yet through this artifact's illustrations, images, and drawings, one can excavate, as Ann Stoller would put it, the "imperial debris" that haunts the material realities of Palestine today.[20]

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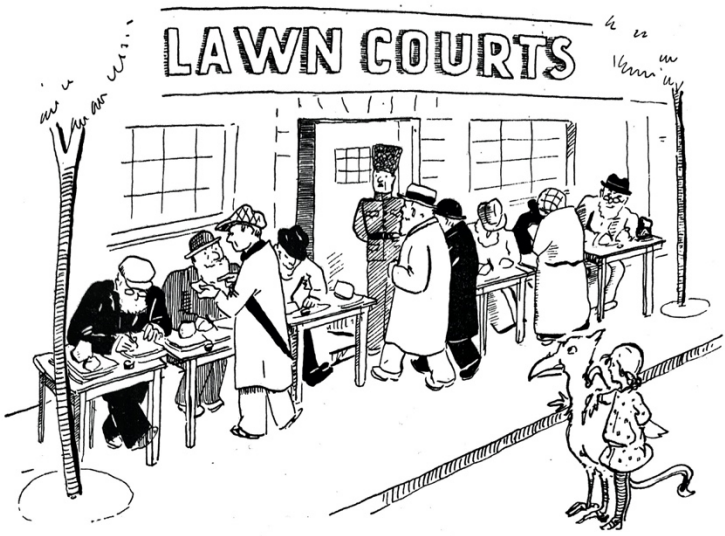
18. On the relationship between material objects and the law, see Jessie Hohmann & Daniel Joyce, eds, *International Law's Objects* (Oxford University Press, 2018).
19. Along similar lines, Ruth Buchanan and Jeffery G Hewitt have looked at how the Manitoulin Island Treaty (1836) can be understood as both "text" and "object," the latter bearing performative elements in its (colonial) claim of authority over the land. See "Encountering Settler Colonialism through Legal Objects: A Painted Drum and Handwritten Treaty from Manitoulin Island" (2017) 68 N Ir Leg Q 291 at 300-302.
20. Ed, *Imperial Debris: On Ruins and Ruination* (Duke University Press, 2013) at x. On haunting, see Sara Salem, "Haunted Histories: Nasserism and the Promises of the Past" (2019) 28 Middle East Critique at 261.

FIGURE 2: "STRANGE LOOKING MEN" AT THE LAWN COURTS



SOURCE: Blass, *Palestine Parodies*.[21]

The book is also an artifact that provokes the reader. Belabouring over the hidden meanings of humorous comics, puns, and riddles and deciphering the historical references of the book are in themselves interesting exercises. Yet these small victories of historical interpretation only crystallize how humour can be subversive and exploitative. Not only that, but the book also shows that irony and humour are significant modes of law's discourse. At the "Lawn Courts," Alice and her bird friend, the Dodo, encounter "strange looking men…writing busily," presumably about law in this confusing place (see Figure 2, above).[22] The comedic imagery of Alice exploring the legal institutions of Palestine resembles a colonial aesthetic of discovery and encounter. What is the significance of telling the history of the making of law in a settler colony through a "funny" fairy tale of comics and riddles? What does it mean for a book of illustrated parodies to tell a story about law in Mandate Palestine at the height of revolution? It is true that law can be

21. Mustard & Cress, *supra* note 8 at 25.
22. *Ibid*.

funny. Max Brod recalls that when Franz Kafka publicly read his masterpiece, *The Trial*, he "was overcome by laughter – as mysterious a phenomenon as the laughter that greeted the death of Socrates."[23] As Gilles Deleuze put it, "The comic is the only possible mode of conceiving the law, in a peculiar combination of irony and humor."[24]

The rich literature on the relationship between law and empire[25] confirms that this book can also be read as a colonial artifact. And it is. It is a representation of the legacy of the Mandate, with its gradation of sovereignties and civilizational discourses. Simply put, *Palestine Parodies* is a visual and literary product of article 22 of the *Covenant of the League of Nations*, without which the British would not have had the legal status that they did in 1930s Palestine.[26]

The image on the cover of the book depicts two men (Figure 3, below).[27] One man is riding a camel and wearing traditional Arab dress and sandals, as sacks and boxes hang from the camel's saddle. The other man is riding a donkey and wearing European attire: shorts and bulky boots. He is carrying some form of an axe or a mattock that is used to work the land. He is a worker. He is also a settler. In the background, the landscape shows small buildings and a mosque, and on the street, there are markers of the city—a bus and a car. The Arab and the Jew riding a camel and a donkey are juxtaposed against the modern city. The image captures Jerusalem under the Mandate in the eyes of this British judge.

23. Gilles Deleuze, *Masochism: Coldness and Cruelty*, translated by Jean McNeil (Zone Books, 1991) at 85-86.
24. *Ibid* at 86.
25. See *e.g.* Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press, 2004).
26. "Covenant of the League of Nations Adopted by the Peace Conference at Plenary Session, April 28, 1919" (1919) 13 AJIL Supp 128 at 137, art XXII.
27. Mustard & Cress, *supra* note 8 at cover.

FIGURE 3: *PALESTINE PARODIES: BEING THE HOLY LAND IN VERSE AND WORSE*

SOURCE: Blass, *Palestine Parodies*.[28]

While rehashing the vagaries of empire is important, I do not want to do just that here. Through this artifact I want to imagine, or perhaps curate, two competing stories.[29] The first story is about humour as exploitation and humiliation—it is about colonial domination and defeat. The second story is about struggle. Here, humour is understood as a defense mechanism of a failing colonial legal system. It is a story about revolution. This story thus unearths the silences of the book and highlights moments of resistance rather than subjugation. Most importantly, it reads those silences against the social history of the Revolt, which reimagined radical alternatives to the colonial state as well as its legal and judicial systems in Palestine. Narrating these two stories against each other is not about painting a

28. *Ibid*.
29. See Daniel Joyce "International Law's Cabinet of Curiosities" in Hohmann & Joyce, *supra* note 18, 15 at 16. Joyce argues that looking at objects, or in my case this literary artifact, is an invitation to curate and to tell new stories (*ibid*).

picture of history *as it really was*.[30] It is about examining how the colonial legal structures, manifested here in the form of a joke (Story One), collided with the history of struggle, refusal, and revolt (Story Two). Through curating competing images, jokes, and stories, the visual and literary tension in the analysis gazes upon history to recall and rekindle revolutionary possibilities.[31]

I. STORY ONE: READING THE COLONIAL AESTHETIC

This is the story of *humour as humiliation*. It is probably also the most obvious story that could come out of this literary artifact. *Palestine Parodies* is a relic of empire that marks the memory of the 1930s, the years that cemented the country as a settler colony, through jokes and comics. The book's preface reads as follows:

> [I]f people in this distressful country stopped walking around like undertakers, looking for a dead body to bury, and remembered the old tag 'Laugh and the World Laughs with You', the country would develop that essential adjunct to civilization—'A Laughing Mind'—and be happier for it.[32]

"A laughing mind," as Judge Cressall claimed, would not only lighten up the morbid mood of 1930s Palestine, but also was essential to a civilized mind. Through the use of humour, Arabs were represented as lazy slobs and backwards along the familiar spectrum of civilization. But, most importantly, they could not even appreciate a good laugh from a witty joke.

Using Freud's notion of "playful judgment," Juliet Brough Rogers argues that jokes "are the ordering of madness and humiliation"; they imply "a shared

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30. See Walter Benjamin, *The Arcades Project*, translated by Howard Eiland & Kevin McLaughlin (Harvard University Press, 2002) at 463. I am grateful to Ali Al-Adawy, Lina Attalah, Hussam Bahloul, Mohamed Said Ezzeldin, Malak Helmy, Maha Maamoun, Ash Moniz, Yasmin El-Rifae, Salma Shamel, and Haytham El-Wardany for their intellectual companionship and camaraderie throughout our long reading project of Benjamin and other radical thinkers.

31. I show how both stories interacted and collided, as if in a battleground. Massimiliano Tomba's reflections on Karl Marx's engagement with the "revolution within the Revolution" in the *Eighteenth Brumaire of Louis Bonaparte* are instructive here:

> History does not, in reality, stand before the materialist historian as an object to be represented objectively, 'as it really happened', but as a *Kampfplatz* in which to intervene. Marx does not limit himself to reporting events and to repeating what has been said, but names the event in order to demonstrate the opening of possibilities that were available in the past, and which the revolutionary class must gather together.

See *Marx's Temporalities*, translated by Peter D Thomas & Sara R Farris (Brill, 2013) at 52-54.

32. Mustard & Cress, *supra* note 8 at ix.

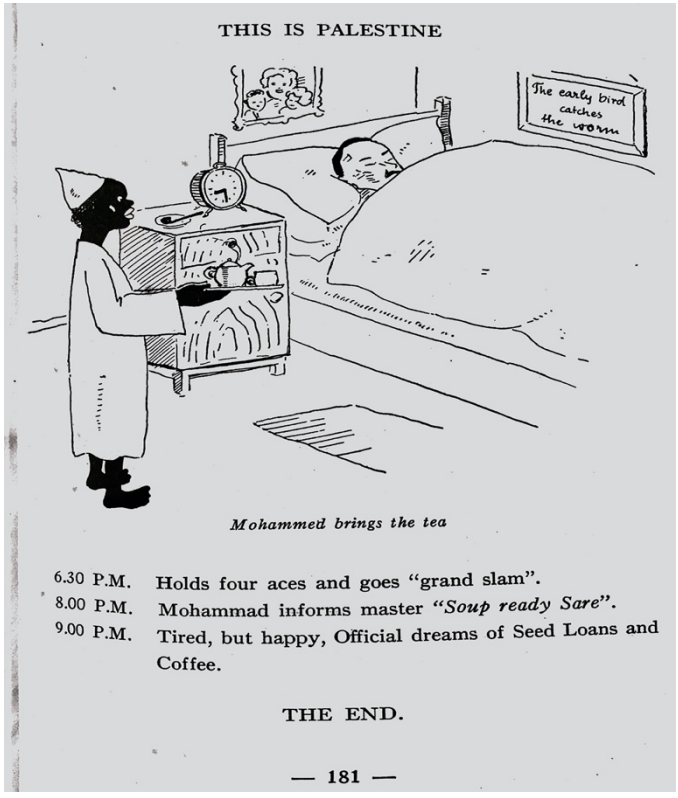
significance" or an agreement about what is acceptable at a given moment.[33] The comedic can be very powerful because it expands the spectrum of what is deemed tolerable and what is not. As such, writing history in the form of funny jokes and riddles could arguably tell us more than the traditional archive, at least sometimes, precisely because of this wider spectrum. In this case, the author of the joke, Judge Cressall, shares with the authors or architects of this settler colony a sensibility that openly embraces humiliation of the colony's subjects without the formalities of tone that usually constrain an official document.[34] Here, the use of humour cannot help but be exploitative. In fact, there is even a master–slave relationship at play in the book, echoing Agnes Heller's work on how this relationship operates in comedy.[35] In this instance, comedic humiliation, manifested in the master–slave relationship, dictates the storyboard of Palestine's history. Mohammed brings the tea to his British master in the last chapter of *Palestine Parodies*, titled "This is Palestine" (See Figure 4, below).[36] Mohammed is late. The British Hard Working Official (HWO) is forced to go back to sleep.[37] He eventually goes to the office, has more coffee, and discusses Seed Loans.[38] When HWO returns home, "Mohammed informs master '*Soup ready Sare*'" because that is how Arabs pronounce "Sir."[39] Master sleeps and "dreams of Seed Loans and Coffee."[40] Here, the bureaucracies of empire, the laziness of the East, and the master–slave relationship together draw a picture of life under the Mandate. *This is Palestine*.

Bertolt Brecht said that "the same wave of violence can take from a people both butter and sonnets."[41] *Palestine Parodies* is a material artifact—it displaces and demeans the local sonnets, as its authors extract the butter, or in this case,

33. "The Work of Humiliation: A Psychoanalytic Understanding of Checkpoints, Borders and the Animation of the Legal World" (2017) 28 L & Critique 215 at 218.
34. On the materiality of the archival document as an artifact, see Genevieve Renard Painter, "A Letter from the Haudenosaunee Confederacy to King George V: Writing and Reading Jurisdictions in International Legal History" (2017) 5 London Rev Intl L 7 at 13.
35. *Immortal Comedy: The Comic Phenomenon in Art, Literature and Life* (Lexington Books, 2005) at 62. Heller is here productively engaging with Hegel's famous master-slave dialectic.
36. Mustard & Cress, *supra* note 8 at 180-81.
37. *Ibid* at 180.
38. *Ibid*.
39. *Ibid* at 181.
40. *Ibid* [emphasis in original].
41. (Speech delivered at the Second Congress of Writers for the Defense of Culture, 1937), translated by Mitchell Abidor, online: *Marxist Internet Archive* <www.marxists.org/archive/brecht/works/1937/fascism-culture.htm>.

the oranges.[42] Like fascist art, the colonial aesthetics of this book "flow from (and justify) a preoccupation with situations of control, submissive behavior, and extravagant effort; they exalt two seemingly opposite states, egomania and servitude. The relations of domination and enslavement take the form of a characteristic pageantry."[43]

FIGURE 4: MOHAMMED BRINGS TEA TO THE HARD-WORKING OFFICIAL



SOURCE: Blass, *Palestine Parodies*.[44]

42. *Ibid* at 170. Brecht said, "[C]ulture is something inseparable from the whole productivity of a people" (*ibid*).
43. Susan Sontag, "Fascinating Fascism" (6 February 1975), online: *The New York Review of Books* <www.nybooks.com/articles/1975/02/06/fascinating-fascism>.
44. Mustard & Cress, *supra* note 8 at 181.

Palestine Parodies also maps this master–slave relationship onto the legal system of Palestine as a system of archaic absurdity. The courts in Palestine went through different phases, which differed over what law to apply and what to resort to if Ottoman law did not address a given legal question.[45] During the 1920s and 1930s, the Supreme Court of Palestine, for example, borrowed very little from English law.[46] There was a general restraint on importing English law, except with regards to general rules of equity.[47] Judge Cressall, like other judges, was probably uncomfortable with this restraint. In a comedic context, and under the heading of "potty poems," Judge Cressall writes about the Mejelle, which was a body of civil law from the Ottoman Tanzimat (or period of legal reforms).[48] He says:

> Will there ever come a season
>
> Which will rid us of the curse
>
> Of a law that knows no reason
>
> And whose best is like its worst.[49]

Palestine is depicted as a place of irrationality. For Judge Cressall, perhaps the backwards law that "knows no reason" should have been abandoned for the British common law. In the book, Lord Snott asks, "Is there any Common Law in Palestine[?]"[50] Sir Albert replies:

> No, Milord, I am instructed that what law there is, is of the uncommon variety. But, to continue, Milords.…the Government of Palestine did, and does promulgate Ordinances which place restrictions on the free entry of persons to the Holy Land. But, with respect, I suggest that the question is whether the Palestine Government, which is a mere creature of Statute, is entitled to issue such restrictions unless authorized by Act of Parliament.[51]

The decision to stop Jewish immigration to Palestine was a central demand of the Revolt, and the Mandate government was forced into drastically restricting immigration, at least temporarily.[52] The comical version of this manifests here

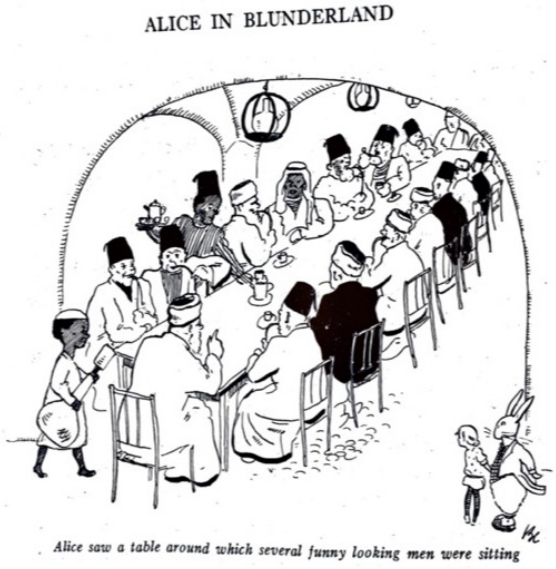
45. See Likhovski, *supra* note 9 at ch 3.
46. *Ibid* at 63-65.
47. *Ibid* at 64.
48. See Norman Bentwich, "The Legal System of Palestine under the Mandate" (1948) 2 Middle EJ 33.
49. Mustard & Cress, *supra* note 8 at 171.
50. *Ibid* at 88.
51. *Ibid*.
52. Matthew Hughes, "From Law and Order to Pacification: Britain's Suppression of the Arab Revolt in Palestine, 1936–39" (2010) 39 J Palestine Studies 6 at 6; Arieh J Kochavi, "The Struggle against Jewish Immigration to Palestine" (1998) 34 Middle Eastern Studies 146.

in the form of a British citizen, just like Alice, coming to visit the Holy Land on vacation but being denied entry by immigration officers.[53] "Must we have the Mandate?" asks the Lord Chancellor, "I thought it had died a natural death."[54] Sir Albert replies, "No, Milord. On the contrary, it is, I am informed, still the enduring foundation upon which all Immigration laws are based, and the permanent bone of most political contentions in the country."[55] The Lords appear confused by this Mandate that decides on immigration laws, a kind of "Magna Carta," they presume—of which many chapters have become obsolete.[56] The restrictions placed on immigration by the Mandate as a result of the Revolt were obsolete, no longer practicable, backwards.

When Alice goes down the rabbit hole in Palestine, it is the narrow streets of Jerusalem that seem like a dark tunnel with no end in sight. When Alice ends her journey down the rabbit hole, she comes out "among the people who think upside down and write backwards."[57] Whereas the image of the backwards and rowdy, yet lazy, Arab fits seamlessly in a comedic interpretation of legal life in Mandate Palestine, the image of the imaginative and rebellious Arab does not. If Judge Cressall wanted to ridicule the legal system in Mandate Palestine, he could and would have likely been seen as a critical voice among his contemporaries. But writing the history of revolution as a comedy is trickier. Readers find reference to the Revolt in only one of the Rabbit's side jokes to Alice, in the following illustration.

53. Mustard & Cress, *supra* note 8 at 86.
54. *Ibid*.
55. *Ibid*.
56. *Ibid*.
57. *Ibid* at 2.

FIGURE 5: "CURIOSER AND CURIOSER"[58]



SOURCE: Blass, *Palestine Parodies*.[59]

In Blunderland, Alice finds a table of "funny looking men…wearing…inverted ink pots on their heads."[60] The Rabbit explains to his friend Alice that they are discussing the affairs of the state, or more specifically the "A.S.S." ("Arab Supreme State").[61] He quickly warns her not speak so loudly, or "they'll spot you and hold a demonstration.…They demonstrate about anything…These demonstrations depend on the Moon, and the state of the weather, and, believe it or not, a new moon has risen tonight."[62] If the life of Jenin's Alice is defined by revolution and struggle, Blunderland's Alice is wilfully blind to the burgeoning revolution that swept the whole of Palestine for three years. The illustration depicts a group of Arab men, who are good for nothing but drinking tea and coffee, bickering amongst themselves as they make hasty and thoughtless political decisions. The Rabbit speaks about Arab demonstrations as if they appear from thin air. They are merely the product of the superstitions of the uneducated East. The moon

58. *Ibid* at 13.
59. *Ibid* at 5.
60. *Ibid* at 4.
61. *Ibid* at 5-6.
62. *Ibid* at 6.

and the state of the weather affect their moods. It is as if somehow maybe their lunatic lunar calendar has something to do with these demonstrations.

In the years leading up to the Revolt, the League of Nations Official Journal documented the growing tensions and agitations between the Arab and Jewish communities on the one hand, and between those two communities and the British Mandate on the other. Any observer should have anticipated the Revolt, or at least some form of large-scale and long-term protest. The most pressing point of contention, one that continued to be one of the main drivers of the Revolt, was the increase in Jewish immigration to and settlement in Palestine.[63] The year 1935 saw a radical increase in the number of Jewish settlers compared to the year before.[64] This increase, of course, slowly effected a change in the land tenure system, property relations, and labour relations.[65] By all means, there was nothing mystical about the Revolt. The state of the weather would not have sparked a revolution in 1930s Palestine.

While the Revolt should have been anticipated as a result of the policies of the British Mandate, the Mandate government painted the revolutionaries as terrorists. In its 1937 report to the League of Nations, the Mandate government stated:

> [P]ublic security in Palestine was seriously disturbed by a campaign of murder, intimidation, and sabotage conducted by Arab law breakers.…The terrorist campaign took the form of…murder… armed attacks on military, police and civilian road transport; on Jewish settlements and on both Arab and Jewish private property.[66]

Consequently, the Mandate Government aimed to dissolve the Arab Higher Committee (AHC), which ironically was not the most threatening entity to them.[67] In fact, the Revolt was very much a bottom-up struggle organized by peasants

63. *Report of the Commission, Submitted to the Council on September 14th, 1937*, LONPMC, 32nd Sess, C.330.M.222.1937.VI (1937) 18 League of Nations Official J 1089 at 1095-96 [*Report of the Commission*].
64. *Ibid* at 1095.
65. Rachel Taqqu, *Arab Labour in Mandatory Palestine* (PhD Dissertation, Columbia University, 1977) [unpublished] at 4, 78.
66. United Kingdom, Colonial Office, *Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1937* (His Majesty's Stationery Office, 31 December 1937) at para 10, online: *UN Committee on the Exercise of the Inalienable Rights of the Palestinian People* <unispal.un.org/DPA/DPR/unispal.nsf/0/7BDD2C11C15B54C2052565D10057251E> [*Report by His Majesty's Government*].
67. See *e.g.* Matthew Hughes, *Britain's Pacification of Palestine: The British Army, the Colonial State, and the Arab Revolt, 1936–1939* (Cambridge University Press, 2019) at 236.

and workers who embarrassed the local elites, such as those in the AHC, into supporting it, unlike what the traditional historiography of the Revolt claims.[68] In response to the Revolt, the government instituted emergency regulations, whereby all meetings to be held in Palestine would need a police licence.[69]

These same emergency regulations that were developed during the Mandate period by the British authorities were later incorporated into Israeli law.[70] The Israeli authorities adopted these same emergency regulations, for example, in the Ansar detention camp in Lebanon. There was no right to legal counsel and detention was often made without trial. Salah Tamari, a prisoner in the Ansar camp, remembers from 1984:

> Whenever we asked the Israelis that Geneva Conventions be applied, the answer was, "We treat you according to Geneva Convention Number 5." At that time, we didn't know what it was all about. When the Red Cross delegate came in, we rushed and asked him, "Please, what is Geneva Convention 5; we want a copy of that convention." He smiled and said such a thing didn't exist. That was a bitter joke.[71]

It *was* a bitter joke. Here, the work of humiliation through law manifests in this form of bitter humour. The joke is not really very funny, but, like the emergency legislation, it was inherited from a long line of bitter colonial jokes.[72] Many have argued, including Giorgio Agamben himself, that the State of Israel is a prime example of the state of exception, partly as a consequence of emergency legislation inherited from the Mandate period and especially legislation enacted during the Revolt.[73] These inherited emergency regulations open up

> a rhetorical landscape located somewhere between Freud's discussion of the work of jokes and Scarry's discussion of torture; between these two points is the promise of a legal world where there are only angels and devils and where these figures are animated in the flesh of both civilian and soldier.[74]

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68. See Charles W Anderson, *From Petition to Confrontation: The Palestinian National Movement and the Rise of Mass Politics*, *1929-1939* (PhD Dissertation, New York University, 2013) (ProQuest, 2013) at 593-96.
69. See *Report by His Majesty's Government*, *supra* note 66 at para 26.
70. See Laleh Khalili, "Incarceration and the State of Exception: Al-Ansar Mass Detention Camp in Lebanon" in Ronit Lentin, ed, *Thinking Palestine* (Zed Books, 2008) 101 at 111.
71. *Ibid*.
72. *Palestine Parodies* being the case in point.
73. See Ronit Lentin, "Palestine/Israel and State Criminality: Exception, Settler Colonialism and Racialization" (2016) 5 State Crime J 32 at 33. See also Giorgio Agamben, "The State of Exception – Der Ausnahmezustand" (Lecture delivered at the European Graduate School, Saas-Fee, Switzerland, 2003), cited in John Reynolds, *Empire, Emergency and International Law* (Cambridge University Press, 2017) at 203.
74. Rogers, *supra* note 33 at 215.

Rogers, using Elaine Scarry's work, argues that torture "reinforce[s] the regime's power *in the flesh*."[75] Acts of humiliation—deployed through jokes made by officials policing borders, enforcing checkpoints, and guarding prisons—are also inserted "*into the flesh*" of its subjects.[76]

During the Revolt, the Mandate Government set up special courts to deal with threats "against public order" through a new ordinance: *Ordinance to Provide for the Constitution of Certain Courts for the Trial of Certain Offences*, known as the *Temporary Constitution*.[77] It was enacted in 1936, immediately after the declaration of the general strike and the start of the Revolt.[78] The Attorney General explained that the "object of this Ordinance is to provide that courts may be specially constituted for the trial of cases arising out of disturbances."[79] This came with a series of amendments to the *Young Offenders Ordinance (1922)* and the *Police Ordinance (1926)*, among other legal changes.[80]

75. *Ibid* at 218 [emphasis in original].
76. *Ibid* at 219 [emphasis added].
77. Mandatory Palestine, *The Courts (Temporary Constitution) Ordinance, 1936*, Jerusalem, Israel State Archives (J/102/36, file 00071706.81.8D.24.15) [*Courts Ordinance*].
78. *Ibid*.
79. Letter from Attorney General HH Trusted (23 April 1936), in *ibid*, 10.
80. See *Courts Ordinance*, *supra* note 77.

FIGURE 6: CHECKPOINT ON THE COAST OF JAFFA

SOURCE: Library of Congress.[81]

These ordinances were used to further police the Arab population. The image in Figure 6, above, shows eleven soldiers at a checkpoint on the coast of Jaffa, as two Arabs stand with wide open arms and legs, ready to be searched and touched on the streets of their city. There were almost no qualms about establishing ad hoc emergency legislation. In fact, even Michael McDonnell, the Chief Justice of the Courts of Justice in Jerusalem, who was in a constant struggle with the British administration and High Commissioner Arthur Wauchope over the role of the judiciary in the suppression of the Revolt, supported the creation of special courts:

> Personally, I am always disposed to be averse in principle to *ad hoc* legislation such as is proposed. On the other hand, the Ordinance of 1929, which I may mention was passed when I was absent on leave, aroused little criticism. It saved Palestinian Judges from being placed in a position of great embarrassment at the time of acute racial tension. There is, so far as I have ever learnt, nothing but a most gratifying

81. "Palestine disturbances 1936. Jaffa. Old town on sea front, troops searching inhabitants for arms" (1936), Washington, DC, Library of Congress (2019708814), online: *Library of Congress* <www.loc.gov/item/mpc2010003533/PP>.

> appreciation here of the complete impartiality of the British Judges and there was in 1929 not even a whispered suggestion of "Jury-packing."[82]

Invoking the 1929 Ordinance, which also allowed for the establishment of special courts to manage the older "disturbances" of the 1929 Buraq Uprising,[83] Chief Justice McDonnell congratulated the British authorities, first for not putting the Palestinian judges in an "embarrassing" situation, and second for their "complete impartiality." He found the 1929 experiment to be so successful that he suggested that

> if such Ordinance is passed, it should not, as in 1929, be made applicable only to the disturbances of the moment but should be so drawn as to be capable of being brought into operation by Proclamation or High Commissioner's Order on the future occurrence of similar disorders, thus avoiding on each occasion the invidious necessity of having to decide whether it is expedient or not to enact a special Ordinance to meet what, unfortunately, are likely to be recurrent emergencies.[84]

Basically, Chief Justice McDonnell wanted to generalize the state of exception across time and control rebellious Palestine throughout the so-called disturbances of the interwar years. By 1937, the Mandate government had detained 903 individuals, 816 of whom were Arabs.[85] The courts passed harsh sentences; even carrying firearms could result in a death sentence, which would usually be commuted to life imprisonment.[86] Perhaps most symbolic was the fact that the arrested rebels were referred to as "disturbance prisoners" for years after the end of the Revolt.[87] This snapshot from a file in the Israeli State Archives (Figure 7, below) records the history of the Revolt as a history of "disturbance." Notice Ismail Hamdan, who was convicted and sentenced to seven years in prison for possession of firearms. Hamdan escaped incarceration in March 1937 but was unfortunately recaptured in February 1944. This snapshot of abstracted lives also cements the new state as a settler colony over not only the land, but also the files

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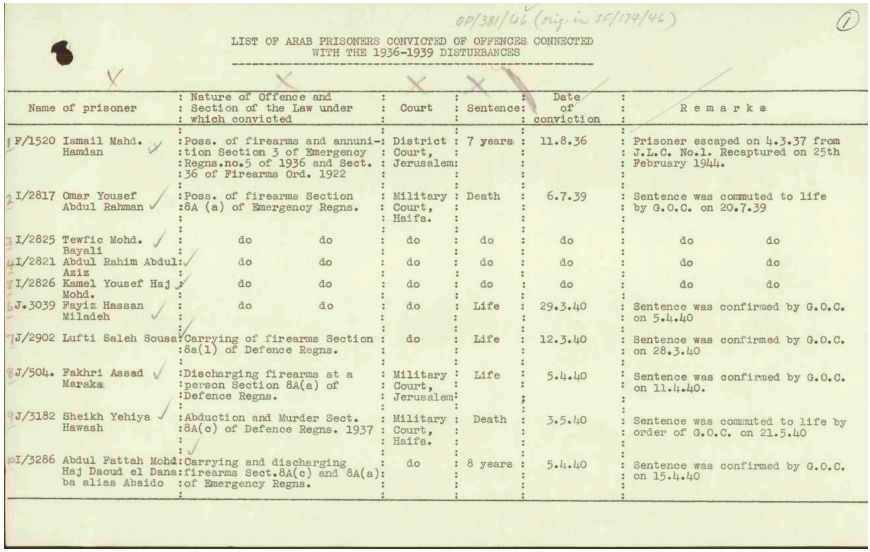
82. Letter from Chief Justice Michael McDonnell to High Commissioner Arthur Wauchope (27 April 1936), in *Palestine Disturbances, April 1936. Establishment of Special Courts*, Jerusalem, Israel State Archives (J/114/36, file 00071706.81.8D.24.18) 10 [Letter from Chief Justice].
83. See Ilan Pappé, "Haj Amin and the Buraq Revolt" (2003) 18 Jerusalem Q 6.
84. Letter from Chief Justice, *supra* note 82.
85. See *Report by His Majesty's Government*, *supra* note 66 at para 29.
86. See Mandatory Palestine, Commissioner of Prisons, *Review of Arab Prisoners Convicted of Offences Connected with the 1936/39 Disturbances*, Jerusalem, Israel State Archives (OP/381/46) at 84-88 [*Review of Arab Prisoners*].
87. *Ibid*.

and archives of the former empire—for what is a state if it is "*off the record*?"[88] Israel inherited the physical files of the British Mandate just like it inherited its contents and, in that particular case, the security regime it used to quell any form of protest and refusal.

FIGURE 7: ARAB POLITICAL PRISONERS FROM THE 1936–1939 "DISTURBANCES"



LIST OF ARAB PRISONERS CONVICTED OF OFFENCES CONNECTED WITH THE 1936-1939 DISTURBANCES

Name of prisoner	Nature of Offence and Section of the Law under which convicted	Court	Sentence	Date of conviction	Remarks
F/1520 Ismail Mahd. Hamdan	Poss. of firearms and annunition Section 3 of Emergency Regns.no.5 of 1936 and Sect. 36 of Firearms Ord. 1922	District Court, Jerusalem	7 years	11.8.36	Prisoner escaped on 4.3.37 from J.L.C. No.1. Recaptured on 25th February 1944.
I/2817 Omar Yousef Abdul Rahman	Poss. of firearms Section 8A (a) of Emergency Regns.	Military Court, Haifa.	Death	6.7.39	Sentence was commuted to life by G.O.C. on 20.7.39
I/2825 Tewfic Mohd. Bayali	do do	do	do	do	do do
I/2821 Abdul Rahim Abdul Aziz	do do	do	do	do	do do
I/2826 Kamel Yousef Haj Mohd.	do do	do	do	do	do do
J.3039 Fayiz Hassan Miladeh	do do	do	Life	29.3.40	Sentence was confirmed by G.O.C. on 5.4.40
J/2902 Lufti Saleh Sousa	Carrying of firearms Section 8s(1) of Defence Regns.	do	Life	12.3.40	Sentence was confirmed by G.O.C. on 28.3.40
J/504. Fakhri Assad Maraka	Discharging firearms at a person Section 8A(a) of Defence Regns.	Military Court, Jerusalem	Life	5.4.40	Sentence was confirmed by G.O.C. on 11.4.40.
J/3182 Sheikh Yehiya Hawash	Abduction and Murder Sect. 8A(c) of Defence Regns. 1937	Military Court, Haifa.	Death	3.5.40	Sentence was commuted to life by order of G.O.C. on 21.5.40
I/3286 Abdul Fattah Mohd: Haj Daoud el Dansba alias Absido	Carrying and discharging firearms Sect.8A(c) and 8A(a) of Emergency Regns.	do	8 years	5.4.40	Sentence was confirmed by G.O.C. on 15.4.40

SOURCE: Israel State Archives.[89]

All these security developments were a result of the new Regulations and Police Ordinances.[90] Additionally, there were "exceptional Police developments" that included establishing reserve police forces in Jerusalem, Jaffa, and Haifa, and a new police post in Jerusalem, installing eleven additional police wireless stations, and providing police motor vehicles with wireless devices as arrangements for

88. Cornelia Vismann, *Files: Law and Media Technology*, translated by Geoffrey Winthrop-Young (Stanford University Press, 2008) at 1. See also Mayur Suresh, "The File as Hypertext: Documents, Files and the Many Worlds of the Paper State" in Stewart Motha & Honni van Rijswijk, eds, *Law, Memory, Violence: Uncovering the Counter-Archive* (Routledge, 2016) 97 at 100. Suresh argues that "the logic of the file is intimately attached to the rise of bureaucratic state, and hence closely tied up with modes or production of juridical truth, discourses of state accountability, and the rule of law" (*ibid*).
89. *Review of Arab Prisoners*, *supra* note 86 at 21.
90. *Report by His Majesty's Government*, *supra* note 66 at paras 29, 30.

eighteen more vehicles were being made.[91] Finally, with the purchase of "two more South African police dogs," the securitization of Palestine would be complete.[92] These developments would later concretize and bear new meanings in the familiar politics of everyday life in Palestine today.

The Mandate would treat the Revolt and the general strike as a "disturbance" and the Arab revolutionaries as "disturbance prisoners" or "terrorists." Story One in *Palestine Parodies*, as I have identified, would treat the Revolt as a mystical phenomenon that could spark only laughter and ridicule, reduce it to essentialist ideas about the mystics of the East, and depict its activists as self-interested hypocrites (but in a funny way).

II. STORY TWO: READING THE REVOLUTIONARY AESTHETIC

Story Two of *Palestine Parodies* is that of the disquieted, perturbed, and anxious humour of a failing and falling empire. Here, humour in the book can be read as a defence mechanism: *We called it first. We are failing, and we know it*. Indeed, if there was one thing that probably left Judge Cressall full of resentment, it was the Arab boycott of the British courts as one manifestation of the Mandate's failure in Palestine. He writes the legal history of Mandate Palestine in the form of humorous comics, puns, and riddles because he (a British judge) could no longer work in Palestine as he knew it. In some sense, here, "comedy does not succeed tragedy but mingles strangely with it."[93] The tragedy of the British failure in Palestine mingles with the comedy of its claim of that failure in the face of a growing insurrection. Comedy made it possible for the narrator to be silent on the burgeoning revolution—a silence that official documents could not practice. On the back cover of the book, a fictitious extract from the *Annual Report of a Mandated Territory to the League of Nations* states, "We look forward keenly to the appearance of their last book."[94] But in seriousness, the Mandate could only accept the joke and claim it. It was failing. To that end, I turn this colonial literary artifact against itself to tell a story about that muted revolution—the very antithesis of empire. I read this text and its evocative comics against the history of the Revolt and against Palestinian comics of the period. This, I argue,

91. *Ibid* at para 30.
92. *Ibid*.
93. Henri Lefebvre, *Introduction to Modernity*, translated by John Moore (Verso, 1995) at 23.
94. Mustard & Cress, *supra* note 8 at back cover.

is some form of a *détournement*.[95] To illustrate this point, I follow Guy Debord and Gil J. Wolman in their engagement with the classic yet notoriously racist film, *Birth of a Nation*:

> [W]e can observe that Griffith's *Birth of a Nation* is one of the most important films in the history of the cinema because of its wealth of innovations. On the other hand, it is a racist film and therefore absolutely does not merit being shown in its present form. But its total prohibition could be seen as regrettable.…It would be better to detourn it as a whole, without necessarily even altering the montage, by adding a soundtrack that made a powerful denunciation of the horrors of imperialist war and of the activities of the Ku Klux Klan, which are continuing in the United States even now. Such a détournement–a very moderate one–is in the final analysis nothing more than the moral equivalent of the restoration of old paintings in museums.[96]

Reading *Palestine Parodies* against the history of the Revolt is perhaps also nothing more than the restoration of an old painting. But maybe this *détournement* could help the book's readers reimagine Mandate Palestine in a different (revolutionary) light. *Palestine Parodies* is as much innovative as it is racist. But through Debord and Wolman, or the situationists more broadly, one could envisage more literary and visually subversive readings of the book.

One of the most novel aspects of the Revolt was its aspiration to create a parallel system altogether. The reality was gloomy. Arab lands were being sold. More settlers were arriving. The Mandate was pushing for partition. Unemployment was on the rise as more lands were taken from the countryside, turning peasants into waged workers who moved more into the urban centres. Through the Mandate, Britain was effectively creating a new settler colony—a blunderland, to use Cressall's term. In Blunderland, the "Pool of Tears," the government offices, is a place that makes people cry—where, as Alice notices, one needs to "[a]bandon all hope all ye who enter here."[97] Unlike the "Pool of Tears," the place of hopelessness and misfortune, the rebels reimagined a parallel Palestine that was outside the colonial governance of the Mandate. This parallel world even inspired others to show solidarity and to join forces. Many Syrians, for example, saw that the Revolt in Palestine was part of the same wider anti-colonial struggle

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95. See Peter Goodrich, "Proboscations: Excavations in Comedy and Law" (2017) 43 Critical Inquiry 361 at 372-73.
96. "A User's Guide to Détournement" in Ken Knabb, ed, *The Situationist International Anthology*, revised ed, translated by Ken Knabb (Bureau of Public Secrets, 2006) 14 at 19. One example of a *détournment*, said Debord and Wolman, could be the following: "Thus it wouldn't be a bad idea to make a final correction to the title of the 'Eroica Symphony' by changing it, for example, to 'Lenin Symphony'" (*ibid* at 20).
97. Mustard & Cress, *supra* note 8 at 13.

across the Arab world.[98] In Syria, boycotts and solidarity strikes were organized as protesters took to the streets. Armed Syrian volunteers travelled across the border into Palestine to support the rebel forces.[99]

A scene from Syrian Director Muhammad Malas's 1992 film *Al-Layl* (*The Night*) best depicts the memory of the Palestinian Revolt in Syria.[100] A group of volunteers stop at Quneitra, the now destroyed and abandoned city in the Syrian Golan Heights. During the 1967 war, Quneitra came under Israeli control and was subsequently razed to the ground.[101] But in 1936, it was a stop for Syrian volunteers on their way to join the rebels in Palestine.[102] Most likely, some of these volunteers took the then newly constructed road on the Palestine–Syrian border between Bassa and Metulla, despite the fact that it was heavily patrolled by the police "to prevent the smuggling of arms into Palestine and the entry across the border of armed bandits and illegal immigrants," in the words of the British representative to the Council of the League of Nations.[103]

FIGURE 8: STILL FROM *AL-LAYL*, MUHAMMAD MALAS

SOURCE: trigon-film.[104]

98. See Mahmoud Muhareb, "The Zionist Disinformation Campaign in Syria and Lebanon during the Palestinian Revolt, 1936–1939" (2013) 42 J Palestine Studies 6 at 10.
99. *Ibid*.
100. Muhammad Malas, *Al-Layl* [*The Night*], 1990 (trigon-film, 1992) at 00:13:20-00:15:45.
101. "Destruction of Quneitra Condemned; Assembly Says Syria Entitled to Full Compensation" *UN Chronicle* 14 (January 1977) 20 at 20.
102. Malas, *supra* note 100.
103. *Report by His Majesty's Government*, *supra* note 66 at para 32.
104. Malas, *supra* note 100 at 00:15:05.

CAPTION: "Young man, come take a picture of us, for the future, for our children. We are going to Palestine!"

A number of "photo-snapping" scenes slowly assemble the larger puzzle of the film, collecting fragments of the past from the director's mother's narrated memory of his father's journey to Palestine.[105] The film tells a story of struggle and defeat, from Damascus and Quneitra to Jaffa and Jerusalem. The volunteers gather close together as they strike a pose in the dead of night. The film's camera defers to the other camera capturing this memory: *They were going to Palestine*.

Some leaders and rank-and-file rebels of the Revolt were from Syria, Iraq, and Egypt. For example, born on the peripheries of Latakia, Sheikh Izz al-Din al-Qassam would later become a symbol of the Revolt in Palestine.[106] He was a Syrian, Azhar-educated, seasoned rebel. He participated in the Syrian revolt against the French in 1919–1920.[107] As soon as he moved to Haifa in 1921, along with the Egyptian Sheikh Muammad al-Hanafi and Sheikh Ali al-Hajj Abid, he "started to organize secret groups."[108] While historians disagree on the real reasons behind the Revolt, there is a general consensus that the Qassamist rising marked its beginning.[109] The leadership of the Palestinian national movement traced the causes of the Revolt to the following: the demand to stop Jewish immigration immediately; "the prohibition of the transfer of the ownership of Palestinian Arab lands to Jewish settlers"; and the establishment of a democratic government in Palestine with Arabs securing a majority.[110] As the prolific novelist and leading member of the Popular Front for the Liberation of Palestine (PFLP), Ghassan Kanafani, had put it, "[T]hese slogans, in the bombastic versions in which they were repeated, were quite incapable of expressing the real situation, and in fact to a great extent all they did was to perpetuate the control of the feudal leadership over the nationalist movement."[111] According to Kanafani, the true cause of the Revolt was "the transformation of Palestinian society from an Arab agricultural-feudal-clerical one into a Zionist (Western) industrial bourgeois one."[112]

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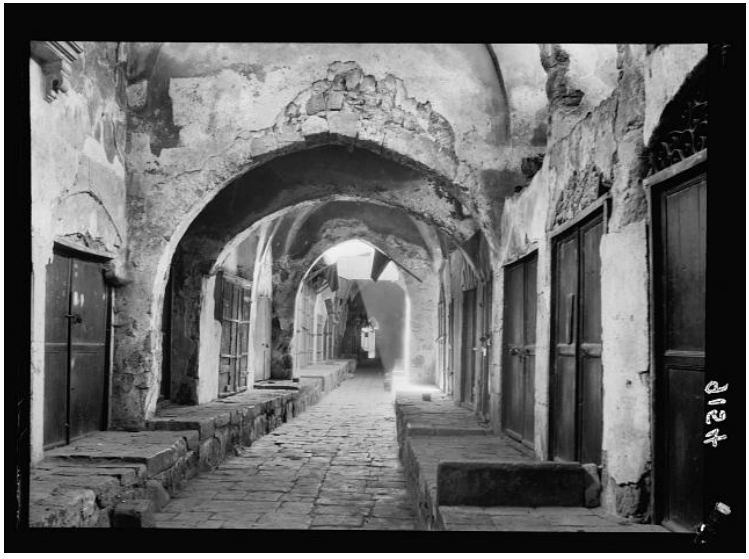
105. Samirah Alkassim & Nezar Andary, *The Cinema of Muhammad Malas: Visions of a Syrian Auteur* (Palgrave MacMillan, 2018) at 5.
106. See Ghassan Kanafani, "The 1936-39 Revolt in Palestine" (Committee for a Democratic Palestine, 1972) at 37, online (pdf): *Historical Documents of the Popular Front for the Liberation of Palestine* <pflp-documents.org/documents/PFLP-Kanafani3639.pdf>.
107. *Ibid*.
108. *Ibid*.
109. *Ibid* at 35.
110. *Ibid* at 36.
111. *Ibid*.
112. *Ibid*.

On 15 April 1936, a group of Qassamites led by Farhan Saa'di and Mahmoud Derawi attacked a Jewish car on the Nablus-Tulkarm road, killing three and injuring others.[113] To retaliate, a group of Jewish people killed two Arab workers by the Yarkon River and attacked two men and a woman in Tel Aviv.[114] This sparked street fights between the two communities in Jaffa and other cities, which eventually culminated in a call for an Arab general strike by 19 April.[115] The famous Jerusalem markets were deserted for the barricades. The image of the vacant Jewelers' market in reality could only mock the image from *Palestine Parodies* where the Rabbit ridicules Arabs who "demonstrate about anything" to no avail.[116] The corridor of cobblestones appears empty with not a human in sight (see Figure 9, below). Here they are, Palestinians putting the British economy in Palestine at a standstill.

FIGURE 9: DESERTED JERUSALEM MARKETS DURING THE GENERAL STRIKE



SOURCE: Library of Congress.[117]

113. See Subhi Yasin, *al-Thawra al-'Arabiyya al-kubra* (Dar al-huna li-l-taba'a, 1959) at 30.
114. *Ibid.*
115. *Ibid.*
116. See the Rabbit's discussion with Alice in Part I, above (see Figure 5), about the Arabs who "demonstrate about anything." Mustard & Cress, *supra* note 8 at 6.
117. "Palestine disturbances 1936. Deserted scene in Jewelers market, as it has appeared during the months of the strike, otherwise a crowded bazaar" (1936), Washington, DC, Library of Congress (2019708940), online: <www.loc.gov/item/mpc2010003659/PP>.

The strike sparked the creation of popular committees and the establishment of grassroots infrastructure that sustained the strike and consummated it into a national uprising.[118] None of the leaders of the AHC, including Haj Amin Al-Husseini, supported the movement initially.[119] It was peasants and workers who established rebel courts, local administrations, and guerrilla bands. They also collected taxes (parallel to the tax strike against the government) and developed an impressive intelligence system.[120]

New committees started forming for "strike supervision, medical relief, financial support, [and] legal services" and organized boycotts of Jewish and British commodities spread across the country.[121] These were all supported by a number of women's and students' groups. Female students established their own independent bodies and organized demonstrations.[122] Women's committees appeared in parts of the country where there had not been any significant women's organization in the past.[123] They played an important role in fundraising for the Revolt and led a number of demonstrations.[124] Oral history narratives document women's significant role in the Revolt, a role that was not acknowledged in any of the official archives. For example, there was a group called *Rafiqat al-Qassam* or The Women Comrades of al-Qassam, who fought in the Revolt. These narratives also show that during the Revolt, women disseminated news and delivered messages and secret letters. They hid rebels and worked as nurses. They formed monitoring committees on the roads.[125] Many also participated in Arab women's conferences in the region, including one held in Cairo in 1938, to which the famous Egyptian feminist Hoda Shaarawi invited Palestinian women to share the struggles of the Palestinian revolution with other Arab feminists.[126]

The rebels of Palestine reimagined a new state altogether.[127] They not only focused their efforts on organizing protests, but also on reclaiming community

118. See Yasin, *supra* note 114 at 31.
119. *Ibid.*
120. See Anderson, *supra* note 68 at 625-35, 653, 855.
121. *Ibid* at 625.
122. *Ibid*.
123. *Ibid* at 626.
124. *Ibid*.
125. See Samar Yazbek, "*al-Mar'a al-Filastiniyya wa Adwariha al-Mansiyya: Riwayat al-Nisaa' li Tarikh al-Muqawama*" (2007) *al-Hiwar al-Mutamadden*.
126. See Raf'a Abu Rish, "*Dawr al-Riwaya al-Shafawiyya li al-Mar'a al-Filastiniyya fi al-Hifadh 'ala al-Hawiyya al-Wataniyya*" (2007) 36 *Jaridat Haq al-'Awda*.
127. See Anderson, *supra* note 68 at 629-30.

autonomy and organization.[128] As Charles W. Anderson puts it, "The organs of the strike attempted not only to assert…the community's desire for sovereignty… but in some respects styled themselves as protean versions of the institutions of a future state."[129] The rebels' attempts at creating an alternative state system altogether and their appropriation of the traditional symbols of state power "blur the lines between 'mimicry' and 'mockery'" of the colonial administration, as Zeina B. Ghandour argues.[130] The reproduction of many of the colonial state structures left the Mandate at a loss, almost making a mockery out of it.

The rebel courts were integral to the continuation of the Revolt. They helped protect the interests of the public. The courts also disciplined the rebels who abused their authority or harmed the public in any way.[131] Far from adopting a "law that knows no reason,"[132] the rebel courts created a sophisticated four-tiered judicial system: the village conciliation committees; the revolutionary courts; the district courts; and finally, the High Court of Appeals.[133]An intelligence report issued in 1938 by the Criminal Investigation Department described the rebel courts, almost in admiration:

> One of its most characteristic and potent institutions is the system of rebel courts, which is increasing daily in popularity. The majority of villagers no longer complain to the police. Instead a court is convened, composed of the leaders of the detachments operating in the area concerned, and the cases heard and dealt with as expeditiously as possible, generally to the satisfaction of both parties. An order has now been issued by the Committee in Damascus that the Mukhtars of every village in the country together with 4 elders are to sign a declaration that no criminal cases are to be reported to Government. Cases of minor importance will be dealt with by a village court but those of a serious nature by the rebel courts. Cases in which a village court is unable to come to a decision will be forwarded to the rebel court.[134]

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128. *Ibid*.
129. *Ibid* at 630.
130. *A Discourse on Domination in Mandate Palestine: Imperialism, Property and Insurgency* (Routledge, 2010) at 86 (paraphrasing Homi Bhaba).
131. See Anderson, *supra* note 68 at 948. Some of the sentences could be incredibly violent. One could say that these are the pitfalls of imagining any state solution. Strike-breakers were often threatened with death (*ibid* at 648–49). On the cycle of state violence, see Walter Benjamin's classic, "Critique of Violence" in Marcus Bullock & Michael W Jennings, eds, *Walter Benjamin: Selected Writings, 1, 1913–1926* (Belknap Press of Harvard University Press, 1996) 236.
132. Mustard & Cress, *supra* note 9 at 171.
133. Anderson, *supra* note 68 at 944.
134. Criminal Investigation Department, *Intelligence Report*, *Arab Revolt 1938* (September 1938), Oxford, St Antony's College Middle East Centre Archive (Palestine Police Old Comrades Association Collection), cited in Ghandour, *supra* note 130 at 99-100.

Significantly, the rebel courts reduced the work of the government courts by 25 per cent! Many people came to the government courts at different levels and asked that their papers be returned so they could transfer their case to the rebel courts.[135] The rebel courts were fully functioning. The rebels even stole a number of typewriters from the British government offices to help them go about their business. By "appropriating the paraphernalia of British justice,"[136] the rebels marked a new symbolic order where colonial legal structures, from the court system to the mundane practicality of its typewriters, were up for grabs to be reimagined, repurposed, or simply revolutionized.

The Arab boycott, the rebel courts, and the overall local insurrection left Britain in a panic. In fact, the Revolt caused a conundrum at the meeting of the Permanent Mandates Commission (PMC). The PMC claimed that it was "given a task that was entirely new to it."[137] Its task was to evaluate the intentions of the Mandatory Power on the termination of its then fifteen year-old mandate, not because of the "attainment of maturity by the ward," but because of "the difficulties of guardianship."[138] The difficulties of guardianship became clear with the outcomes of the commission of inquiry, known as the Peel Commission, which was appointed to investigate the reasons behind the Revolt.[139]

The PMC explained that the postwar "jealous and overweening nationalism" came to life again in the disturbances of 1936.[140] Arab hostility towards Jewish immigration made it difficult for the ward to refrain from "repressive measures" and made it impossible to proceed with the mandate "without resorting to the constant use of force."[141] The Arabs believed that their resort to violence would affect British policy but it did not, or so the report of the PMC claimed. Citing an old statement from the 1929 "disturbances," the Commission reminded the Mandate that the use of force was an indication that the ground had been shaken:

> The capacity of a Government to establish peace and concord among those whom it governs is proportionate to its confidence in itself and its policy; and the likelihood

135. See Mustafa Kabha, "The Courts of the Palestinian Arab Revolt, 1936–39" in Amy Singer, Christoph K Neumann & Selçuk Akşin Somel, eds, *Untold Histories of the Middle East: Recovering Voices from the 19th and 20th Centuries* (Routledge, 2011) 197 at 199-200.
136. Ghandour, *supra* note 130 at 102-103.
137. *Report of the Commission*, *supra* note 63 at 1090.
138. *Ibid.*
139. *Ibid.*
140. *Ibid* at 1092.
141. *Ibid*.

> of its being obliged to resort to force in order to impose its will is proportionate to the uncertainty of its intentions.[142]

In fact, the PMC claimed, the "present mandate became almost unworkable" as soon as it was so declared by a British Royal Commission (the Peel Commission).[143] The Mandate was failing, even on its own terms.

The Peel Commission concluded its report in July 1937 (the Revolt continued for another two years). The report recommended a "radical transformation" to the existing regime because the Mandate had reached "a deadlock."[144] The Commission proposed that either provisions from the mandate treaty be amended or "that the mandate should be abrogated and replaced by an entirely new Statute."[145] The Peel Commission favoured the second of the two suggested reforms. This also entailed the division of Palestine into three separate political units: the Arab State would comprise the most extensive yet least fertile territory and would be attached to Trans-Jordan; the Jewish State would comprise a smaller area but would include the coastal region and its adjacent plain, since they contained the main Jewish agricultural settlements and industrial operations; and the remaining area of Jerusalem and Bethlehem would be connected to the sea by a corridor, and some enclaves would remain under the British mandate.[146] These were the first official seeds of the partition of Palestine.

In 1937, the PMC warned against the partition of Palestine, the logic of which equated the suffering of the Jews to that of the Arabs:

> But it should also be remembered that the collective suffering of Arabs and Jews are not comparable, since vast spaces in the Near East, formerly the abode of a numerous population and the home of a brilliant civilisation, are open to the former, whereas the world is increasingly being closed to settlement by the latter.[147]

The position of uprooting the Indigenous population from their land and sending them to other Arab countries is presented here with comfort and humanitarian zeal. Nevertheless, partition was eventually favoured by the PMC despite its warning of the potentially "delicate problem" of population transfer.[148] Despite the fact that partition took place only ten years later, its logic continued

142. *Ibid* at 1093.
143. *Ibid.*
144. *Ibid* at 1090.
145. *Ibid*.
146. *Ibid* at 1090-91.
147. *Ibid* at 1093.
148. *Ibid.*

to guide the legal governance of Palestine until it was eventually realized in the UN Partition Plan.[149]

While the PMC declared the British Mandate a failure in Palestine, it ended its 1937 report by commending the British authorities for their work over the previous twenty years. In fact, "any man of goodwill [should hold] a degree of admiration" for the Mandate in the face of "ruthless violence" that "stills the voice of humanity":[150]

> Let the Jews, who all too often, and without justification, show impatience at the delay and hesitation which the mandatory Power has felt compelled to bring to the building-up of their national home, ask themselves whether there is any other nation by which they have been so little persecuted and to which, for generations past, they owe so many benefits. Let the Arabs, whose opposition to what is nevertheless a measure of higher justice which cannot be carried out without a sacrifice from their side can be readily understood, remember the origin of their national emancipation. Without British efforts, certainly, there would have been no Jewish national home; but also there would have been, on the threshold of the twentieth century, no independent Arab States.[151]

This passage suggests, if anything, that Arabs and Jews should feel nothing but gratitude toward the British Empire, without which neither a Jewish state nor other Arab states would exist. There is something so jarringly absurd about this statement that it almost feels as if this absurdity was intended by the PMC itself. For Judge Cressall, it was clear that the Mandate was failing, so apparently he thought, let's call it and make a joke out of it.

When Alice visits the Cadet's Office, he tells her, "[W]e're being partitioned."[152] "Repeat this after me,"[153] he says, and Alice repeats:

> I passed by a vineyard and saw with one eye,
>
> How a Jew and an Arab were sharing a pie
>
> The Jew took some pie crust and gravy and meat
>
> While his friend had the dish as his share of the treat.
>
> When the pie was all finished the Jew as a boon

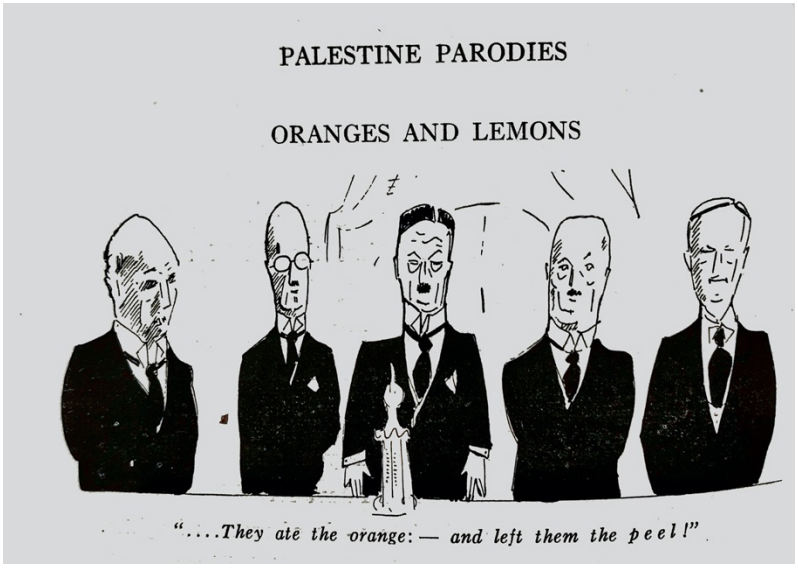
149. United Nations, *Future Government of Palestine*, UNISPAL, GA Res 181 (II), 2nd Sess, Supp No 11, UN Doc UNA(01)/R3 (1947) 131 at 131 online: *UN Committee on the Exercise of the Inalienable Rights of the Palestinian People* <unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253>.
150. *Report of the Commission*, *supra* note 63 at 1095.
151. *Ibid.*
152. Mustard & Cress, *supra* note 8 at 45.
153. *Ibid* at 47.

Permitted the Arab to pocket the spoon

Then some Englishmen came to join in the meal

But they ate the orange:—and left them the *peel!*"[154]

FIGURE 10: THEY ATE THE ORANGE AND LEFT THEM THE PEEL



SOURCE: Blass, *Palestine Parodies*.[155]

This is a classic example of the anxious humour of *Palestine Parodies*. It is also racist and anti-Semitic. The irony of the partition plan schemed by the British government, and later the United Nations, is that it was an utter failure. Britain plundered Palestine, stole the Jaffa oranges, and left them the *Peel* Commission and its partition plan as a "solution." The partition of Palestine was completely rejected by the Arabs. The hidden bitterness of this clever joke is informed by the fact that the Peel Commission, like other entities, was completely boycotted by the Arabs. The Boycott, Divestment, and Sanctions (BDS) movement is not new to Palestine; it has a revolutionary history, as Abdel Razzaq Takriti argues. As the Commission admitted, "[A]s long as the AHC maintained the 'boycott,'

154. *Ibid*.
155. *Ibid* at 48.

no Arab came near us."[156] More than a year after the Peel Commission, the new Palestine Partition Commission stated that the "Arabs remain inflexibly hostile to partition. During our stay in Palestine, no Arab came forward to submit evidence or to co-operate in any way with us: the boycott was complete."[157] The orange *Peel* was, so to speak, thrown in the garbage—or better yet, left to rot and decompose.

Peter Goodrich said that "[s]hunning punning and denying comedy, is too easy, too thoughtless, and, worse still, it is humourless."[158] I do not want to be the person who does this. In fact, the long Palestinian revolution continues to use humour in the face of oppression until today.[159] I want to end with one cartoon from *Falastin* newspaper, because Palestinians have been anything but humourless.

156. Abdel Razzaq Takriti, "Before BDS: Lineages of Boycott in Palestine" (2019) 134 Radical History Rev 58 at 74, citing UK, Secretary of State for the Colonies, *Palestine Royal Commission Report* (Cmd 5479, July 1937) at 132, online (pdf): *Palestinian Mandate* <palestinianmandate.files.wordpress.com/2014/04/cm-5479.pdf>.
157. *Ibid*.
158. *Supra* note 95 at 363.
159. Since the First Intifada, Palestinian Professor Sharif Kanaana at Birzeit University has been collecting Palestinian jokes, folktales, and oral history narratives. See *e.g.* Sharif Kanaana, "Humor of the Palestinian 'Intifada'" (1990) 27 J Folklore Research 231.

FIGURE 11: CARTOON FROM FALASTIN NEWSPAPER, 20 JUNE 1936

SOURCE: Falastin Newspaper, Institute for Palestine Studies Microfilm Newspaper Archive.[160]

This 1936 cartoon (Figure 11, above), published only a couple of months after the start of the Revolt, depicts the soul of the Ottoman Jemal Pasha, known by the Arabs as *al-Saffah* or the bloodthirsty murderer, flying over and blessing British High Commissioner Arthur Grenfell Wauchope, who is holding his

160. "Front page of Falastin newspaper on 20 June, 1936" (1936), online: *Palestinian Journeys* <www.paljourneys.org/en/media/media/6742/front-page-falastin-newspaper-20-june-1936#&gid=1&pid=1>.

long sword and standing tall as the city of Jerusalem and its minarets appear much smaller in the background. Jemal Pasha thanks Wauchope for making the Arabs forget his tyranny, because his own tyranny was far superior. Pictures and cartoons played an important role in Palestinian journalism during the 1930s, since around only one in five Arabs were literate. It was common to do public readings of the newspaper while showing the visuals to those who could not read.[161] These gatherings were threatening to the British to the extent that, during the early phase of the Revolt, Arab dailies were suspended thirty-four times.[162] This important Arabic-language daily newspaper, *Falastin*, chose to translate only the caption of the cartoon into English. This was a common practice; Arabic papers would sometimes translate parts of their content, usually political cartoons or official letters to the government, into English. The politics of translation completes the visual portrait that taunts the violence of the British Mandate.

III. CONCLUSION

Through these two parallel stories, I have tried to read this book in light of the constant tension between oppression and struggle. One story is about an empire flexing its muscles through humiliation and exploitation, and the other is about a failing empire unable to deal with a growing insurrection. It is not an account of the fluidity of textual interpretation or different literary readings, but an effort to tell the legal history of Mandate Palestine as one of push and pull between the forces of colonialism and those of resistance. In these two stories, the comedic is invoked as a powerful mode of law's discourse and a way of showing its absurdity. While the book does not engage directly with the Revolt, it is both haunted and embarrassed by it. I tried to turn this colonial artifact against itself through a more subversive reading that captures one moment in the history of the long Palestinian revolution. The book is a provocation—a humorous, albeit aggressive, provocation—in the struggle over memory. How do we draw a picture of the formative years of settler colonialism in Palestine? How do the images from the nightmarish Wonderland in Jenin's adaption of *Alice* compete and struggle against those from the Blunderland in Paul Cressall's *Palestine Parodies*?

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161. See Palestinian Museum, "No Laughing Matter: Caricaturing colonialism in British Mandate Palestine" (last visited 3 October 2021), online: *Palestinian Journeys* <www.paljourneys.org/en/story/9184/no-laughing-matter>. For more on political cartoons during the Revolt, see Sandy Sufian, "Anatomy of the 1936–1939 Revolt: Images of the Body in Political Cartoons of Mandatory Palestine" (2008) 37 J Palestine Studies 23 at 26-27.
162. *Ibid*.

And how do those images become legible again today in different ways? I tried to use the provocation of the book to show how the story of the Mandate, its officials, and its courts were in constant tension with the Revolt, its rebels, and its courts—accordingly recalling and rekindling revolutionary possibilities through this historical tension, which continues to manifest itself today. Terry Eagleton once said that "to analyse a joke is to kill it."[163] Perhaps reading these parodies against the history of the Revolt is doing precisely that.

163. Terry Eagleton, *Humour* (Yale University Press, 2019) at ix.